



First Check

Superior Court of California
County of San Bernardino
Probate Department

Probate Notes for Calendar Date: 04/25/18

All corrections/supplements addressing these notes should be filed by **04/18/18**. Later-filed documents might not be reviewed prior to the hearing and could result in a continuance of your case. Updates to these notes *typically* will be posted three court days prior to the hearing.

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Probate Examiners' email address: ProbateNotes@sb-court.org

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 email to notify that documents have been filed, to request a confirmation whether documents have been received, or to request the clearing of notes. No legal or procedural advice may be given by examiners in response to your email.

4/6/18lh

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT

PROBATE

DATE: 04/25/18 TIME: 8:30 DEPT: S35P

CASE#: PRO DS1000472

CASE NAME: HOWARD WAYNE LIVINGSTON

HEARING:

Probate status report

COUNSEL:

MICHAEL WAYNE LIVINGSTON (PET)...SLOVAK BARON EMPEY MURPHY
HOWARD WAYNE LIVINGSTON (DEC)...

/// Currently under review by examiner.

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: STANFORD E. REICHERT

DATE: 04/25/18 TIME: 8:30 DEPT: S35P

CASE#: PRO PS0700812

CASE NAME: TESSIE M RATLEY

HEARING:

Accounting Review

COUNSEL:

RALPH L RATLEY

(PET)...ROBBINS & HOLDAWAY

TESSIE M RATLEY

(DEC)...

CATRINA RATLEY

(TP)...MILES & HATCHER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Accounting Review re Ralph Ratley,
Administrator

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

1. Court approved Status Report on 5/11/17.
2. Accounting or status report now due.

RECOMMENDATION

Inquire status.

(lh)

Superior Court of Calif, County of San Bernardino

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: STANFORD E. REICHERT

DATE: 04/25/18 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1200882

CASE NAME: GREGORY MARK LAWRENCE *MF*

HEARING:

First and Final Account and Report of ALAN D. DAVIS, ALAN D
DAVIS and Petition for allowance of fees

COUNSEL:

THERESA REAGAN-BLOOD	(PET)...THERESA REAGAN-BLOOD
GREGORY MARK LAWRENCE	(DEC)...
THOMAS W. DOMINICK	(PET)...
SHELBY LAWRENCE	(PET)...
LEE LAWRENCE	(PET)...MITCHELLWEILER LAW CORP
ALAN D. DAVIS	(SA/PET)...MICHAEL J. ULISSE
RHONDA LAWRENCE	(TP)...JOYCE M HOLCOMB
JOYCE M HOLCOMB	(PRO/PER)
US SPECIALTY INSURANCE	(LANAK & HANNA)
THOMAS W DOMINICK	(THOMAS W DOMINICK)
STATE OF CALIFORNIA FRANCHISE TAX BOARD	(PRO/PER)

/// Currently under review by examiner.

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: STANFORD E. REICHERT

DATE: 04/25/18 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1300430

CASE NAME: KATIE A SHIRLEY

SEE ALSO 5, 6, 7, 8, 9, 10, 11

HEARING:

Hearing Re: OSC RE DISMISSAL OF PTN FOR LETTERS 12/14/16

COUNSEL:

CAROLYN MARSTON	(PET/PLA)...PRO/PER
KATIE A SHIRLEY	(DEC)...
MICHAEL C MADDUX	(PET)...
CITI MORTGAGE, A CORP.	(RES)...
CLEAR RECON CORP, WOODROW SHIRLEY	

XREF: CONDS1000212 KATIE A SHIRLEY

GENERAL INFORMATION

OSC set when there was no appearance and continued to **05/10/17**.

Continued from **06/21/17**. Any supplement to be filed by 9/18/17.

Continued from **10/18/17** by petitioner to seek legal advice to clear notes.

Continued from 01/17/18. No appearance. Judicial Assistant received telephone call that Carolyn Marston was sick and unable to appear. Notice given by Judicial Assistant

Continued from 3/21/18. No appearance. Carolyn Marston called prior to hearing and indicated she was sick and unable to attend. Court continued hearing and noted it will require a medical report to be submitted the day before 04/25/18.

Additionally, court noted if Carolyn Marston fails to appear or provide medical report, Court will impose sanctions/surcharge/dismissal.

THIS CASE IS SET FOR HEARING ON OSC Re **Sanctions/Surcharge/Dismissal of Petition** /Petition for Letters of Administration [filed 12/14/16] with **full** authority under IAEA by Carolyn Marston, daughter.

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

1. Letters of Administration were issued to Carolyn Marston on 09/24/13, limited authority no bond. It appears petitioner **now seeks full** authority.
 - a. Petitioner states will waives bond; however, there is no will, yet Petitioner also states decedent died intestate.

Revised second check notes post two court days prior to the hearing. Documents filed at least seven days prior to the hearing will be included while later documents may be delivered to the courtroom for consideration at the judge's discretion. ♦ Examiners can be contacted at ProbateNotes@sb-court.org for clarification of the notes only - no legal or procedural advice will be given.

- b. Petitioner does not set forth value of the estate, nor has filed an Inventory and Appraisal in this case.
 - c. Petitioner waives bond for herself; however, no other bond waivers for full authority.
 - d. It appears that petitioner may be confused as to what is needed to complete her Inventory and Appraisal and accounting. Accounting [2/8/16] was not heard at time of review.
2. **Need** Notice to Petition to Administer Estate and proof of service if petitioner is amending authority per C.R.C § 7.53(a).
 3. **Need** proof of publication if petitioner is amending authority per C.R.C § 7.53(a).
 4. **Need** medical report regarding non-appearance per minute order dated 3/21/18.
 5. ~Proposed Form Order: 12/14/16.

RECOMMENDATION

Court's discretion re OSC.

Need to clear notes 2-4. Court to determine if petition is moot as petitioner is already administrator.

(lc/lh)

Superior Court of Calif, County of San Bernardino

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: STANFORD E. REICHERT

DATE: 04/25/18 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1300430

CASE NAME: KATIE A SHIRLEY

SEE ALSO 4, 6, 7, 8, 9, 10, 11

HEARING:

Hearing Re: OSC RE SANCTIONS/SURCHARGE RE 2/16/17 FILING

COUNSEL:

CAROLYN MARSTON	(PET/PLA)...PRO/PER
KATIE A SHIRLEY	(DEC)...
MICHAEL C MADDUX	(PET)...
CITI MORTGAGE, A CORP.	(RES)...
CLEAR RECON CORP, WOODROW SHIRLEY	

XREF: CONDS1000212 KATIE A SHIRLEY

GENERAL INFORMATION

Continued from **10/19/16 and 02/08/17**. No appearance. Court orders that Carolyn Marston be personally present in court on February 22, 2017. Notice by judicial assistant.

Continued from **02/08/17, 04/25/17, 06/21/17 and 08/30/17** to clear notes re accounting period 01/06/13 – 06/30/16.

Continued from 10/18/17 to seek legal assistance to clear notes.

Continued from 01/17/18 No appearance. Judicial Assistant received telephone call that Carolyn Marston was sick and unable to appear. Notice given by Judicial Assistant.

Continued from 03/21/18. No appearance. Carolyn Marston called prior to hearing stating she was sick. Court continued matter, set OSC re Sanctions of \$500 and OSC Surcharge re \$1,500.

THIS CASE SET FOR HEARING ON **OSC Re Sanctions \$500 and Surcharge \$1,500/Amended (02/16/17 & 05/10/17)** Summary of Account by Carolyn Marston, daughter administrator.

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

1. Accounting period 01/06/13 to 06/30/16. However, accounting should begin at date of death; 01/05/13. Court may wish to deem as di minimis.
2. **Need** final Inventory and Appraisal where real property is appraised by probate referee, even though it has sold.
 - a. **Inventory and Appraisal submitted from conservatorship showing real property of \$881,090.80 and alleged probate property of \$275,000 [not appraised]. Petitioner alleges that there are no funds to get property appraised for date of death [Sup. 05/10/17 LFpg4-12].**
3. It cannot be determined if the accounting balances as it does not comply with Pr.C.§10900 and Pr.C.§1060 et. seq. **Need** a proper summary of account and accounting schedules.
4. Amendment filed 05/10/17 is not verified per Pr.C. § 1021. **Need** verification.
5. Petitioner alleges that surplus of funds from sale of real property, \$8,938.42, was distributed **and distributions to beneficiaries totaling \$21,901.41 have been made.** A personal representative may only preliminary distribute personal property per Pr.C. § 10520., if it is pecuniary per terms **of a will** under \$10,000 and/or personal property under \$50,000. There is no will. Under what authority did petitioner distribute property? **Need** verified supplement explaining why the funds should not be paid back to the estate. **Amendment (02/16/17) indicates funds should not be paid back to the estate because it will have to be given back to petitioner and her sisters and would waste more time and money.**
6. Creditor's Claims by Emma Kresser, CPA \$2,135.00 Attorney Michael Maddux \$38,962.28 appear to be outstanding. Michael Maddux was allegedly hired pro bono.
7. A second petition for Administration was filed by administrator. **Court to inquire as petitioner is already appointed with limited authority.**

RECOMMENDATION

Need to clear notes 2-4. Suggest petitioner seek legal advice.
(lc/nb/lh/lc/lh)

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT

DATE: 04/25/18 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1300430

CASE NAME: KATIE A SHIRLEY

SEE ALSO 4, 5, 7, 8, 9, 10, 11

HEARING:

Hearing Re: OSC RE SANCTIONS/SURCHARGE RE 7/27/16 FILING

COUNSEL:

CAROLYN MARSTON (PET/PLA)...PRO/PER

KATIE A SHIRLEY (DEC)...

MICHAEL C MADDUX (PET)...

CITI MORTGAGE, A CORP. (RES)...

CLEAR RECON CORP,

WOODROW SHIRLEY

XREF: CONDS1000212 *KATIE A SHIRLEY*

Court's discretion re OSC.

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San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT

DATE: 04/25/18 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1300430

CASE NAME: KATIE A SHIRLEY

SEE ALSO 4, 5, 6, 8, 9, 10, 11

HEARING:

Hearing Re: OSC RE SANCTIONS/SURCHARGE RE 10/19/16 FILING

COUNSEL:

CAROLYN MARSTON (PET/PLA)...PRO/PER

KATIE A SHIRLEY (DEC)...

MICHAEL C MADDUX (PET)...

CITI MORTGAGE, A CORP. (RES)...

CLEAR RECON CORP,

WOODROW SHIRLEY

XREF: CONDS1000212 KATIE A SHIRLEY

Court's discretion re OSC

Superior Court of Calif, County of San Bernardino

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: STANFORD E. REICHERT

DATE: 04/25/18 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1300430

CASE NAME: KATIE A SHIRLEY

SEE ALSO 4, 5, 6, 7, 9, 10, 11

HEARING:

Petition for LETTERS OF ADMINISTRATION W/FULL IAEA

COUNSEL:

CAROLYN MARSTON	(PET/PLA)...PRO/PER
KATIE A SHIRLEY	(DEC)...
MICHAEL C MADDUX	(PET)...
CITI MORTGAGE, A CORP.	(RES)...
CLEAR RECON CORP, WOODROW SHIRLEY	

XREF: CONDS1000212 KATIE A SHIRLEY

See notes on prior matter #4.

(lh)

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: STANFORD E. REICHERT

DATE: 04/25/18 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1300430

CASE NAME: KATIE A SHIRLEY
SEE ALSO 4, 5, 6, 7, 8, 10, 11

HEARING:

SUMMARY Account and Report of CAROLYN MARSTON and Petition for allowance of fees filed.

COUNSEL:

CAROLYN MARSTON	(PET/PLA)...PRO/PER
KATIE A SHIRLEY	(DEC)...
MICHAEL C MADDUX	(PET)...
CITI MORTGAGE, A CORP.	(RES)...
CLEAR RECON CORP, WOODROW SHIRLEY	

Waiver of Court Fees and Costs filed by CAROLYN MARSTON is GRANTED

XREF: CONDS1000212 KATIE A SHIRLEY

See notes on prior matter #5.

