



Second/Final Check

Superior Court of California
County of San Bernardino
Probate Department

Probate Notes for Calendar Date: 05/16/18

The notes on the following pages were updated approximately three court days prior to the hearing to reflect newly-filed documents. Documents filed now after that update typically will not be reviewed except on the date of hearing at the judge's discretion.

Destruction of Filed Documents:

Shredding/destruction of all court documents filed and imaged before January 2011 will begin soon. All filed/imaged documents are shredded one year after filing pursuant to court policy. Any filed original documents not retrieved timely will be permanently lost. (Wills and codicils lodged into the will vault will not be affected.)

Contacting the Probate Examiners:

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.

5/1/18lh; 05/10/18lh

CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT

PROBATE

DATE: 05/16/18 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1500631

CASE NAME: JOAN W MOLNER

VACATED

HEARING:

Accounting Review

COUNSEL:

JOAN W MOLNER

(DEC)...

ROBERTA FANT

(PET)...JOELLE LEE A. NICHOL

GENERAL INFORMATION

Continued from 05/17/17. Court continued accounting review hearing to 05/16/18

THIS CASE SET FOR HEARING ON Status Report.

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

1. Letters of Administration issued to Roberta Fant, daughter/sole heir, on 09/02/15; full authority no bond.
2. Partial Inventory and Appraisal filed 06/29/17. **Need Final Inventory and Appraisal.**
3. Petitioner requests an additional 9 months to close the estate in order to marshal and inventory the unclaimed funds held at California State Controller's Office.

RECOMMENDATION

Need to clear note #2. If approved, set Accounting/Status Review for **02/20/19**. Any accounting to be filed 30 days in advance local rule 20-901. Note requirements of local rule 20-908.

(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: 05/16/18 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1600463

CASE NAME: ANN E. MCCOMBIE

HEARING:

Probate status report

COUNSEL:

ANN E MCCOMBIE	(DEC)...
KAREN A THRASHER	(PET)...PRO/PER
PHILIP C ADAMS	(PET)...PRO/PER

GENERAL INFORMATION:

Continued from 11/15/17. Matter is continued at request of Karen Thrasher for additional time to file an accounting due to unresolved vesting issues as to property in Santa Paula. Current hearing continued to 05/16/18.

THIS CASE IS SET FOR HEARING ON Status Report of Administration

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

1. Letters Testamentary issued to Karen A Thrasher and Philip C Adams on 07/14/16.
2. Petitioner alleges the estate is not in a condition to be closed as estate has unresolved vesting issues as to the property in Santa Paula, California. Petitioner has contacted an attorney to help resolve issues.
3. Petitioner requests an additional 3 months to close. Suggest Court continue for 12 months.
4. Declaration of Karen A. Thrasher filed 03/14/18 indicates estate is still not in a condition to be closed and requests Court to Order a "Corrective" deed to show interests in Ventura property. However, **need proper petition and noticed hearing.**
5. **Need** Notice of Hearing and proof of service in accord with Pr.C. § 12201. Whenever a status report is filed without an accounting, notice must indicate a right to an accounting in accord with Pr.C. § 10950. **This form of notice is mandatory.**

RECOMMENDATION:

Need to clear notes #4-5 then Court's discretion. If approved, set next hearing for Accounting Review on **09/19/18**.

(lh)

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

DATE: 05/16/18 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1600641

CASE NAME: MTR OF JOHN M MICKLE

HEARING:
Accounting Review

COUNSEL:
JOHN M MICKLE (DEC)...
RACHEL THOMAS (PET)...CHRISTOPHER JAMES MURTAGH

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Accounting Review re Rachel Thomas

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

1. Letter Testamentary issued to Rachel Thomas on 03/08/17 with full powers, \$187,000 bond.
2. Final Inventory and Appraisal filed 09/22/17; however, property tax certificate information is incomplete at item #5. **Need amended form.**
3. **Need** accounting and status report.

RECOMMENDATION

Inquire status.