(lh)

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San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT

DATE: 04/25/18 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1300430

CASE NAME: KATIE A SHIRLEY

SEE ALSO 4, 5, 6, 7, 8, 9, 11

HEARING:

SUMMARY Account and Report of CAROLYN MARSTON and Petition for allowance of fees filed.

COUNSEL:

CAROLYN MARSTON (PET/PLA)...PRO/PER

KATIE A SHIRLEY (DEC)...

MICHAEL C MADDUX (PET)...

CITI MORTGAGE, A CORP. (RES)...

CLEAR RECON CORP,

WOODROW SHIRLEY

XREF: CONDS1000212 *KATIE A SHIRLEY*

See notes on

Superior Court of Calif, County of San Bernardino

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: STANFORD E. REICHERT

DATE: 04/25/18 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1300430

CASE NAME: KATIE A SHIRLEY

SEE ALSO 4, 5, 6, 7, 8, 9, 10

HEARING:

ACCOUNTING SUMMERY Account and Report of CAROLYN MARSTON and
Petition for allowance of fees filed.

COUNSEL:

CAROLYN MARSTON	(PET/PLA)...PRO/PER
KATIE A SHIRLEY	(DEC)...
MICHAEL C MADDUX	(PET)...
CITI MORTGAGE, A CORP.	(RES)...
CLEAR RECON CORP, WOODROW SHIRLEY	

Waiver of Court Fees and Costs filed by CAROLYN MARSTON is GRANTED

XREF: CONDS1000212 KATIE A SHIRLEY

Superior Court of Calif, County of San Bernardino

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San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT

DATE: 04/25/18 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1400484

CASE NAME: CLAUDE EUGENE NOEL SEPARATE PROPERTY TRUST

SEE ALSO 13, 16, 21

HEARING:

Hearing Re: Status Re: Completion of Terms of Agreement

COUNSEL:

HOLLY NOEL

(PET)...DIANA J CARLONI

CLAUDE EUGENE NOEL SEPARATE PROPERTY TRUST (TRU)...

GREGORY NOEL

(PET/OBJ)...HILL FARRER & BURRILL LLP

No notes—status only

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: STANFORD E. REICHERT

DATE: 04/25/18 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1400484

CASE NAME: CLAUDE EUGENE NOEL SEPARATE PROPERTY TRUST
SEE ALSO 12, 16, 21

HEARING:

Petition for Settlement and Approval of First Trust Accounting
for Period from 06/17/11 through 12/31/14

COUNSEL:

HOLLY NOEL (PET)...DIANA J CARLONI
CLAUDE EUGENE NOEL SEPARATE PROPERTY TRUST (TRU)...
GREGORY NOEL (PET/OBJ)...HILL FARRER & BURRILL LLP

GENERAL INFORMATION

Continued from 04/21/15, 5/26/15, 7/27/15, 10/05/15, 11/30/15, 4/18/16, 04/26/16, 05/24/16, 08/04/16, 01/09/17, 01/17/17, 02/24/17, 03/03/17 and 03/15/17. Settlement reached. Terms of settlement are recited into the record. Counsel and parties state their consent and agreement to the terms of the settlement. Mandatory Settlement Conference was held on today's date. A settlement agreement was reached which resolves this petition. Counsel indicate at completion of terms of settlement, this petition will be dismissed. Attorney Diana Carloni to prepare order.

Continued from 01/31/18 and 03/07/18.

THIS CASE IS SET FOR HEARING ON First Account Current and Petition for Fees by Greg Noel, Trustee.

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

1. Accounting period: 6/17/11 – 6/22/15
2. Assets on Hand: \$75,154.23 (consisting of \$117.23 cash and remaining in carry value of real property)
3. Petitioner does not request compensation.
4. Attorneys do not request compensation.
5. Supplement filed 6/25/15 with updated accounting, including receipts, rental income, disbursements (including distributions-LFp14) and schedule of property on hand (LFp16), including copies of investment statements. Copies of statements are also provided under supplement filed 7/17/15.
6. **Objections to original accounting by Holly Noel filed 03/25/15 and again on 5/7/15 as well as on 7/8/15** alleges the trustee mismanaged the assets and the

Revised second check notes post two court days prior to the hearing. Documents filed at least seven days prior to the hearing will be included while later documents may be delivered to the courtroom for consideration at the judge's discretion. ♦ Examiners can be contacted at ProbateNotes@sb-court.org for clarification of the notes only - no legal or procedural advice will be given.

accounting is deficient in that it does not reflect assets nor an inventory, appraised as of date of death, does not show where cash was obtained – yet reflects significant cash being paid, does not reflect parcel numbers for real property, fails to reflect all of the transactions of the trustee, fails to reflect all separate property belonging to Claude Noel, fails to indicate if the real property, outside of the trust (the LA County Property), is subject of probate, fails to account for any personal property, distributes assets without providing for costs of administration and wrongfully values an asset distributed to the Objector, because there is insufficient cash in the estate to equalize the other distributions. Objector objects to the Seminole House expense and applied distribution of \$1,826.86 stating there was no such expense incurred and no special requests made. Furthermore, objector believes the amounts of rents reported on the accounting do not match the amounts of rents attributed to the beneficiary on tax reporting documents. Additionally, objector believes the trustee has committed self-dealing, and claims the trustee continues to fail to identify the property that lies outside of the trust for which a probate is required (i.e., 50% interest in Los Angeles County APN: 4070-4-6). Objector request the accounting NOT be approved, that Trustee be compelled to properly inventory and account for all trust assets and be surcharge for the mismanagement of any trust assets, as may be established by a proper accounting.

7. No proposed Order submitted.

8. **Notice of settlement of entire case filed 03/17/17.**

RECOMMENDATION:

Court's discretion as matter is settled.

(vet/gls/nb/dl/nb/lc/nb/lc/nb/lh)

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: STANFORD E. REICHERT

DATE: 04/25/18 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1400901

CASE NAME: George Lee Walker

HEARING:
Accounting Review

COUNSEL:
JOANN ROBERTS (PET)...SHEASBY AND ASSOCIATES
GEORGE LEE WALKER (DEC)...
STATE OF CALIFORNIA FRANCHISE TAX BOARD (TP)...PRO/PER

GENERAL INFORMATION

Continued from **02/10/16**. Counsel stated there is property in Mississippi that needs to be probated first as this case has interest in the Mississippi.
Continued from **10/19/16, 02/15/17, 10/18/17, and 02/21/18**.

THIS CASE IS SET FOR HEARING ON accounting/status review

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

1. Letters of Administration issued to Joann Roberts, sister, on 1/20/15, \$237,000 bond.
2. **Need** final inventory & appraisal filed.
3. **Need** an accounting or status report filed. Need same.

RECOMMENDATION:

Inquire status. When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq. Clerk may notice bond company.

(sa/lc/ww/lh)

Superior Court of Calif, County of San Bernardino

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: STANFORD E. REICHERT

DATE: 04/25/18 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1500220

CASE NAME: MTR OF REYES GONZALES

HEARING:

Hearing Re: TRIAL SETTING CONFERENCE ON CREDITOR'S CLAIM

COUNSEL:

CANDELARIO PARTIDA	(PET)...MOISES A AVILES
REYES GONZALES	(DEC)...
REYLENE GONZALES	(PET)...HARTNELL LAW GROUP
PUBLIC ADMINISTRATOR	(ADM)...CRAIG M PARKER

TSC—no notes—JTD

Future Hearings:

5/01/18 Motion Re: Dismiss Creditor's Claim of Candelario Partida, Memo of Points & Authority
9/26/18 Accounting Review

Superior Court of Calif, County of San Bernardino

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San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT

DATE: 04/25/18 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1501096

CASE NAME: CLAUDE E NOEL

SEE ALSO 12, 13, 21

HEARING:

First and Final Account and Report of HOLLY NOEL and Petition for allowance of fees filed.

COUNSEL:

HOLLY NOEL

(PET)...DIANA J CARLONI

CLAUDE E NOEL

(DEC)...

GREGORY NOEL

(OBJ)...HILL FARRER & BURRILL LLP

XREF: PROPS1400484 *CLAUDE EUGENE NOEL SEPARATE PROPERTY TRUST*

Superior Court of Calif, County of San Bernardino

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San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT

DATE: 04/25/18 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1601232

CASE NAME: Mary Clouser

HEARING:

Accounting Review by ***

COUNSEL:

MARNIE KING (PET)...PRO/PER

MARY CLOUSER (DEC)...

Future Hearing: 5/03/18 Report of Sale & Petition for Order Confirming Sale of Real Property

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT

DATE: 04/25/18 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1601233

CASE NAME: Armand Lamberto Lugo

HEARING:

Accounting Review by ***

COUNSEL:

LALINA A. STEINHART

(PET)...DALE K BETHEL

ARMAND LAMBERTO LUGO

(DEC)...

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT

DATE: 04/25/18 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1800253

CASE NAME: Marc C Lessard

HEARING:

Spousal Property Petition hearing.

COUNSEL:

CHRISTINA LESSARD

(PET)...VON ESCH & VON ESCH

MARC C LESSARD

(DEC)...

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT

CONSERVATORSHIP

DATE: 04/25/18 TIME: 8:30 DEPT: S35P

CASE#: CON PS1700421

CASE NAME: PATRICIA ANN HANLEY

HEARING:

Petition for Payment of Court Appointed Attorney's Fees and Costs

COUNSEL:

KAREN MICHELLE BRENNAN	(PET)...	FULLERTON LEMANN SCHAEFER
PATRICIA ANN HANLEY	(CEE)...	
SURETEC INSURANCE	(BD)...	
MATTHEW E SHEASBY	(PET)...	SHEASBY & ASSOCIATES

Future Hearings:

8/08/18 Conservatorship Compliance Review Hearing

3/13/19 Accounting Review

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT **TRUSTS**

DATE: 04/25/18 TIME: 8:35 DEPT: S35P

CASE#: PRO PS1400484

CASE NAME: CLAUDE EUGENE NOEL SEPARATE PROPERTY TRUST

SEE ALSO 12, 13, 16

HEARING:

Petition for to Compel the Trustee to Report Information about
the Trust, etc

COUNSEL:

HOLLY NOEL

(PET)...DIANA J CARLONI

CLAUDE EUGENE NOEL SEPARATE PROPERTY TRUST (TRU)...

GREGORY NOEL

(PET/OBJ)...HILL FARRER & BURRILL LLP

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT

DATE: 04/25/18 TIME: 8:35 DEPT: S35P

CASE#: TRU PS1800052

CASE NAME: THE ROE FAMILY TRUST DATED DECEMBER 12, 1996

HEARING:

Petition To determine persons entitled to distribution of
Trust

COUNSEL:

THE ROE FAMILY TRSUT (TRU)...

GAIL C. HEMPEL (TEE)...IGNAZIO FICARA

Superior Court of Calif, County of San Bernardino

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San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT

CONSERVATORSHIPS

DATE: 04/25/18 TIME: 9:30 DEPT: S35P

CASE#: CON PS1100101

CASE NAME: KRISTIN ANN MCCALLA

HEARING:

Hearing Re: Confirmation of Letters in San Diego

COUNSEL:

DOUGLAS B MCCALLA

(CP)...LAMBERT & ROGERS, APLC

JUDY R MCCALLA

(CP)...PRO/PER

KRISTIN ANN MCCALLA

(CTP)...

Superior Court of Calif, County of San Bernardino

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: STANFORD E. REICHERT

DATE: 04/25/18 TIME: 9:30 DEPT: S35P

CASE#: CON PS1600333

CASE NAME: MTR OF RICHARD MCNUTT

HEARING:

Petition for Attorney's Fees

COUNSEL:

INLAND COUNTIES REG CNTR	(CE)...LAYNE A BARTHOLOMEW
MARK J ANDREW FLORY	(PET)...BROWN WHITE & OSBORN
RICHARD MCNUTT	(CEE)...
DEPT OF HEALTH CARE SRVS	(PRO/PER)

Future Hearing: 7/30/18 Accounting Review

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT

DATE: 04/25/18 TIME: 9:30 DEPT: S35P

CASE#: CON PS1700143

CASE NAME: MTR OF TERESA CARLSON

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of BRYAN H WOODS

COUNSEL:

BRYAN H WOODS

(CPE)...PRO/PER

TERESA CARLSON

(CEP)...WALTER T. MOORE

Future Hearing: 3/06/19 Accounting Review

Superior Court of Calif, County of San Bernardino

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: STANFORD E. REICHERT

DATE: 04/25/18 TIME: 9:30 DEPT: S35P

CASE#: CON PS1700192

CASE NAME: CARLOS GIRON

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of MARIA G GIRON

COUNSEL:

MARIA G GIRON (CP)...PRO/PER
CARLOS GIRON (CTP)...PRO/PER

Waiver of Court Fees and Costs filed by CARLOS GIRON is GRANTED

Superior Court of Calif, County of San Bernardino

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: STANFORD E. REICHERT

DATE: 04/25/18 TIME: 9:30 DEPT: S35P

CASE#: CON PS1700243

CASE NAME: Mariah Carroll

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of BRANDY GARBA

COUNSEL:

BRANDY GARBA (PET)...PRO/PER
MARIAH CARROLL (CEP)...LENITA A SKORETZ

Waiver of Court Fees and Costs filed by MARIAH CARROLL is GRANTED

Superior Court of Calif, County of San Bernardino

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San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT

DATE: 04/25/18 TIME: 9:30 DEPT: S35P

CASE#: CON PS1800091

CASE NAME: MTR OF DANIEL SHIAO-TUNG YAO

HEARING:

Petition for Appointment of Conservator

COUNSEL:

DAVID YAO

(CPE)...LAY OFFICE OF VINCENT Y. LIN

SANDY YAO

(CPE)...LAY OFFICE OF VINCENT Y. LIN

DANIEL SHIAO-TUNG YAO (CEP)...

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JAMES MICHAEL WELCH **PROBATE**

DATE: 04/25/18 TIME: 8:30 DEPT: S36P

CASE#: PRO PS0700115

CASE NAME: LINDEL FIELDS

HEARING:

Accounting Review by ***

COUNSEL:

BENNIE E FIELDS	(PET)...BETTYE BARNARD
LINDEL FIELDS	(DEC)...
PAYTON WILLIAMS	(PET)...LAW OFFICES OF ANDREA GEE
JORDAN FIELDS	(PET)...LAW OFFICES OF ANDREA GEE
ANDREA GEE esq	(TP)...LAW OFFICES OF ANDREA GEE
AMERICAN CONTRACTORS INDEMNITY (LANAK & HANNA)	

Future Hearing: 7/19/18 Hearing Re: Final Discharge

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JAMES MICHAEL WELCH

DATE: 04/25/18 TIME: 8:30 DEPT: S36P

CASE#: PRO PS0900226

CASE NAME: JOHN RAY FISCUS

HEARING:

Hearing re Final Discharge

COUNSEL:

TONIA JONES

(PET)...JOHN F WEBER

JOHN RAY FISCUS

(DEC)...

KIMBERLY FISCUS

(PET)...JOHN F WEBER

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JAMES MICHAEL WELCH

DATE: 04/25/18 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1400701

CASE NAME: Simon Sybrandy Family Trust

SEE ALSO 4

HEARING:

Hearing Re: Trust Accounting

COUNSEL:

SIDNEY SYBRANDY

(PET)...THOMPSON & COLEGATE

SIMON SYBRANDY FAMILY TRUST

(TRU)...

MARILYN SYBRANDY OLISLAGERS

(PET)...E. JOAN NELMS

IDA SYBRANDY

(PET/OBJ)...WILLIAM M NASSAR

XREF: CONPS1400242 IDA SYBRANDY

Future Hearing: 6/04/18 Hearing Re: Status of Settlement

Superior Court of Calif, County of San Bernardino

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San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JAMES MICHAEL WELCH

DATE: 04/25/18 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1400701

CASE NAME: Simon Sybrandy Family Trust

SEE ALSO 3

HEARING:

Hearing Re: Sybrandy Investments Accounting

COUNSEL:

SIDNEY SYBRANDY

(PET)...THOMPSON & COLEGATE

SIMON SYBRANDY FAMILY TRUST

(TRU)...

MARILYN SYBRANDY OLISLAGERS

(PET)...E. JOAN NELMS

IDA SYBRANDY

(PET/OBJ)...WILLIAM M NASSAR

XREF: CONPS1400242 IDA SYBRANDY

Future Hearing: 6/04/18 Hearing Re: Status of Settlement

Superior Court of Calif, County of San Bernardino

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San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JAMES MICHAEL WELCH

DATE: 04/25/18 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1400826

CASE NAME: RODNEY L PARAMOURE JR

HEARING:

Accounting Review by ***

COUNSEL:

MELANIE AJANWACHUKU

(PET)...JAMES L HEYWOOD AND ASSOC

RODNEY L PARAMOURE JR

(DEC)...

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JAMES MICHAEL WELCH

DATE: 04/25/18 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1501006

CASE NAME: MTR OF THE MICHAEL J PEPITONE TRUST

SEE ALSO 7, 8, 9

HEARING:

Hearing Re: Confirmation of Settlement/Completion of Terms

COUNSEL:

THE MICHAEL J PEPITONE TRUST

(TRU)...

DIANE BARBAGALLO

(PET)...BARNETT & RUBIN

WILLIAM J. SIMON

(PET)...HARTNELL LAW GROUP

WM J SIMON

(STE)...HARTNELL LAW GROUP

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JAMES MICHAEL WELCH

DATE: 04/25/18 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1501006

CASE NAME: MTR OF THE MICHAEL J PEPITONE TRUST

SEE ALSO 6, 8, 9

HEARING:

Petition for INSTRUCTIONS AND FOR AN ORDER AUTHORIZING SURCHARGE
OF LEO WINER'S INTEREST

COUNSEL:

THE MICHAEL J PEPITONE TRUST

(TRU)...

DIANE BARBAGALLO

(PET)...BARNETT & RUBIN

WILLIAM J. SIMON

(PET)...HARTNELL LAW GROUP

WM J SIMON

(STE)...HARTNELL LAW GROUP

Superior Court of Calif, County of San Bernardino

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JAMES MICHAEL WELCH

DATE: 04/25/18 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1501006

CASE NAME: MTR OF THE MICHAEL J PEPITONE TRUST

SEE ALSO 6, 7, 9

HEARING:

Petition for REMOVAL OF DIANE BARBAGALLO AS TRUSTEE FOR BREACH
OF HER FIDUCIARY DUTIES

COUNSEL:

THE MICHAEL J PEPITONE TRUST
DIANE BARBAGALLO
WILLIAM J. SIMON
WM J SIMON

(TRU)...
(PET)...BARNETT & RUBIN
(PET)...HARTNELL LAW GROUP
(STE)...HARTNELL LAW GROUP

Superior Court of Calif, County of San Bernardino

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JAMES MICHAEL WELCH

DATE: 04/25/18 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1501006

CASE NAME: MTR OF THE MICHAEL J PEPITONE TRUST

SEE ALSO 6, 7, 8

HEARING:

FIRST AND FINAL Account and Report of WM J SIMON and Petition
for allowance of fees filed.

COUNSEL:

THE MICHAEL J PEPITONE TRUST	(TRU)...
DIANE BARBAGALLO	(PET)...BARNETT & RUBIN
WILLIAM J. SIMON	(PET)...HARTNELL LAW GROUP
WM J SIMON	(STE)...HARTNELL LAW GROUP

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San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JAMES MICHAEL WELCH

DATE: 04/25/18 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1600334

CASE NAME: R NEWBERRY SPECIAL NEEDS TRUST

HEARING:

Hearing Re: Petition for Attorney Fees

COUNSEL:

ROBERT LEE NEWBERRY II (PET)...DIANA J CARLONI

R NEWBERRY SPECIAL NEEDS TRUST (TRU)...

/// Currently under review by examiner.

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JAMES MICHAEL WELCH

DATE: 04/25/18 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1600546

CASE NAME: HANS JURGEN BAKER

HEARING:

FIRST AND FINAL Account and Report of MICHELE MARIE HUFFMAN and
Petition for allowance of fees filed.

COUNSEL:

MICHELE MARIE HUFFMAN (PET)...PRICE LAW FIRM APC
HANS JURGEN BAKER (DEC)...

GENERAL INFORMATION

Continued from **11/01/17 and 12/20/17.**

Continued from **01/31/18 to clear probate notes.**

THIS CASE SET FOR HEARING ON Final Account, Distribution and Petition for
Allowance of Fees by Michele Huffman, step-daughter.

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

1. Assets on hand: \$96,152.98 (\$46,152.98 cash and remaining in real property)
2. Executor waives statutory compensation.
3. Attorney requests statutory fees of \$4,259.96.
4. Final Inventory and Appraisal filed 06/09/17; however, indicates cash date of 03/11/17 rather than date of death of 12/06/13. **Need** corrected Inventory and Appraisal with date of death values in Attachment 1 per bank statements filed 10/31/17.
5. **Need** bank statement to support current assets on hand per local rule 20-908.
6. **Need amended Summary of Account/ beginning balance on hand per bank statements filed 10/31/17 via verified supplement.**
7. Payment was made to law firm of \$4,724 on 07/15/17. Question under what authority was counsel paid prior to distribution order? **Supp 10/31/17 indicates fees are held in attorney's trust account and will not be distributed until Court approval. JTD**
8. Petitioner seeks a reserve of \$1,000.
9. ~Proposed Order: 07/27/17.

RECOMMENDATION

Need to clear notes 4-6. If approved, set hearing on the filing of receipts and final discharge for **05/01/19**.

(lc/lh)

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PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JAMES MICHAEL WELCH

DATE: 04/25/18 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1600576

CASE NAME: MTR OF ALFRED TAINATONGO ANDERSON

HEARING:

FIRST AND FINAL Account and Report of ANDREW ANDERSON, SHAUN ANDERSON and Petition for allowance of fees filed.

COUNSEL:

ANDREW ANDERSON	(PET)...CHRISTOPHER B JOHNSON
SHAUN ANDERSON	(PET)...CHRISTOPHER B JOHNSON
ALFRED TAINATONGO ANDERSON	(DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Waiver of First and Final Account and Report and Petition for Fees and Final Distribution by Andrew and Shaun Anderson, Administrators/sole heirs

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

1. Assets on hand: \$113,750.08, cash
2. Attorney is entitled to statutory fees of \$5,696.96; however, requests reduced amount of **\$4,272.72**. Calculated.
3. Attorney requests extraordinary fees of **\$956.25** regarding the ancillary probate for 5.4 hours of attorney/paralegal time. No itemization is provided. **Need** same.
4. **Need** bank/investment statements verifying date of death balances and final ending balance per Local Rule 20-908.
5. **Need** statement regarding notice to California Victim and Compensation and Government Claims Board or notice per Pr. C. § 9202(b). **Need** verified supplement.
6. **Need** statement regarding notice to Franchise Tax Board or notice per Pr. C. § 9202(c)(1).
7. No proposed order submitted.

RECOMMENDATION:

Need to clear notes #3-6 then Court's discretion. If approved, court to set hearing on filing of receipts and final discharge for **05/01/19**. (lh)

Revised second check notes post two court days prior to the hearing. Documents filed at least seven days prior to the hearing will be included while later documents may be delivered to the courtroom for consideration at the judge's discretion. ♦ Examiners can be contacted at ProbateNotes@sb-court.org for clarification of the notes only - no legal or procedural advice will be given.

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San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JAMES MICHAEL WELCH

DATE: 04/25/18 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1601196

CASE NAME: MTR OF THOMAS L CONLEY

HEARING:

Accounting Review

COUNSEL:

DANIEL D CONLEY
THOMAS L CONLEY

(PET)...LINDA J GLADSON
(DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Accounting Review re Daniel D Conley,
Executor

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

1. Daniel D Conley was appointed executor with full IAEA powers on 02/15/17,
Letter issued same date.
2. Need final Inventory and Appraisal.
3. Need accounting and status report.

RECOMMENDATION

Inquire status.