(lh)

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

DATE: 05/16/18 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1800311

CASE NAME: OSCAR ROY NEWTON

HEARING:

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

COUNSEL:

KIMETRA NEWTON (PET)...KIMETRA NEWTON
OSCAR ROY NEWTON (DEC)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Probate of Will, Letters Testamentary
with Full Authority under IAEA by Kimetra Newton, daughter

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

1. Petitioner alleges all heirs waive bond; however, no waivers on file. Suggested bond \$201,000. **JTD**
2. Petitioner alleges she is the executor; however, no executor named in holographic will. Does Court wish to require amended petition re Letters of Administration with Will Annexed? **JTD**
3. **Need** Notice of Petitioner to Administer Estate as to Shalonda Matthews, Pamela Scott, and Cartwell Newton.
4. **Need** proof of publication.
5. ~Proposed Form Order: 04/04/18

RECOMMENDATION

Need to clear notes #3-#4 then Court's discretion re bond. If approved, set Accounting/Status Review for **07/24/19**. Any accounting to be filed 30 days in advance local rule 20-901. Note requirements of local rule 20-908.

(lh)

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

DATE: 05/16/18 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1800353

CASE NAME: MILDRED HAYWOOD

HEARING:

Petition for LETTERS OF TESTAMENTARY WITH FULL IAEA

COUNSEL:

KARLA PIETERS (PET)...PRO/PER
MILDRED MAYWOOD (DEC)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Probate, Letters Testamentary with Full Authority under IAEA by Karla Pieters, daughter/executor

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

1. Will waives bond. Estimated value of estate assets is \$206,321.05 based on real property and \$1,000 in personal property. The court may for good cause require that a bond be given, either before or after issuance of letters. (Prob. Code, § 8481(b))
2. ~Proposed Form Order: 04/16/18

RECOMMENDATION

RFA; Court's discretion re bond. If approved, set Accounting/Status Review for **07/24/19**. Any accounting to be filed 30 days in advance local rule 20-901. Note requirements of local rule 20-908.

(lh)

CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JAMES MICHAEL WELCH

PROBATE

DATE: 05/16/18 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1500386

CASE NAME: OLIVE SADIE MITTELSDORF

HEARING:

Petition for LETTERS OF ADMINISTRATION WITH FULL IAEA

COUNSEL:

APRIL MAY	(PET)...SHERRI L KASTILAHN
OLIVE SADIE MITTELSDORF	(DEC)...
RICHARD SAYLES	(PET)...JAMES B CHURCH
RICHARD SAYLES	(PET)...JESSICA N MARSHALL
SHAWNEE LOPEZ	(PET)...JESSICA N MARSHALL
SURETEC INSURANCE CO	(TP)...

XREF: CONPS1400294 (Olive S Mittelsdorf)

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Letters of Administration with full authority under IAEA by Shawnee Lopez (granddaughter) and Richard Sayles (son)

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

1. Will waives bond; however, not as to petitioner Shawnee Lopez. Suggested bond \$20,000 based on net value of real property. **JTD**
2. Petitioner seeks appointment as executor with copy of will attached; however, petitioner is not a named executor. Also, caption of petition indicates request for Letters of Administration. **Does Court wish to require amended petition with proper request for appointment? JTD**
3. The will conditionally incorporates decedent's Trust. **Need verified supplement with copy of Trust per Local Rule 20-1502.**
4. Notice of Petition to Administer Estate filed 04/26/18 does not include request for will admitted to probate in item #4. **Need** proper notice and proof of service.
5. No proposed Order submitted.

RECOMMENDATION

Need to clear notes #3-5 then Court's discretion. If approved, set Accounting/Status Review for **07/24/19**. 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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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JAMES MICHAEL WELCH

DATE: 05/16/18 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1500764

CASE NAME: JASON DAVIS SPECIAL NEEDS TRUST

HEARING:
Accounting Review

COUNSEL:

CAROL ROBERTS	(PET)...GOMEZ LAW GROUP
CAROL ROBERTS	(TEE)...GOMEZ LAW GROUP
J. DAVID HORSPOOL	(PET)...HORSPOOL & HORSPOOL
JASON DAVIS	(BEN)...
JASON DAVIS SPECIAL NEEDS TRUS	(TRU)...