(lh)

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PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JAMES MICHAEL WELCH

DATE: 04/25/18 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1700035

CASE NAME: Fred D. Utley

HEARING:

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

COUNSEL:
CHERYL UTLEY (PET)...DAVID E SIMON
FRED D. UTLEY (DEC)...

Address: 1639 North J. Street, San Bernardino, CA 92411
Appraised Value: \$160,000
Sale price: \$155,000
First overbid: \$163,250
Deposit: \$5,000
Commission: \$7,750
Additional bond: \$41,000
Reason for Sale: Necessary to pay expenses of administration
Exposure to Market: MLS; multiple bids received
Notice: Complete

Future Hearing: 5/29/18 Accounting Review

Revised second check notes post two court days prior to the hearing. Documents filed at least **seven days prior to the hearing** will be included while later documents may be delivered to the courtroom for consideration at the judge's discretion. ♦ Examiners can be contacted at ProbateNotes@sb-court.org for clarification of the notes only - **no legal or procedural advice will be given.**

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San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JAMES MICHAEL WELCH

DATE: 04/25/18 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1700244

CASE NAME: THE BAREA EZZEDDINE 2013 TRUST

SEE ALSO 16, 17

HEARING:

Mediation Settlement Conference

COUNSEL:

ANGELA EZZEDDINE (PET)...FITZGERALD YAP CREDITOR

THE BAREA ESSEDDINE 2013 TRUST (TRU)...

TENA EZZEDDINE (PET/OBJ)...MURTAUGH MEYER NELSON & TRE

No notes—JTD

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JAMES MICHAEL WELCH

DATE: 04/25/18 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1700244

CASE NAME: THE BAREA EZZEDDINE 2013 TRUST

SEE ALSO 15, 17

HEARING:

Petition for INSTRUCTIONS/CONTINUING JURISDICTION
TERMINATION OF TRUST/SUSPENSION OF TRUSTEE POWERS

COUNSEL:

ANGELA EZZEDDINE (PET)...FITZGERALD YAP CREDITOR
THE BAREA ESSEDDINE 2013 TRUST (TRU)...
TENA EZZEDDINE (PET/OBJ)...MURTAUGH MEYER NELSON & TRE

Currently under review by legal research.

(LR)

Continued matter – notice not re-reviewed.

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JAMES MICHAEL WELCH

DATE: 04/25/18 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1700244

CASE NAME: THE BAREA EZZEDDINE 2013 TRUST

SEE ALSO 15, 16

HEARING:

PETITION FOR APPROVAL OF FIRST Account and Report of TENA
EZZEDDINE and Petition for allowance of fees filed.

COUNSEL:

ANGELA EZZEDDINE (PET)...FITZGERALD YAP CREDITOR
THE BAREA ESSEDDINE 2013 TRUST (TRU)...
TENA EZZEDDINE (PET/OBJ)...MURTAUGH MEYER NELSON & TRE

GENERAL INFORMATION

Continued from 01/18/18 for parties to attend mediation.

Continued from 02/21/18 at request of Counsel due to ongoing mediation.

THIS CASE SET FOR HEARING ON 1st Account Current and Petition for Surcharge or in the Alternative Instructions as to Beneficiary Angela Ezzeddine, by Tena Ezzeddine, daughter/Trustee.

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

1. It appears petition is for accounting and Pr.C. § 850 etc. Petitioner fails to set forth in the caption what statutory authority the petition is based upon, as is required by Local Rule 20-601. **Need** supplement.
2. Accounting period 10/28/16 – 06/28/17.
3. Assets on hand \$2,485,831.83 of which \$1,831,000.00 is real property.
4. Real property located on Emeraldport does not indicate value of the property; beginning or end. Tena seeks court order beneficiary Angela Ezzeddine to allow an appraisal to be obtained on Emeraldport Property. JTD
5. Trustee alleges that the liability of \$431,424.11 is funds loaned to Trust by herself to purchase the Emeraldport Property.
6. Attorney was paid \$21,347.47 for 101.8 hours at \$375/425 per hour.
7. Trustee paid herself fees total \$43,200.
8. Trustee alleges that beneficiary Angela wrongfully took personal property items as well as money from bank accounts while Trustor Barea was incapacitated and post death.

9. Trustee seeks court allow surcharge against Angela for damage to real property located on Denhaven in Chino Hills.
10. Trustee alleges that Angela has brought an unfounded action seeking termination. Therefore, Trustee states the costs reportedly should be deemed as had been incurred by Angela's alleged bad faith etc. Trustee cites *Rudnick v. Rudnick* (2009)179Cal.App.4th 1328. JTD
11. It appears petition is for accounting and Pr.C. § 850 etc. Petitioner fails to set forth in the caption what statutory authority the petition is based upon, as is required by Local Rule 20-601. **Need** supplement.
12. **Need** copy of financial statements per local rule 20-908.
13. **Need** notice of hearing and personal proof of service to Angela Ezzeddine.
14. **Need** notice of hearing and proof of service for Michael Harms and Morgan Stanley.
15. **Objections by Angela Ezzeddine with proof of service filed 01/11/18.**
16. No proposed Order submitted.

RECOMMENDATION

Matter is contested.

Need to clear notes 1, 11-14. If approve and *If trust becomes court supervised*, set next Accounting review for **05/08/19**.

(lc/lh)

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PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JAMES MICHAEL WELCH

DATE: 04/25/18 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1800134

CASE NAME: MTR OF DAN G MUNOZ

HEARING:

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

COUNSEL:

PATRICIA MUNOZ (PET)...JASON L GAUDY
DAN G MUNOZ (DEC)...

GENERAL INFORMATION

Continued from 03/21/18. No appearance. Petition for Probate of Patricia Munoz is withdrawn per agreement of Counsel. Amended petition filed and set for hearing.

THIS CASE SET FOR HEARING ON Petition for Letters of Administration with Limited Authority under IAEA by Patricia Munoz, "domestic partner"/nominee

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

1. Petitioner requests bond but did not specify amount. Estimated value of estate is \$332,000 based on real property and personal property of \$6,778.49. **JTD**
2. Petition item #5 indicates decedent was not survived by a domestic partner; however, item #8 list of relatives identifies petitioner as a domestic partner. **Need** verified supplement clarifying petitioner's relationship to decedent.
3. ~Proposed Form Order: 03/13/18

RECOMMENDATION

Need to clear notes #2. If approved, set Accounting/Status Review for **07/03/19**. Any accounting to be filed 30 days in advance local rule 20-901. Note requirements of local rule 20-908.

(lh)

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PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JAMES MICHAEL WELCH

DATE: 04/25/18 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1800260

CASE NAME: DENNIS JAMES FINLEY

HEARING:
Petition to determine succession to Real Property

COUNSEL:
STEVEN JAMES FINLEY (PET)...PRO/PER
DENNIS JAMES FINLEY (DEC)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition to Determine Succession to Real Property by Steven Finley, sole beneficiary/son

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

1. Petitioner seeks 100% interest in decedent's 100% interest in real property per terms of the will.
2. **Need** proof of subscribing witness. Attached copy of will is not self-proving as the attestation clause does not meet requirements of Pr. C. §6110(c)(1).
3. **Need** Notice of Hearing and proof of mailed service as to Mary Helen Manharth (executor), Jamie M. Burnight (contingent beneficiary) named in will.
4. ~Proposed Form Order: 03/19/18

RECOMMENDATION

Need to clear notes #2-3 then Court's discretion.

(lh)

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PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JAMES MICHAEL WELCH

DATE: 04/25/18 TIME: 8:35 DEPT: S36P

CASE#: TRU PS1800054

CASE NAME: THE DANSBY SETTLEMENT TRUST

HEARING:

Petition for Orders Removing Marian Dansby as Trustee of the
Dansby Settlement Trust

COUNSEL:

MARVIN DANSBY	(PET)...K&M LAW GROUP
THE DANSBY SETTLEMENT TRUST	(TRU)...

Currently under review by legal research.

(LR)

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JAMES MICHAEL WELCH **CONSERVATORSHIPS**

DATE: 04/25/18 TIME: 9:30 DEPT: S36P

CASE#: CON PS0900216

CASE NAME: *MASTER FILE* JOSEPH LEE CASTODIO

HEARING:

Fifth Account and Report of CHERYL CASTODIO, ERNEST L. CATODIO
JR. and Petition for allowance of fees filed.

COUNSEL:

JOSEPH LEE CASTODIO (CEP)...
CHERYL CASTODIO (CPE)...ROBERTA L. TAYLOR & ASSOC
JOSEPH LEE CASTODIO SPECIAL NEEDS TRUST (TRU)...
AMERICAN CONTRACTORS INDEMNITY (TP)...PRO/PER
ERNEST L. CATODIO JR. (JOELLE LEE A. NICOL)

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON 5th Account Current of SNT and Petition for Fees, and Increase in Bond by Ernest L. Castodio, Jr and Cheryl Castodio, co-trustees

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

1. Account period covers 1/7/16 to 1/5/18
2. Assets on hand \$104,161.83, consisting of \$77,025.29 in cash and the balance in personal property.
3. Petitioner receives the difference between funds paid to her by In Home Health Services and the \$1,800.00 per month compensation for care services per Order dated 12/9/13.
4. Schedule C disbursements reflect frequent purchases for clothing totaling over \$8,000 during accounting period. Also, question \$502.43 Amazon purchase on 4/24/17? **Need** clarification via verified supplement.
5. Petitioner requests approval of attorney's fees of former counsel, Roberta Taylor, totaling **\$2,350**, plus costs of **\$521.80** for 11.75 hours at \$240-\$280 per hour for attorney services and \$120 per hour for paralegal services. However, costs include \$30.80 in photocopies which are considered overhead per Local Rule 20-909. Suggest reduction of costs to total **\$491.80**. Itemized [Acct, 3/21/18, LF p.30-32]. **JTD**

6. Petitioner requests approval of attorney's fees of Attorney Joelle Lee A. Nicol totaling **\$150.50** for .50 hours at \$300/hour and costs of \$.50 for postage; however, postage is considered overhead per Local Rule 20-909. Itemized. [Acct, 3/21/18, LFpg37]. **JTD**
7. Bond is currently set at \$94,000. Suggest increase of bond to **\$153,000** based on current assets, annual income, and 10% recovery.
8. Notice is complete.
9. Proposed order submitted 3/21/18 subject to fees and suggested bond increase.

RECOMMENDATION:

Need to clear note 4. If approved, set hearing re next Accounting Review for **3/6/19 (if one year) or 3/5/20 (if two years)**. Accounting to be filed 30 days in advance.

(lh)

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PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JAMES MICHAEL WELCH

DATE: 04/25/18 TIME: 9:30 DEPT: S36P

CASE#: CON PS1300175

CASE NAME: Margaret Mary Dyer

SEE ALSO 22A and 22B

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

MICHAEL A DYER	(CPE)...PRO/PER
KARL F SCHMIDT	(CPE)...PRO/PER
MARGARET MARY DYER	(CEP)...
SHIRLEY R EARL	(PET/OBJ)...FULLERTON LEMANN SCHAEFER &
DIANE HUSSEY	(PRO/PER)

GENERAL INFORMATION:

Continued from 12/05/17 and 01/30/18. Trial requested.

THIS CASE IS SET FOR HEARING ON Inventory and Appraisal

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

1. Matter set at 10/24/17, wherein, an Inventory and Appraisal was to be filed.
Need same.
2. **Objections to Inventory and Appraisal of Conservator filed by Karl F. Schmidt and Diane Hussey. Supplemental Objections to Inventory and Appraisal filed 12/05/17.**
3. **Response to Objections by Temporary Conservator, Shirley R. Earl, on 01/22/18.**

RECOMMENDATION:

Court's discretion.

(nb/lh)

Note to examiner: see minute order from 4/12/18 at second check

Superior Court of Calif, County of San Bernardino
Page: 22 A
CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JAMES MICHAEL WELCH

DATE: 04/25/18 TIME: 9:30 DEPT: S36P

CASE#: CON PS1300175

CASE NAME: Margaret Mary Dyer

SEE ALSO 22 and 22B

HEARING:

Hearing re: Second and Final Account

COUNSEL:

MICHAEL A DYER	(CPE)...PRO/PER
KARL F SCHMIDT	(CPE)...PRO/PER
MARGARET MARY DYER	(CEP)...
SHIRLEY R EARL	(PET/OBJ)...FULLERTON LEMANN SCHAEFER &
DIANE HUSSEY	(PRO/PER)

GENERAL INFORMATION:

Conservatee passed away on 11/10/16.