XREF: CONPS1600318 (Jason Dean Davis)

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Accounting Review re Carol Roberts,
trustee/mother

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

1. Court approved first account current on 09/20/17. **Need Order.**
2. Second account current now due for period commencing 02/15/17.

RECOMMENDATION

Inquire status.

(lh)

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

DATE: 05/16/18 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1601084

CASE NAME: GARY SCOTT MESTAS

HEARING:
Accounting Review

COUNSEL:

BRYAN C HARTNELL	(TP)...
GARY SCOTT MESTAS	(DEC)...
MARY WATKINS	(PET)...CHARLES K. MILLS

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Accounting Review re Mary Watkins,
administrator

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

1. Court appointed Mary Watkins (mother) administrator with full authority on 03/08/17, \$137,000 bond; however, **Letters have never been issued/bond not filed.**
2. No Inventory and Appraisal has been filed; however, there is a pending petition for succession to real property continued to 6/13/18. **JTD**

RECOMMENDATION

Inquire status.
(lh)

Future Hearing:
06/13/18 Petition to determine succession to real property

Superior Court of Calif, County of San Bernardino

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

DATE: 05/16/18 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1601256

VACATED

CASE NAME: ROBERT A. WEBER

HEARING:

Accounting Review re Michele L. Abernathy

COUNSEL:

MICHELE L ABERNATHY (PET)...MICHAEL L ABERNATHY
ROBERT A WEBER (DEC)...

First and Final Account filed 04/16/18

Future hearing: 06/04/18 First and Final Account by Michele L. Abernathy

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

DATE: 05/16/18 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1700534

CASE NAME: JOHNNY HERMOSILLA

HEARING:

Hearing Re: Status

COUNSEL:

DECI HERMOSILLA	(PET)...JAMES E NEWNHAM
IAN HERMOSILLA	(PET)...JAMES E NEWNHAM
JOHNNY HERMOSILLA	(DEC)...
REMEDIOS C ABARO	(TP)...LENITA A SKORETZ

Status—no notes—JTD

(nb/lh)

Superior Court of Calif, County of San Bernardino

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

DATE: 05/16/18 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1701265

CASE NAME: MTR OF GARY LEE

HEARING:

Petition for orders instructing the Personal Representative

COUNSEL:

ALITHIA VARGAS-FLORES	(PET)...	SHEPPARD MULLIN RICHTER &
GARY LEE	(DEC)...	
GLENN LEE	(TP)...	LAW OFFICES OF ANDREA GEE
JOSEPH ROBERTSON		(THOMAS W DOMINICK

Currently under review by legal research.

(LR)

Future Hearing:

04/12/19 *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: 05/16/18 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1701295

CASE NAME: MARTILE K. FLANAGAN

HEARING:

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

COUNSEL:

ANNETTE MONAY WILSON	(PET)...LAW OFFICES OF RICHARD SAMUEL
MARTILE K. FLANAGAN	(DEC)...
MINOR BENEFICIARY	(MIN)...PRO/PER

GENERAL INFORMATION:

Continued from 02/06/18 at request of Counsel to submit proof of subscribing witness. Court appointed Craig Parker as guardian ad litem for minor beneficiary.
Continued from 04/04/18. Counsel for Annette Wilson to give notice.

THIS CASE IS SET FOR HEARING ON Petition for Letters Testamentary with full authority under IAEA by executrix/granddaughter, Annette Monay Wilson ["Petitioner"].

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

1. Will waives bond. Estimated estate valued at \$663,500. The Court may for good cause require that a bond be given, either before or after issuance of letters. Pr. C. § 8481(b).
2. Proof of publication filed 01/19/18.
3. Will is not self-proving as there is no attestation clause. **Need** Proof of Subscribing Witness.
4. ~Proposed Form Order/Letters 12/26/17.