Continued from **09/12/17 and 10/24/17**. Matter is contested/I & A to be filed.

Objections to be filed by 11/14/17. Notice given by Attorney David Colella.

Continued from 12/28/17. Court orders objections to the accounting be filed forthwith.

Continued from 01/30/18. Trial requested.

THIS CASE IS SET FOR HEARING ON Second and Final Account and Petition for Fees by Temporary Conservator, Shirley R. Earl ["Petitioner"].

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

1. Accounting period 11/01/14 to 12/31/16.
2. Assets on Hand \$275,409.58 consisting of \$271,409.58 in cash and \$4,000 in personal property.
3. Conservator seeks compensation of \$27,615.00 for the period 05/17/13 to 12/26/16. Billed at \$35/hour for 789 hours. Itemized [LF, pgs. 27- 33 & **supp. filed 10/03/17**]. JTD.
4. Attorney requests fees and costs of \$85,778.51 for period 10/02/13 to 07/26/17. Billed at \$200-\$350/hour for 330.55 hours' attorney time and \$95-\$110/hour for 171.65 hours' paralegal time. Itemized [LF, pgs. 34- 79 & **supp. filed 10/03/17**]. JTD.
5. Disbursements – Schedule C [LF, p. 25] includes miscellaneous expense reimbursement to Petitioner in the amount of \$2,300. **Supp. (10/03/17)**

Revised second check notes post two court days prior to the hearing. Documents filed at least seven days prior to the hearing will be included while later documents may be delivered to the courtroom for consideration at the judge's discretion. ♦ Examiners can be contacted at ProbateNotes@sb-court.org for clarification of the notes only - no legal or procedural advice will be given.

indicates expense was for extraordinary travel expenses from Iowa to California for purposes of overseeing and managing the sale of Conservatee's residence in Highland, CA. Itemized [see supp. filed 10/03/17, LF, p. 20 & 22]. JTD.

6. Disbursements – Schedule C [LF, p. 25] includes reimbursement to Petitioner for travel expenses that are not itemized, in the amount of \$276.80, that are normally not allowed when fees are being requested. **Supp. (10/03/17) indicates expense was for extraordinary travel expenses from Iowa to California for purposes of overseeing and managing the sale of Conservatee's residence in Highland, CA. Itemized [see supp. filed 10/03/17, LF, p. 20 & 22]. JTD.**
7. Petitioner requests exoneration of bond and discharge upon filing of receipts. However, bond will not be exonerated until entry of final discharge order.
8. Petitioner seeks to distribute assets to Trustee of Trust; however, question under what authority, as there does not appear to be a substituted judgment and the assets exceed \$150,000; therefore, cannot distribute per Pr.C. § 13100? **Need** verified supplement with corrected distribution and/or points and authorities.
9. **Objections by Karl F. Schmidt and Diane Hussey affixed to Supplemental Objections to Inventory and Appraisal filed 12/05/17 [LF, pgs. 12-25]. Suggest Court require the separate filing of same.**
10. **Response to Objections by Temporary Conservator, Shirley R. Earl, on 01/22/18.**
11. Proposed Order: 01/22/18; however, not reviewed.

RECOMMENDATION:

Need to clear note 8 then set for contested hearing. If approved, set next hearing for receipts and final discharge for **05/01/19**.

(nb/lc/nb/lh)

Future Hearing:

04/25/18 Hearing re: Inventory and appraisal

04/25/18 *Court Trial*

04/25/18 *Second and final 8account*

Note to examiner: see minute order from 4/12/18 at second check

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JAMES MICHAEL WELCH

DATE: 04/25/18 TIME: 9:30 DEPT: S36P

CASE#: CON PS1300175

CASE NAME: Margaret Mary Dyer

SEE ALSO 22 and 22A

HEARING:

Hearing re: Court Trial

COUNSEL:

MICHAEL A DYER (CPE)...PRO/PER

KARL F SCHMIDT (CPE)...PRO/PER

MARGARET MARY DYER (CEP)...

SHIRLEY R EARL (PET/OBJ)...FULLERTON LEMANN SCHAEFER &

DIANE HUSSEY (PRO/PER)

No notes—JTD

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JAMES MICHAEL WELCH

DATE: 04/25/18 TIME: 9:30 DEPT: S36P

CASE#: CON PS1500020

CASE NAME: JOSEPH G EVANS SR

HEARING:

Accounting Review

COUNSEL:

JOYCE WENDELL EVANS SANDIN

(CPE)...PRO/PER

JOSEPH G EVANS JR

(CPE)...LAYNE A BARTHOLOMEW

JOSEPH G EVANS SR

(CEP)...ROBERTA L TAYLOR

MARY TURCOTTE EVANS

(OBJ)...PRO/PER

Waiver of Court Fees and Costs filed by MARY TURCOTTE EVANS is GRANTED

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Accounting Review of Joseph G. Evans, Jr, Conservator

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

1. Court approved First Account and Report of Joseph G. Evans, Jr, on 10/18/17.
2. Conservatee passed away on 08/23/17.
3. Need Second and Final Account or Status Report.

RECOMMENDATION

Inquire status.

(lh)

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JAMES MICHAEL WELCH

DATE: 04/25/18 TIME: 9:30 DEPT: S36P

CASE#: CON PS1700025

CASE NAME: BETTY J ALTHER

HEARING:

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

COUNSEL:

JANET E SACKWAR (CPE)...JOELLE LEE A. NICHOL
BETTY J ALTHER (CEP)...PRO/PER
LIBERTY MUTUAL INSURANCE (TP)...

Address: 5972 E. Los Santos Drive, Long Beach, CA 90815

Appraised Value: \$572,000; **need reappraisal**

Sale price: \$625,000

First overbid: \$656,750

Deposit: Cash purchase

Commission: \$31,250

Additional bond: \$408,979

Reason for Sale: Necessary to pay expenses of administration

Exposure to Market: Private listing for 30 days to obtain cash buyer

Notice: Notice is complete

Future Hearing: 5/02/18 Accounting Review

Revised second check notes post two court days prior to the hearing. Documents filed at least **seven days prior to the hearing** will be included while later documents may be delivered to the courtroom for consideration at the judge's discretion. ♦ Examiners can be contacted at ProbateNotes@sb-court.org for clarification of the notes only - **no legal or procedural advice will be given.**

CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JAMES MICHAEL WELCH

DATE: 04/25/18 TIME: 9:30 DEPT: S36P

CASE#: CON PS1700315

CASE NAME: MTR OF CINDY MARTINEZ

HEARING:

Petition for Appointment of Conservator

COUNSEL:

BRAULIO MARTINEZ (CP)...PRO/PER
CINDY MARTINEZ (CTP)...J. DAVID HORSPOOL

GENERAL INFORMATION

Continued from **10/03/17**. Attorney Horspool appointed.

Continued from **11/14/17**. Attorney Walter Moore is present (as a friend of the court – amicus curiae) to answer some questions regarding a LPS conservatorship. This is not a limited conservatorship as the proposed conservatee is not developmentally disabled. Court to contact the court employees at mental health regarding this case. Notice to be given by Attorney Horspool.

Continued from 01/16/18. Court, counsel and petitioner confer on the record. Attorney Moore appears as a friend of the court. Court grants a temporary conservatorship with the only purpose to file a restraining order on behalf of his daughter. Braulio Martinez is appointed Temporary Conservator.

Continued from 03/06/18 as Court finds there is a related LPS case. Matter continued pending outcome of related case.

THIS CASE SET FOR HEARING ON Petition for Appointment of Conservator person only by Braulio Martinez, father

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

1. Petition alleges proposed conservatee is developmentally disabled. However, it appears an LPS conservatorship may be appropriate. Does Court wish to appoint Counsel?
2. Petitioner seeks orders related to powers per Pr. C. §2351.5 to fix residence, control right to contract, and give or withhold medical consent. JTD
3. Petitioner seeks civil rights not be limited without court order. JTD
4. Petitioner seeks medical powers. **Need Capacity Declaration.**

5. Petition is incomplete at item #9 as to medical treatment. **Need** verified supplement.
6. **Need** List of required contacts (Local form SB-12224).
7. Citation served by mail. **Need proof of personal service**
8. Certificate of Completion of the Conservatorship Training Class filed
9. Report by court-appointed counsel, J. David Horspool, filed 11/08/17 and 01/23/18.
10. Court Investigator report filed.
11. No proposed order submitted.

RECOMMENDATION

Need to clear notes 4-7. If approved, set hearing for Compliance Review for **11/28/18** for the filing of the following: proof of service of Order with Notification of Conservatee's rights per Pr.C.§1830(c); Level of Care and Care Plan per Pr.C.§2352.5.

(lh/nb/lh)

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JAMES MICHAEL WELCH

DATE: 04/25/18 TIME: 9:30 DEPT: S36P

CASE#: CON PS1800026

CASE NAME: EDNA VALERO

HEARING:

Petition for Appointment of Conservator

COUNSEL:

VERONICA VALERO

(PET)...PRO/PER

ALONDRA VALERO

(PET)...PRO/PER

EDNA VALERO

(CEE)...WALTER T. MOORE

GENERAL INFORMATION

Continued from 03/06/18. Attorney Walter T. Moore appointed for Edna Valero.

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Limited Conservatorship, person only, by mother and sister, Veronica Valero and Alondra Valero ["Petitioners"].

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

1. No bond – person only.
2. Petitioner requests to limit civil and legal rights of proposed conservatee to consent or withhold consent to marriage of, or entrance into a registered domestic partnership by limited conservatorship; to exercise limited conservatee's right to control his or her social and sexual contacts and relationships.
3. Petitioners request Pr. C. § 2351.5 powers to secure habilitation or treatment, training, education, medical, psychological services, social and vocational opportunities, authority to fix the residence/dwelling of the proposed limited conservatee; authority to access all confidential records, paper, documents, reports and other information regarding the proposed limited conservatee, including those in the possession of the Regional Center, authority to control the right of the proposed limited conservatee to contract, authority to make and consent to all medical decisions for the proposed limited conservatee. Proposed conservatee is developmentally disabled. **Need** report of appointed Counsel Walter T. Moore.
4. Medical Capacity Declaration is incomplete starting page 2 – 3 and signature on page one is not dated. **Need** complete Capacity Declaration.

Revised second check notes post two court days prior to the hearing. Documents filed at least seven days prior to the hearing will be included while later documents may be delivered to the courtroom for consideration at the judge's discretion. ♦ Examiners can be contacted at ProbateNotes@sb-court.org for clarification of the notes only - no legal or procedural advice will be given.

5. Section 11 to petition does not include petitioners. **Need** verified supplement.
6. Section 4b to petition is incomplete. **Need** verified supplement.
7. Section 11 to petition does not include petitioners. **Need** verified supplement.
8. List of Required Contacts does not include petitioners. **Need** complete form.
9. Notice filed on 02/27/18 does not include maternal and paternal grandparents named on Section 11 to petition. **Need proper service.**
10. **IRC report filed 03/02/18.**
11. Court Investigator Report filed.
12. Proofs of Completion of Conservatorship Class filed.
13. Citation returned served.
14. ~Proposed Form Order/Letters 01/29/18.

RECOMMENDATION:

Need to clear notes 3-9. If approved, set hearing for Compliance Review for **11/28/18** for the filing of the following: proof of service of Order with Notification of Conservatee's Rights per Pr.C.§1830(c); including a Determination of Conservatee's Appropriate Level of Care per Pr.C.§2352.5 (form GC-355); and Care Plan per Pr.C.§2352.5.

(nb/lh)

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PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JAMES MICHAEL WELCH

DATE: 04/25/18 TIME: 9:30 DEPT: S36P

CASE#: VC VS00145

CASE NAME: MTR OF JENNIFER RODDY

HEARING:
Accounting Review

COUNSEL:
EMILY PATINO (PLA)...MARIELLEN ROSS
JENNIFER RODDY (PLA)...
MARK ROBERT RODDY (OBJ)...