RECOMMENDATION:

Need to clear note #3 then Court's discretion re bond. If approved, set future hearing for Accounting/Status Review on **07/24/19**. Any account to be filed 30 days in advance of hearing. Note requirements of Local Rules.

(nb/lh)

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

DATE: 05/16/18 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1800305

CASE NAME: MTR OF DIANNE R LOOMIS

HEARING:

Petition to determine succession to Real Property

COUNSEL:

DIANNE R LOOMIS

(DEC)...

KATHLEEN HUNT

(PET)...GREGORY L ZUMBRUNN

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition to Determine Succession to Real Property by Kathleen Hunt, trustee/executor

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

1. Petitioner, Kathleen Hunt, seeks 100% interest in decedent's 100% interest in real property per terms of will and as trustee of the Loomis Family Trust.
2. **Need** copy of Trust per Local Rule 20-1502.
3. Notice of hearing filed on 05/16/18; however, **need** notice to O. Charles Loomis, II and Anne Marie Stewart, mentioned in will. Additionally, it cannot be determined if notice is complete until note #2 is cleared.
4. ~Proposed Form Order: 04/04/18

RECOMMENDATION

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

(lh)

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

DATE: 05/16/18 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1800306

CASE NAME: JUANITA RUTH CLARK

HEARING:

Petition for LETTERS OF ADMINISTRATION WITH WILL ANNEXED

COUNSEL:

JUANITA RUTH CLARK (DEC)...
KATHRYN A BAKER (PET)...ZUMBRUNN LAW CORPORATION

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Letters of Administration with Will Annexed, limited authority by Kathryn A. Baker, daughter

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

1. Petitioner seeks waiver of bond; however, bond waiver not filed as to Raine Schrepfer. Estimated value of estate is \$260,000, based on sole asset of real property.
2. ~Proposed Form Order: 04/04/18

RECOMMENDATION

RFA, Court's discretion re bond. If approved, set Accounting/Status Review for **07/24/19**. Any accounting to be filed 30 days in advance local rule 20-901. Note requirements of local rule 20-908.

(lh)

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

DATE: 05/16/18 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1800334

CASE NAME: Mtr of Timothy Anast

HEARING:

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

COUNSEL:

TIMOTHY ANAST (DEC)...
TIMOTHY DAVID ANAST (PET)...PRO/PER

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Probate, Letters Testamentary with
Full Authority under IAEA by Timothy Anast, son

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

1. Will waives bond. Estimated assets total \$180,000 consisting of \$120,000 in real property and remaining in personal property.
2. **Need** Proof of Holographic Will.
3. Notice of Petition to Administer Estate filed 04/19/18; however, items #4-5 are incomplete as to request to admit will to probate, and request for authority under IAEA. **Need** completed notice and proof of service.
4. **Need** proof of publication.
5. ~Proposed Form Order:

RECOMMENDATION

Need to clear notes #2-4 then Court's discretion re bond. If approved, set Accounting/Status Review for **07/24/19**. 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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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JAMES MICHAEL WELCH

DATE: 05/16/18 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1800205

CASE NAME: ALTON WOOTEN

HEARING:
Hearing Re: RESTRAINING ORDER/INJUNCTION

COUNSEL:
ALTON WOOTEN (DEC)...
QUEEN WOOTEN (PET)...PRO/PER
NATIONSTAR MORTGAGE (OBJ)...MCCARTHY & HOLTHUS

Currently under review by legal research.

(LR)

Future Hearing: 6/20/19 Accounting Review

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JAMES MICHAEL WELCH **TRUSTS AND MOTIONS**

DATE: 05/16/18 TIME: 8:35 DEPT: S36P

CASE#: TRU PS1800076

CASE NAME: VIOLET B BALDOCK TRUST DATED MAY 13, 2003

HEARING:

Petition for order directing transfer of property to trust

COUNSEL:

VICKI MULLINS (PET)...CALDWELL, KENNEDY &
VIOLET B BALDOCK TRUST DATED M (TRU)...

Currently under review by legal research.

(LR)

Notice was given.

(lh)

CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JAMES MICHAEL WELCH **CONSERVATORSHIP**

DATE: 05/16/18 TIME: 9:30 DEPT: S36P

CASE#: CON PS1500272

CASE NAME: MTR OF CHELSEA STOYKOVICH

SEE ALSO 12A

HEARING:

Hearing Re: Status

COUNSEL:

CHELSEA STOYKOVICH

(PCE)...MITCHELL I ROTH

MERLINA BURTON

(PET)...PRO/PER

PUBLIC GUARDIAN

(PET)...COUNTY COUNSEL

GENERAL INFORMATION

Continued from 03/21/18. Court ordered Merlina Burton to take a hair follicle and urine drug test forthwith. All existing orders remain in effect.

THIS CASE IS SET FOR HEARING ON Status

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

1. Matter set on 12/20/17. Court ordered Linda Daniell to be primary caretaker of Chelsea, conseratee. Chelsea to move into the home of Linda Daniell; Court will allow supervised visits with parents at home of Linda Daniell during the day.
2. Public Guardian to remain temporary conservator with Letters to continue in full force and effect.
3. Mother agreed to take a drug test; Court ordered Merlina Burton to test on 12/21/17 by 3PM.
4. Counsel and Public Guardian to submit report prior to next hearing regarding status of Chelsea. **Report of Counsel Roth filed 04/23/18.**

RECOMMENDATION

Court's discretion.

(lh)

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

DATE: 05/16/18 TIME: 9:30 DEPT: S36P

CASE#: CON PS1500272

CASE NAME: MTR OF CHELSEA STOYKOVICH

SEE ALSO 12

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of MERLINA BURTON

COUNSEL:

CHELSEA STOYKOVICH (PCE)...MITCHELL I ROTH
MERLINA BURTON (PET)...PRO/PER
PUBLIC GUARDIAN (PET)...COUNTY COUNSEL

GENERAL INFORMATION

Vacated from 04/26/18 and rescheduled for 05/16/18 at request of Deputy Counsel.

THIS CASE SET FOR HEARING ON Compliance Review.

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

1. **Merlina Burton**, mother appointed **limited** conservator of the person only on 09/20/17. **Merlina** suspended and **Public Guardian** appointed temporary successor on 11/09/17.
2. Proof of service of a copy of the Order for Conservatorship with Notification of Conservatee's rights filed 10/02/17; however, states petitioner **Isela Cevallos** in caption. **Need corrected notice/proof of service.**
3. Determination of Conservatee's Appropriate Level of Care form GC-355 filed **by Merlina** on 10/02/17.
4. Care Plan filed by **Merlina** on 10/02/17 by Public Guardian on 01/09/18.
5. Public Guardian report filed 03/21/18.
6. Report of Rose Rosado filed 03/21/18.

RECOMMENDATION

Need to clear note 2. Court to inquire whether Public Guardian will be seeking general conservatorship or court will reinstate Merlina Burton's powers.
(lc/lh)

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JAMES MICHAEL WELCH

DATE: 05/16/18 TIME: 9:30 DEPT: S36P

CASE#: CON PS1500356

CASE NAME: MTR OF AMANDA J NEWMAN

HEARING:

PTN FOR PROPOSED ACTN TO ESTABLISH SNT, FIRST Account and Report of CLAUDIA J NEWMAN and Petition for allowance of fees filed.

COUNSEL:

AMANDA J NEWMAN

(DEC)...ROSE C ROSADO

AMANDA J NEWMAN

(OBJ)...CALDWELL, KENNEDY & PORTER, A.

CLAUDIA J NEWMAN

(CEP)...JAMES L HEYWOOD

GENERAL INFORMATION

Continued from 06/21/17 to clear probate notes. Judge requests legal research review SNT petition.