GENERAL INFORMATION

Continued from 10/11/17. No appearance. Court orders Attorney Mariellen Ross to personally be present at the next hearing. Notice given by Judicial Assistant.

Continued from 11/29/17 at request of Counsel.

THIS CASE SET FOR HEARING ON Accounting review.

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

1. 3rd Account for Emily Patino, mother, approved on 12/17/15
2. **Need** 4th Account beginning with 03/02/15.
3. Declaration of Mariellen Ross filed 08/15/17 requesting that accounting be waived as the only asset is an undivided 1/4 interest in real property; however, need actual report and waiver Pr.C. § 2620 et seq.
4. CI report filed 10/12/17.

RECOMMENDATION

Inquire status of accounting.

(ww/lc/lh)

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JAMES MICHAEL WELCH TRIAL

DATE: 04/25/18 TIME: 1:30 DEPT: S36P

CASE#: CON PS1300175

CASE NAME: Margaret Mary Dyer
SEE ALSO 22, 29

HEARING:
Court Trial set for Accounting Review of SHIRLEY R. EARL

COUNSEL:
MICAHEL A DYER (CPE)...PRO/PER
KARL F SCHMIDT (CPE)...PRO/PER
MARGARET MARY DYER (CEP)...
SHIRLEY R EARL (PET/OBJ)...FULLERTON LEMANN SCHAEFER &
DIANE HUSSEY (PRO/PER)

Court trial—no notes—JTD

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JAMES MICHAEL WELCH

DATE: 04/25/18 TIME: 1:30 DEPT: S36P

CASE#: CON PS1300175

CASE NAME: Margaret Mary Dyer

SEE ALSO 22, 28

HEARING:

SECOND AND FINAL Account and Report of SHIRLEY R. EARL and
Petition for allowance of fees filed.

COUNSEL:

MICHAEL A DYER	(CPE)...PRO/PER
KARL F SCHMIDT	(CPE)...PRO/PER
MARGARET MARY DYER	(CEP)...
SHIRLEY R EARL	(PET/OBJ)...FULLERTON LEMANN SCHAEFER &
DIANE HUSSEY	(PRO/PER)

/// Currently under review by examiner.

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: TARA REILLY **PROBATE**

DATE: 04/25/18 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1500580

CASE NAME: MARGARET A. CLEMENTS

SEE ALSO 2

HEARING:

Hearing Re: PTN FOR REMOVAL OF CO-EXECUTOR

COUNSEL:

CLARE E CLEMENTS (PET)...RICHARD S PRICE
MARGARET A CLEMENTS (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for Removal of Co-Executor by Claire E. Clements, co-executor

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

1. Claire E. Clements (petitioner) was appointed co-executor with limited authority on 08/23/17 with letters issued same date.
2. Petitioner Claire E. Clements seeks Court to remove Dino L. Clements as co-executor and revoke letters as he has neglected to perform any acts as co-executor, has not communicated with petitioner or Counsel in over three years, nor has he attempted contact with petitioner or Counsel.
3. Petitioner requests Court issue a Citation to Dino L. Clements as co-executor of decedent's estate to show cause why he should not be removed and his Letters revoked.
4. **Need** Notice of Hearing and Proof of Service as to Dino L. Clements, Clare R. Smartwood and David A. Gonzales.
5. No proposed Order submitted.

RECOMMENDATION

Need notice, then Court's discretion.

(lh)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

DATE: 04/25/18 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1500580

CASE NAME: MARGARET A. CLEMENTS

SEE ALSO 1

HEARING:

Hearing Re: STATUS/ACCOUNTING REVIEW

COUNSEL:

CLARE E CLEMENTS

(PET)...RICHARD S PRICE

MARGARET A CLEMENTS

(DEC)...

GENERAL INFORMATION

OSC set on 12/01/16 when there was no appearance. As letters have not issued and no accounting has been filed, court will vacate previous orders and dismiss matter.

Continued from **02/16/17**. OSC taken off calendar.

Continued from **05/03/17**.

Continued from 08/23/17 at request of Court to clear probate notes. Amended Order signed indicating limited authority with no bond.

Continued from 11/29/17 at request of Counsel. Counsel reports letters were only issued on 02/22/16.

Continued from 02/14/18 at request of Counsel. Objections/petitions to be filed by 04/13/18. Hearing set 3/7/18 advanced to this date and continued to be heard with this hearing.

THIS CASE SET FOR HEARING ON Accounting review/Status.

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

1. Clare and Dino Clements, children, appointed administrators on 11/19/15; full authority, \$210,000 bond. On 02/22/16, court ordered powers limited and no bond.
2. **Need** accounting or status report.

RECOMMENDATION

Inquire status.

(lc/ww/lc/lh)

Revised second check notes post two court days prior to the hearing. Documents filed at least seven days prior to the hearing will be included while later documents may be delivered to the courtroom for consideration at the judge's discretion. ♦ Examiners can be contacted at ProbateNotes@sb-court.org for clarification of the notes only - no legal or procedural advice will be given.

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: TARA REILLY

DATE: 04/25/18 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1500799

CASE NAME: NONA JUNE KELLY

HEARING:

Accounting Review by ***

COUNSEL:

RONALD E KELLY (PET)...PRO/PER
NONA JUNE KELLY (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Accounting Review/Status re Ronald E. Kelly

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

1. On 02/14/18, petitioner Ronald E. Kelly reported he did not need further time as indicated in status report. Court ordered accounting to be filed by 03/25/18.
2. **Need** accounting.

RECOMMENDATION

Inquire status.

(lh)

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: TARA REILLY

DATE: 04/25/18 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1600319

CASE NAME: ESATE OF GILDA JOAN DONCHE

HEARING:

Petition for order to vacate order confirming sale of estate
real property & to order resale

COUNSEL:

BRUCE BRAZEAU (PET)...ROBERT G PETROVICH
GILDA JOAN DONCHE (DEC)...
VICTIM COMPE NSATION AND GOVERNMENT (TP)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for Order Vacating Order Confirming
Sale of Real Property by Bruce Brazeau, administrator

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

1. Petitioner, Bruce, Brazeau, seeks Court order to vacate order confirming sale entered on 12/18/17.
2. Petitioner alleges during pending escrow, it was discovered the legal description and assessor's parcel number ("APN") was incorrect due to incorrect information on old deeds and assessor records. Petitioner pursued Nunc Pro Tunc orders to correct the problem.
3. On 2/6/18, the purchaser made a demand through escrow to either perform on the contract or cancel transaction even though applications for nunc pro tunc orders were being processed ex parte, the orders were not received by deadline, and as a result the sale was cancelled.
4. Notice was given.
5. ~Proposed Order: 3/13/18

RECOMMENDATION

Court's discretion.

(lh)

Superior Court of Calif, County of San Bernardino

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: TARA REILLY

DATE: 04/25/18 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1600497

CASE NAME: THE FRAIZER LIVING TRUST

SEE ALSO 6, 7, 8

HEARING:

Hearing Re: RECEIPT OF SETTLEMENT

COUNSEL:

JERRY FRAIZER	(PET)...FITZGERALD YAP CREDITOR
THE FRAIZER LIVING TRUST	(TRU)...
DIXIE J. FRAZIER	(PET/OBJ)...DAVID A XAVIER
LISA GREEN	(DAVID A XAVIER)
BETTY JANES FRAIZER	(PRO/PER)

GENERAL INFORMATION

Continued from 10/25/17. Parties report settlement agreement has been executed and will be filed with the Court.

THIS CASE SET FOR HEARING ON Receipt of Settlement.

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

1. OSC set on 05/24/17 Status hearing. Parties reported a settlement has been reached re Trust matter.
2. Court took jurisdiction of trust.
3. Notice of Settlement Agreement filed 10/30/17.

RECOMMENDATION

None.

(lc/lh)

Future Hearing: 6/27/18 Accounting Review

Superior Court of Calif, County of San Bernardino

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: TARA REILLY

DATE: 04/25/18 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1600497

CASE NAME: THE FRAIZER LIVING TRUST

SEE ALSO 5, 7, 8

HEARING:

Hearing Re: First Amended Petition for Probate Code 850-859

COUNSEL:

JERRY FRAIZER	(PET)...FITZGERALD YAP CREDITOR
THE FRAIZER LIVING TRUST	(TRU)...
DIXIE J. FRAZIER	(PET/OBJ)...DAVID A XAVIER
LISA GREEN	(DAVID A XAVIER)
BETTY JANES FRAIZER	(PRO/PER)

Currently under review by legal research

(LR)

Continued matter. Notice not re-reviewed.

Future Hearing: 6/27/18 Accounting Review

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: TARA REILLY

DATE: 04/25/18 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1600497

CASE NAME: THE FRAIZER LIVING TRUST
SEE ALSO 5, 6, 8
HEARING:
Hearing Re: REV OF VISITATION/POSS REMOVAL OF GAL

COUNSEL:
JERRY FRAIZER (PET)...FITZGERALD YAP CREDITOR
THE FRAIZER LIVING TRUST (TRU)...
DIXIE J. FRAZIER (PET/OBJ)...DAVID A XAVIER
LISA GREEN (DAVID A XAVIER)
BETTY JANES FRAIZER (PRO/PER)

GENERAL INFORMATION

Continued from 10/25/17 for settlement agreement to be filed.

THIS CASE SET FOR HEARING ON Review of Visitation and possible removal of guardian

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

1. Matter set at 05/24/17 when GAL was ordered to file a report re visitation including a request for fees.
2. **Need** GAL report.

RECOMMENDATION

Inquire status.

(lc/lh)

Future Hearing: 6/27/18 Accounting Review

Revised second check notes post two court days prior to the hearing. Documents filed at least **seven days prior to the hearing** will be included while later documents may be delivered to the courtroom for consideration at the judge's discretion. ♦ Examiners can be contacted at ProbateNotes@sb-court.org for clarification of the notes only - **no legal or procedural advice will be given.**

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PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: TARA REILLY

DATE: 04/25/18 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1600497

CASE NAME: THE FRAIZER LIVING TRUST
SEE ALSO 5, 6, 7
HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
JERRY FRAIZER (PET)...FITZGERALD YAP CREDITOR
THE FRAIZER LIVING TRUST (TRU)...
DIXIE J. FRAZIER (PET/OBJ)...DAVID A XAVIER
LISA GREEN (DAVID A XAVIER)
BETTY JANES FRAIZER (PRO/PER)

GENERAL INFORMATION

Continued from 10/25/17 for Inventory and Appraisal to be filed within 120 days.

THIS CASE SET FOR HEARING ON Inventory and Appraisal.

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

1. Inventory and Appraisal ordered at 05/24/17 hearing. Patrick Wright appointed referee.
2. A "Provisional" Final Inventory and Appraisal was filed 01/11/18. Need corrected Final Inventory and Appraisal to include the following:
 - a. **Need** to complete item #5 re property tax certificate.
 - b. **Need** to address statement about the bond.
 - c. **Need** supporting bank statement per LR 20-908.

RECOMMENDATION

Inquire status.

(lc/lh)

Future Hearing: 6/27/18 Accounting Review

Revised second check notes post two court days prior to the hearing. Documents filed at least **seven days prior to the hearing** will be included while later documents may be delivered to the courtroom for consideration at the judge's discretion. ♦ Examiners can be contacted at ProbateNotes@sb-court.org for clarification of the notes only - **no legal or procedural advice will be given.**

Superior Court of Calif, County of San Bernardino

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: TARA REILLY

DATE: 04/25/18 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1600606

CASE NAME: THERESA M. HERRERA

HEARING:

First and final Account and Report of JENNIFER MEDRANO and
Petition for allowance of fees filed.

COUNSEL:

JENNIFER MEDRANO (PET)...HORSPOOL & HORSPOOL
THERESA M. HERRERA (DEC)...
INHERITANCE FUNDING (TP)...STEVEN D SCHROEDER
DEPT OF HEALTH CARE SRVCS (PRO/PER)

CCP170.6 filed as to Judge CYNTHIA A LUDVIGSEN,

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

DATE: 04/25/18 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1600679

VACATE

CASE NAME: MTR OF EILEEN JOSEPHINE DIEZ

HEARING:

Hearing re Final Discharge

COUNSEL:

VICTORIA P CHESNEY (PET)...CALDWELL, KENNEDY & PORTER, A.
EILEEN JOSEPHINE DIEZ (DEC)...

Order for final discharge entered 07/12/17.

(lh)

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: TARA REILLY

DATE: 04/25/18 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1600988

CASE NAME: MTR OF ANTONIO F FRIAS

HEARING:

FIRST AND FINAL Account and Report of SILVIA FRIAS and Petition
for allowance of fees filed.

COUNSEL:

SILVIA FRIAS (PET)...LAW OFFICES OF JOHN R RAMOS
ANTONIO F FRIAS (DEC)...

Waiver of Court Fees and Costs filed by SILVIA FRIAS is GRANTED
TOTAL FEES WAIVED TO DATE: \$465.00

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON First and Final Account and Report of
Administration, Petition for Fees and Final Distribution by Silvia Frias, executor

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

1. Assets on hand: \$209,614.62, cash
2. Statutory fees of \$11,100, each, requested by attorney and petitioner. Calculated.
3. Attorney requests extraordinary fees of **\$5,407** for 12 hours at \$450/ hour and \$7.00 for costs. Itemized in Declaration filed 4/3/18. **JTD**
4. Petitioner reimbursed listing agent, Alexandra Parra Rivera, \$350 for costs to remove debris during sale of real property.
5. Attorney requests reimbursement of \$148. **Need itemization of costs.**
6. Petitioner reimbursed herself \$2,475.00 for home repairs made prior to sale of real property. **Need itemization of costs.**
7. Inventory and Appraisal filed 1/18/17 and Reappraisal filed 5/15/17 are incomplete at item #5 re property tax certificate and at items #6/7 re bond. **Need** completed forms.
8. **Need** bank/investment statements verifying final ending balance per Local Rule 20-908.
9. Petitioner requests reserve of \$1,000. **JTD**
10. Notice was given.

Revised second check notes post two court days prior to the hearing. Documents filed at least seven days prior to the hearing will be included while later documents may be delivered to the courtroom for consideration at the judge's discretion. ♦ Examiners can be contacted at ProbateNotes@sb-court.org for clarification of the notes only - no legal or procedural advice will be given.

11. No proposed order submitted

RECOMMENDATION:

Need to clear notes #5-8 then Court's discretion. If approved, court to set hearing on filing of receipts and final discharge to include informal account re reserves for **05/01/19.**

(lh)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

DATE: 04/25/18 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1700897

CASE NAME: **MF** LOREANO MANUEL GASPAR

SEE ALSO 13, 14

HEARING:

Hearing Re: STATUS OF MEDIATION

COUNSEL:

MANUEL GASPAR	(PET)...JAMES MERCER
MARIA GASPAR	(PET)...JAMES MERCER
LOREANO MANUEL GASPAR	(DEC)...
MARIA MANUELA SOARES	(PET)...JAMES MERCER
JANAE GASPAR	(PET)...JOSEPH D BORJAS

Waiver of Court Fees and Costs filed by JANAE GASPAR is GRANTED

SAME DAY HEARING: MEDIATION SETTLEMENT CONFERENCE DEPT S34 @ 8:30

No notes—JTD

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PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: TARA REILLY

DATE: 04/25/18 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1700897

CASE NAME: **MF** LOREANO MANUEL GASPAR

SEE ALSO 12, 14

HEARING:

Petition for LETTERS OF ADMINISTRATION WITH FULL AUTHORIZATION
TO ADMINISTER ESTATE UNDER IAEA

COUNSEL:

MANUEL GASPAR	(PET)...JAMES MERCER
MARIA GASPAR	(PET)...JAMES MERCER
LOREANO MANUEL GASPAR	(DEC)...
MARIA MANUELA SOARES	(PET)...JAMES MERCER
JANAE GASPAR	(PET)...JOSEPH D BORJAS

SAME DAY HEARING: MEDIATION SETTLEMENT CONFERENCE DEPT S34 @ 8:30

GENERAL INFORMATION:

Temporary orders denied on 10/05/17. Action consolidated physically with PROPS1700970; Case PROPS1700897 deemed master file. Counsel to submit order re consolidation.

Continued from **12/27/17**. Letters of special administration issued to Maria Manuela Gaspar Soares \$20,00 bond. If notes not cleared, matter will be dismissed.

Continued from 01/25/18 to be heard with future hearing date.

Continued from 03/19/18 at request of Court for mediation to be held.

THIS CASE IS SET FOR HEARING ON

- **PROPS1700897 Petition 1** for Letters of Administration with full authority under IAEA by Manuel and Maria Gaspar (parents) to appoint Maria "Manuela" (Gaspar) Soares
- **PROPS1700970 Petition 2** for Letters of Administration with full authority under IAEA by Janae Gaspar

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

Petition - 1 to appoint Maria "Manuela" (Gaspar) Soares –sister

1. Requested bond \$205,000. Appears sufficient.
2. Proof of Publication filed 01/30/18; however, does not include all aka's. JTD
3. ~Proposed form Order: 09/11/17

Revised second check notes post two court days prior to the hearing. Documents filed at least seven days prior to the hearing will be included while later documents may be delivered to the courtroom for consideration at the judge's discretion. ♦ Examiners can be contacted at ProbateNotes@sb-court.org for clarification of the notes only - no legal or procedural advice will be given.

Petition - 2 Janae Gaspar – spouse.

4. Petitioner requests bond of \$120,000. Court to clarify estimated assets identified in competing petition [filed 09/11/17 by Marias Gaspar] to determine bond. JTD
5. Petitioner Janae Gaspar appears to have priority of appointment per Pr. C. §8461.
6. **Objections filed by Manuel and Maria Gaspar, parents, on 12/21/17.**
7. ~Proposed form Order: 09/29/17

RECOMMENDATION:

Matter is contested.

Court's discretion re bond and notes 2 and 4. If approved, set future hearing for Accounting/Status Review on **07/03/19**. Any accounting to be filed 30 days in advance. Note requirements of Local Rules.

(lh/lc/cs/lh)

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: TARA REILLY

DATE: 04/25/18 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1700897

CASE NAME: **MF** LOREANO MANUEL GASPAR

SEE ALSO 12, 13

HEARING:

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

COUNSEL:

MANUEL GASPAR	(PET)...JAMES MERCER
MARIA GASPAR	(PET)...JAMES MERCER
LOREANO MANUEL GASPAR	(DEC)...
MARIA MANUELA SOARES	(PET)...JAMES MERCER
JANAE GASPAR	(PET)...JOSEPH D BORJAS

Waiver of Court Fees and Costs filed by JANAE GASPAR is GRANTED

SAME DAY HEARING: MEDIATION SETTLEMENT CONFERENCE DEPT S34 @ 8:30

See notes on prior matter #13.

(lh)

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PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: TARA REILLY

DATE: 04/25/18 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1701029

CASE NAME: JOHANNES B. VESSUP

HEARING:

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

COUNSEL:

ERLYNDA VESSUP (PET)...SRG LAW GROUP
JOHANNES B VESSUP (DEC)...

GENERAL INFORMATION:

Continued from 12/06/17. Proof of publication submitted. Bond required \$300,000. Court waives hearing re receipt of bond as matter will be continued to 02/14/18. Notice to be given by Attorney Inraan Karim.
Continued from 02/14/18 to clear probate notes.

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full authority under IAEA by Erlynda Vessup, daughter

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

1. Minimum bond requested at \$20,000. Estimated net value of estate is \$300,000, real property only. Suggested bond \$300,000. JTD
2. ~Proposed form Order: 10/13/17

RECOMMENDATION:

Court's discretion re bond. If approved, set future hearing for Accounting/Status Review on **07/03/19**. Any accounting to be filed 30 days in advance. Note requirements of Local Rules.

(lh)

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HONORABLE: TARA REILLY

DATE: 04/25/18 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1800217

CASE NAME: MTR OF MURRAY KEMP

HEARING:

Hearing re: Petition for Probate of Will and Letters with limited authority IAEA.

COUNSEL:
QUINETTA DEANN RICHARDSON (PET)...ALPHONSO KIMBELL
MURRAY KEMP (DEC)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Probate, Letters Testamentary with Limited Authority under IAEA by Quinetta Dean Richardson, executor/sole bene.

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

1. \$50,000 bond requested. Ok
2. **Need** Duties and Liabilities form.
3. **Need** Proof of Subscribing Witness. Will is not self-proving as witnesses did not sign attestation clause in compliance with Pr. C. §6110(c)(1).
4. **Need** Notice of Petitioner to Administer Estate to decedent's sister (name unknown), or file Due Diligence Declaration.
5. **Need** proof of publication.
6. No proposed order submitted.

RECOMMENDATION

Need to clear notes 2-5. Court's discretion re bond. If approved, set Accounting/Status Review for **07/03/19**. Any accounting to be filed 30 days in advance local rule 20-901. Note requirements of local rule 20-908.

(lh)

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PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: TARA REILLY

DATE: 04/25/18 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1800259

CASE NAME: MTR OF JULIO ALBERTO HENRIQUEZ

HEARING:
Petition to determine succession to Real Property

COUNSEL:
SARA M GARCIA (PET)...PRO/PER
JULIO ALBERTO HENRIQUEZ (DEC)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition to Determine Succession to Real Property and Personal Property by Sara M. Garcia, sister

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

1. Petitioner seeks 100% interest in decedent's 100% interest in real property and personal property per the will.
2. **Need** proof of holographic will.
3. **Need** verified supplement clarifying item #9(a)(2) of Petition as to whether decedent has a deceased spouse, or if divorce/never married.
4. **Need** verified supplement with attachment 14 as to names, relationships, ages and addresses of heirs referenced in item #10(b) of petition.
5. **Notice cannot be determined if complete until note #4 is cleared.**
6. ~Proposed Form Order: 03/19/18

RECOMMENDATION

Need to clear notes #2-4 then Court's discretion.

(lh)

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: TARA REILLY

DATE: 04/25/18 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1800279

CASE NAME: SONIA M EMERSON

HEARING:
Petition for LETTERS OF ADMINISTRATION W/ FULL IAEA

COUNSEL:
STEVEN EMERSON (PET)...ANTHONY E DIBENEDETTO
SONIA M EMERSON (DEC)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Letters of Administration with full authority under IAEA by Steven and Scott Emerson (sole heirs) to appoint Steven Emerson (son)

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

1. Petitioners request waiver of bond. Estimated value of estate consists of real property at \$270,000 and remaining \$10,000 in personal property. Attached bond waiver signed by Scott Emerson not dated at signature. **JTD**.
2. Duties and Liabilities filed 03/26/18 not dated at signature. **JTD** Petition is not dated at signatures of attorney or petitioners. **Need** same.
3. **Need** Proof of Publication.
4. ~Proposed Form Order: 03/26/18

RECOMMENDATION

Court's discretion re bond. If approved, set Accounting/Status Review for **07/03/19**. Any accounting to be filed 30 days in advance local rule 20-901. Note requirements of local rule 20-908.

(lh)

Revised second check notes post two court days prior to the hearing. Documents filed at least **seven days prior to the hearing** will be included while later documents may be delivered to the courtroom for consideration at the judge's discretion. ♦ Examiners can be contacted at ProbateNotes@sb-court.org for clarification of the notes only - **no legal or procedural advice will be given.**

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PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: TARA REILLY

DATE: 04/25/18 TIME: 8:35 DEPT: S37P

CASE#: PRO PS1701028

CASE NAME: GEORGE D NEMO JR LIVING TRUST

HEARING:
Hearing Re: AMENDED PTN FOR ORDER INSTRUCTING TRUSTEE

COUNSEL:
DELINA R NEMO (PET)...PRO/PER
GEORGE D NEMO JR LIVING TRUST (TRU)...PRO/PER

Waiver of Court Fees and Costs filed by DELINA R NEMO is GRANTED

Currently under review by legal research.