Continued from 07/26/17. Attorney Heywood just subbed in as attorney

Continued from 09/27/17 to clear probate notes.

Continued from 12/13/17. Court will allow the SNT petition to be filed within the Conservatorship. An amended accounting is to be filed.

Continued from 03/14/18 at request of Counsel for accounting to be filed.

THIS CASE SET FOR HEARING ON Petition for Proposed Action to Create SNT, 1st Account Current and Petition for Reimbursement of Costs Pr.C. §§ 2580, 2640 by Claudia Newman, Mother.

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

1. Claudia Newman appointed Conservator of person and estate on 12/05/16, no bond.
2. Assets on hand \$1,245.44 and remainder of assets TBD.
3. Accounting period 11/08/10 – 12/08/11 [stated in summary pg34]. However, report states 11/30/10 – 12/16/11. **Need** corrected accounting.
4. **Need** final Inventory and Appraisal.
5. It is unclear why the accounting period starts prior to appointment. **Need** accounting beginning at appointment.
6. Summary of account and schedules are not on mandatory Judicial Council forms GC-400/SUM/GC-400/405. **Need** to file amended accounting.

7. Attorney requests fees of \$9,320 for 37.5 hours at \$120/300 per hour, less retainer of \$2,500, leaving a balance due of \$6,730. Itemized [Acct. 04/14LFpg56-64]. Need qualifications of paralegals per requirements of CRC 7.703(e)(1)(c) which show the completion of mandatory continuing education per Business & Professions Code 6450(d). **Need** verified supplement.
8. Petitioner requests reimbursement of costs advanced totaling \$3,375 for retainer and \$875 for paralegal fees for initial pleadings. JTD
9. Attorney requests reimbursement of costs totaling \$491. Itemized [Acct. 04/14LFpg64]. JTD
10. **Objections filed by conservatee's GAL Rose Rosado on 05/24/17.**

RECOMMENDATION

Need to file amended accounting; clear notes 3-7 and notice.

If approved, set Accounting/Status Review for **05/22/19**. Any accounting to be filed 30 days in advance local rule 20-901. Note requirements of local rule 20-908.

(lc/ww/lc/lh)

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

DATE: 05/16/18 TIME: 9:30 DEPT: S36P

CASE#: CON PS1600354

CASE NAME: MTR OF DARR MADDOX

SEE ALSO 14A

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of MARK MADDOX

COUNSEL:

DARR MADDOX (CEP)...JENNIFER M DANIEL
MARK MADDOX (CPE)...ESTEFAN M ENCARNACION

GENERAL INFORMATION

Continued from **10/05/17**. Notice to be given by Counsel Encarnacion.

Continued from **12/14/17**.

Continued from 03/14/18. Counsel indicates attorney Encarnacion has been substituted for Mark Maddox. Attorney Daniel has been unable to contact Mark Maddox. Compliance documents have not been filed. Citation issued to Mark Maddox who is cited to appear on 05/16/18 and show cause why appointed counsel unable to contact Mr. Maddox. Notice to be given by Attorney Daniel.

THIS CASE SET FOR HEARING ON Compliance Review.

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

1. Mark Maddox, spouse, appointed conservator of the person and estate on 03/02/17, no bond.
2. **Need** Notification of Conservatee's rights per Pr.C.§1830(c).
3. **Need** Determination of Conservatee's Appropriate Level of Care form GC-355.
4. **Need** Care Plan in accord with Pr.C.§2352.5.
5. **Need** final Inventory & Appraisal per Pr.C.§2610.
6. **Need** proof of service of Inventory & Appraisal including Instructions for Objection per Pr.C.§2610.
7. **If** the conservatorship estate holds interest in real property, need proof of recordation of letters in each county where the real property is located or where conservatee has security interest in real property per Pr.C.§2313.
8. **Return of Citation with proof of personal service filed 04/04/18.**

RECOMMENDATION

Need to clear notes 2-7.

(lc/lh)

Superior Court of Calif, County of San Bernardino
Page: 14A add-on
CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JAMES MICHAEL WELCH

DATE: 05/16/18 TIME: 9:30 DEPT: S36P

CASE#: CON PS1600354

CASE NAME: MTR OF DARR MADDOX

SEE ALSO 14

HEARING:

Accounting Review

COUNSEL:

DARR MADDOX

(CEP)...JENNIFER M DANIEL

MARK MADDOX

(CPE)...ESTEFAN M ENCARNACION

GENERAL INFORMATION

Continued from 05/10/18. Counsel reports she has not heard from Mark Maddox. On 3/14/18, Court issued a Citation for appearance by Mark Maddox on 05/16/18. Citation has been served on Mr. Maddox. Court trails to 05/16/18.

THIS CASE SET FOR HEARING ON Accounting review.

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

1. Mark Maddox, spouse, appointed conservator of the person and estate on 03/02/17, no bond.
2. **Need** final Inventory & Appraisal per Pr.C.§2610.
3. **Need** proof of service of Inventory & Appraisal including Instructions for Objection per Pr.C.§2610.

RECOMMENDATION

Need to clear notes 2-3.

(lc/lh)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JAMES MICHAEL WELCH

DATE: 05/16/18 TIME: 9:30 DEPT: S36P

CASE#: CON PS1700235

CASE NAME: MARICA KAY BISSONNETTE

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of KRISTIN COX

COUNSEL:

KRISTIN COX

(CPE)... BRADLEY J. HAGUE

MARCIA KAY BISSONNETTE

(CEP)...MITCHELL I ROTH

GENERAL INFORMATION

Continued from 03/21/18. Required documents not filed. Court orders Attorney Bradley Hague to be present at next hearing. Attorney Roth to give notice.

THIS CASE IS SET FOR HEARING ON Compliance Review

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

- 1 Kristin Cox (daughter) was appointed conservator of the person and estate of Marcia Kay Bissonnette on 08/16/17; \$82,000 bond filed.
- 2 Notification of Rights filed 04/25/18; however, proof of service, item #5, does not indicate whether a copy of the Order dated 08/16/17 was served per Pr.C. §1830(c). **Need same.**
- 3 **Need** Statement of Care Plan in accord with Pr.C.§2352.5.
- 4 **Need** final Inventory & Appraisal per Pr.C. §2610.
- 5 **Need** proof of service of Inventory & Appraisal including Instructions for Objection per Pr.C.§2610.
- 6 If the conservatorship estate holds interest in real property, need proof of recordation of letters in each county where the real property is located or where conservatee has security interest in real property per Pr.C.§2313.

RECOMMENDATION:

Inquire status.

(lh)

Future Hearing: 10/24/18: 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: JAMES MICHAEL WELCH

ELDER ABUSE

DATE: 05/16/18

TIME: 9:30

DEPT: S36P

CASE#: EAP PS1800057

CASE NAME: NIEVES VS. RIVERA

HEARING:

Hearing Re: Elder Abuse Restraining Order

COUNSEL:

NILDA NIEVES

(PP)...PRO/PER

PAUL PHILLIP RIVERA

(RP)...

Notice was given to respondent, Paul Phillip Rivera.

(lh)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JAMES MICHAEL WELCH

DATE: 05/16/18 TIME: 9:30 DEPT: S36P

CASE#: CON PS1800005

CASE NAME: CARL RENE RUFFIN

SEE ALSO 16A

HEARING:

Petition for Appointment of Conservator

COUNSEL:

CARL RENE RUFFIN

(CTP)...ROSE C ROSADO

GLORIA HAYDEN

(CP)...PRO/PER

ROBBIE M TAYLOR

(PET)...PRO/PER

GENERAL INFORMATION:

Continued from **02/20/18**. Sherri Kastilahn relieved as counsel of record for Carl Ruffin; Attorney Rose C. Rosado appointed for Carl Ruffin.

Continued from 04/04/18. Matter referred to Court Investigator for investigation and report.

Continued from 04/23/18. Matter continued to be heard with competing petition.