(LR)

Superior Court of Calif, County of San Bernardino

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San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

CONSERVATORSHIPS

DATE: 04/25/18 TIME: 9:30 DEPT: S37P

CASE#: CON PS1200008

CASE NAME: MTR OF ANTHONY G LOYD

HEARING:

Hearing re Final Discharge

COUNSEL:

CHING-HUANG LOYD

(CPE)...SCHWARTZBERG& LUTHER, APC

ANTHONY G LOYD

(CEP)...MELVIN L FRIEDLAND

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Final Discharge re Ching-Huang Loyd

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

1. Second and Final Account approved on 04/19/17. **Need Order.**
2. **Need** Ex Parte Petition for Final Discharge and Order.

RECOMMENDATION

Inquire status.

(lh)

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PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: TARA REILLY

DATE: 04/25/18 TIME: 9:30 DEPT: S37P

CASE#: CON PS1500157

CASE NAME: LOTTIE SCOTT

SEE ALSO 22

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of ANGEL SCOTT

COUNSEL:

ANGEL SCOTT (PET)...PRO/PER
LOTTIE SCOTT (CEP)...SHERRI L KASTILAHN

GENERAL INFORMATION

Continued from **09/26/16, 11/28/16, 01/18/17, 04/12/17** and **06/15/17** No appearance. Angel Scott ordered to be present. Matter may be set for possible suspension if no appearance by Angel.

Continued from **08/09/17**. No appearance. Angel stated telephonically that she was unaware she needed to file further paperwork. Counsel/conservator to be present.

Continued from 09/27/17 at request of Counsel. No assets other than \$5,000 from sale of home and social security. Angel Scott ordered to be present if all needed documents aren't filed one week prior to hearing. Notice to be given by Ms. Kastilahn.
Continued from 11/29/17 at request of Counsel to clear probate notes. Notice to be given by Ms. Kastilahn.

Continued from 02/14/18. No appearance. Angel Scott ordered to be present at next hearing.

THIS CASE SET FOR HEARING ON Compliance Review.

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

1. Angel Scott, daughter, appointed conservator of the person and estate on 08/01/16, no bond.
2. Determination of Conservatee's Appropriate Level of Care form GC-355 filed 08/08/16; verification on 08/08/16.
3. Care Plan filed 06/13/16 and verification on 09/08/16.
4. **Need** proof of service of a copy of the Order for Conservatorship with Notification of Conservatee's rights per Pr.C.§1830(c).

Revised second check notes post two court days prior to the hearing. Documents filed at least seven days prior to the hearing will be included while later documents may be delivered to the courtroom for consideration at the judge's discretion. ♦ Examiners can be contacted at ProbateNotes@sb-court.org for clarification of the notes only - no legal or procedural advice will be given.

5. **Need** final Inventory & Appraisal per Pr.C. §2610. **Need** proof of service of Inventory & Appraisal including Instructions for Objection per Pr.C.§2610.

RECOMMENDATION

Need to clear notes 4-5.

(lc/nb/lc/ww/lh)

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San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

DATE: 04/25/18 TIME: 9:30 DEPT: S37P

CASE#: CON PS1500157

CASE NAME: LOTTIE SCOTT

SEE ALSO 21

HEARING:

Hearing Re: POSS SUSP OF CONSERVATOR APPMT PUBLIC GUARDIAN

COUNSEL:

ANGEL SCOTT

(PET)...PRO/PER

LOTTIE SCOTT

(CEP)...SHERRI L KASTILAHN

Waiver of Court Fees and Costs filed by LOTTIE SCOTT is GRANTED

No notes—JTD

(lh)

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: TARA REILLY

DATE: 04/25/18 TIME: 9:30 DEPT: S37P

CASE#: CON PS1600023

CASE NAME: MTR OF BETTY J ELLIS

HEARING:
Accounting Review

COUNSEL:
ASIRRA ELLIS-SUGUITAN (CPE)...SHENIECE J SMITH
BETTY J ELLIS (CPE)...WALTER T. MOORE

GENERAL INFORMATION

On **07/19/16**, Court appointed Asirra Ellis-Suguitan as temporary conservator of the person and estate, letters issued on 03/03/17.

On **08/31/17**, Court appointed Asirra Ellis-Suguitan as conservator of the person and estate with \$60,000 bond; first accounting to be from date of issuance of temporary letters to 08/31/17. Inventory and Appraisal to be filed as to temporary conservatorship.

Continued from 11/29/17 at request of Counsel to clear probate notes. Notice to be given by Mr. Moore.

Continued from 02/14/18. Counsel to be present.

THIS CASE IS SET FOR HEARING ON Accounting Review re Asirra Ellis-Seguitan

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

1. **Need** Inventory and Appraisal.
2. **Need** first account current for period 03/03/17 to 08/31/17.

RECOMMENDATION

Inquire status.

(lh)

Superior Court of Calif, County of San Bernardino

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: TARA REILLY

DATE: 04/25/18 TIME: 9:30 DEPT: S37P

CASE#: CON PS1600280

CASE NAME: DION BENTLEY

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of DEPARTMENT OF DEVELOPMENTAL SERVICES

COUNSEL:

DEPT OF DEVELOPMENTAL SRVCS	(PET)
DAISY BENTLEY	(CP)...PRO/PER
DION BENTLEY	(CEE)...E JOAN NELMS

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Compliance Review re Department of
Developmental Services, Successor Conservator

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

1. Department of Developmental Services appointed Successor Conservator of the person on 09/20/17.
2. Notification of Conservatee's rights filed 09/29/17
3. **Need** a Determination of Conservatee's Appropriate Level of Care per Pr.C.§ 2352.5 (form GC-355).
4. **Need** Care Plan in accord with Pr. C. §2352.5.

RECOMMENDATION

Inquire status.

(lh)

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PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: TARA REILLY

DATE: 04/25/18 TIME: 9:30 DEPT: S37P

CASE#: CON PS1600308

CASE NAME: MTR OF JASON COLE SEDWAY

HEARING:

First and final Account and Report of INLAND COUNTIES REGIONAL CENTER, INC and Petition for allowance of fees filed.

COUNSEL:

ANDREA RAFT (CP)...PRO/PER
JASON COLE SEDWAY (CTP)...DONNASUE ORTIZ
INLAND COUNTIES REG CNTR (PET)...LAYNE A BARTHOLOMEW

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON First Account Current and Report of Trustee of SNT, Petition for Fees by Inland Counties Regional Center

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

1. Accounting period: 1/9/17 to 12/31/17
2. Assets on hand: \$51,423.17, cash
3. Attorney Layne Bartholomew requests fees of **\$4,555** for 12.3 hours at \$250/hour and 14.8 hours of paralegal time at \$100/hour. Itemized. [Acct, 3/15/18, LFpg38-42]. **JTD**
4. Attorney Donnasue Smith Ortiz requests fees of **\$4,443.75** to be paid from Trust for 9.6 hours at \$375/hour for attorney time and 2.25 hours at \$125/hour for paralegal time. Itemized. [Acct, 3/15/18, LFpg47-48]. **JTD**
5. Petitioner requests approval of trustee fees already taken totaling **\$1,636.58** pursuant to fee schedule attached. [Acct, 3/15/18, LFpg50-54]. **JTD**
6. Current bond of \$60,000 is sufficient.
7. Notice was given.
8. ~Proposed order: 3/15/18

RECOMMENDATION:

Court's discretion. If approved, court to set next hearing for **3/27/19 (if one year) or 3/26/20 (if two years)**.

(lh)

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PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: TARA REILLY

DATE: 04/25/18 TIME: 9:30 DEPT: S37P

CASE#: CON PS1700333

CASE NAME: BREANNA REED

HEARING:
Petition for Appointment of Conservator

COUNSEL:
MICHAEL REED (CP)...PRO/PER
LORI KREBS (CP)...PRO/PER
BREANNA REED (CTP)...PRO/PER

XREF: GARPS1700398 AWBREE LYNN GLEASON

GENERAL INFORMATION

Ex parte orders granted 09/12/17. Court appointed Michael Reed and Lori Krebs as temporary co-conservators of the person.

Continued from 01/10/18. Proof of completion of conservatorship class filed in Courtroom. Court finds notice shown to Court is not timely. Attorney Sherri Kastilahn appointed for Breanna Reed. Court requests that IHSS perform an additional in-depth assessment of Breanna Reed's needs. Ms. Kastilahn to prepare request to IHSS. All existing orders shall remain in full force and effect.

THIS CASE SET FOR HEARING ON Petition for Appointment of Conservator person only by Michael Reed and Lori Krebs (father and step-mother)

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

1. Petitioner seeks medical powers. Capacity Declaration filed 01/10/18.
2. Court Investigator report filed 01/08/18.
3. Proof of Completion of Conservatorship Training Class filed 01/10/18.
4. **Need** IHSS report.
5. **Need** report of appointed Counsel Kastilahn.
6. **Need** return of citation.
7. **Need** notice of hearing and proof of service.
8. ~Proposed Form Order: 09/06/17

RECOMMENDATION

Need to clear notes 4-7. If approved, set hearing for Compliance Review for **11/28/18** for the filing of the following: proof of service of Order with Notification of Conservatee's rights per Pr.C.§1830(c); Level of Care and Care Plan per Pr.C.§2352.5

(lh)

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PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

DATE: 04/25/18 TIME: 9:30 DEPT: S37P

CASE#: CON PS1800068

VACATED

CASE NAME: Margaret Scott Smith (Master File).

SEE ALSO 28

HEARING:

Hearing Re: PTN FOR APPOINTMENT OF CONSERVATOR

COUNSEL:

KIM MOORE (CPE)...FULLERTON LEMANN SCHAEFER & DO
MARGARET SCOTT SMITH (CEP)...SHERRI L KASTILAHN
TIMOTHY J SMITH (CP)...ROSE C ROSADO

Matter was advanced to 04/17/18 per request and minutes on 04/13/18.

(ww)

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PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: TARA REILLY

DATE: 04/25/18 TIME: 9:30 DEPT: S37P

CASE#: CON PS1800068

VACATED

CASE NAME: Margaret Scott Smith (Master File).

SEE ALSO 27

HEARING:

Petition for Appointment of Conservator

COUNSEL:

KIM MOORE (CPE)...FULLERTON LEMANN SCHAEFER & DO
MARGARET SCOTT SMITH (CEP)...SHERRI L KASTILAHN
TIMOTHY J SMITH (CP)...ROSE C ROSADO

Matter was advanced to 04/17/18 per request and minutes on 04/13/18.

(ww)

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HONORABLE: TARA REILLY

DATE: 04/25/18 TIME: 9:30 DEPT: S37P

CASE#: CON PS1800087

CASE NAME: JESUS ROJAS

HEARING:
Petition for Appointment of Conservator

COUNSEL:
MARIA L CALOCA (PET)...PRO/PER
DIEGO CALOCA (PET)...PRO/PER
JESUS ROJAS (CTP)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Appointment of Limited Conservator person only by Maria and Diego Caloca (maternal cousin)

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

1. Petitioner seeks orders related to powers per Pr. C. §2351.5 to fix residence, access confidential records, limit right to contract. **JTD**
2. Proposed conservatee's civil rights not be limited without court order.
3. Petitioner seeks medical powers. Capacity Declaration filed 3/26/18.
4. Proposed conservatee is developmentally disabled. **Need** appointment of counsel for report.
5. Proposed conservatee is developmentally disabled. **Need** IRC report.
6. **Need** Court Investigator report.
7. **Need** Certificate of Completion of the Conservatorship Training Class from Maria Caloca.
8. **Need** List of Required Contact Information (Local form SB-12224).
9. **Need** Notice of Hearing and Proof of Service to all relatives within 2nd degree, and includes at least 30 days' notice to Inland Regional Center.
10. **Need** return of Citation and Proof of Personal Service.
11. ~Proposed Form Order: 3/19/18

RECOMMENDATION

Need to clear notes #4-10. If approved, set hearing for Compliance Review for **11/28/19** for the filing of the following: proof of service of Order with Notification of Conservatee's rights per Pr.C.§1830(c); Level of Care and Care Plan per Pr.C.§2352.5.

(lh)