THIS CASE IS SET FOR HEARING ON

- **Petition #1** for Limited Conservatorship, person only by **Robbie M. Taylor**, friend
- **Petition #2** for Limited Conservatorship, person only, by **Gloria Hayden**, sibling

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

Petition #1 by Robbie M. Taylor

1. No bond – person only.
2. Proposed limited conservatee's civil and legal rights are not to be limited without a court order.
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.

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.

4. Petitioner seeks medical powers. **Need** Medical Capacity Declaration.
5. Proposed conservatee is developmentally disabled. **Need report by court-appointed attorney, Rose C. Rosado.**
6. **Need** IRC Report.
7. **Need** return of Citation.
8. CI Report filed 02/14/18.
9. Proof of completion re Conservatorship Class filed 04/03/18
10. ~Proposed Form Order/Letters 01/05/18.

Petition #2 by Gloria Hayden

11. **IRC letter filed 04/10/18 requesting additional 30 day continuance.**
12. No bond – person only.
13. Proposed limited conservatee’s civil and legal rights are not to be limited without a court order.
14. Petitioner seeks orders related to powers per Pr. C. §2351.5 to fix residence, access to and limit access to confidential records, control right to contracts, give or withhold medical consent, consent/withhold consent to marriage, and make decisions re-education. JTD
15. Petitioner seeks medical powers. **Need** Capacity Declaration.
16. Proposed conservatee is developmentally disabled. **Need** report by court-appointed counsel Rose Rosado.
17. **Need** IRC Report.
18. **Need** Certificate of Completion re Conservatorship Class.
19. **Need** Notification of Court of Conservatorship Address (Local form SB-14522).
20. Notice to Inland Regional Center only allowed 26 days’ notice. **Need** proper notice. JTD
21. **Need** return of Citation.
22. **CI Report filed 05/09/18.**
23. ~Proposed Form Order/Letters 03/14/18.

RECOMMENDATION:

Need to clear notes #4-7; #15-21. If approved, set hearing for Compliance Review for **12/19/18** 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.

(cs/lh)

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

DATE: 05/16/18 TIME: 9:30 DEPT: S36P

CASE#: CON PS1800005

CASE NAME: CARL RENE RUFFIN

SEE ALSO 16

HEARING:

Petition for Appointment of Conservator of the Person Limited Conservatorship

COUNSEL:

CARL RENE RUFFIN	(CTP)...ROSE C ROSADO
GLORIA HAYDEN	(CP)...PRO/PER
ROBBIE M TAYLOR	(PET)...PRO/PER

See notes on prior matter #16.

(lh)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JAMES MICHAEL WELCH

DATE: 05/16/18 TIME: 9:30 DEPT: S36P

CASE#: SC SS02116

CASE NAME: MTR OF MARY VIRGINIA SALAZAR

HEARING:

Accounting Review re Ruben J. Juarez

COUNSEL:

MARY VIRGINIA SALAZAR (CEP)...DONNASUE ORTIZ

RUBEN J. JUAREZ (CPE)...PRO/PER

GENERAL INFORMATION

Continued from 09/05/17. Court reappoints Donnasue Ortiz who is to contact the conservator and try to assist with the filing of the waiver of account. Notice by Judicial Assistant.

Continued from 11/14/17. Counsel has not been able to locate the conservator or conservatee. Court makes an emergency referral to see if the Court Investigator can locate either. Referred to Court Investigator for investigation and report.

Continued from 12/27/17. Court is in receipt of CI Report filed 12/26/17. Hearing continued at request of Counsel to track down conservator. Counsel stated 2 years ago Conservator stated he was having health problems and couldn't care for his aunt. Counsel to provide notice to public guardian of next hearing date. Notice to be given by Donnasue Ortiz.

Continued from 03/21/18. Matter continued for accounting to be filed.

THIS CASE IS SET FOR HEARING ON Accounting Review of Ruben J. Juarez

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

- 1 Ex Parte to Dispense with Accounting and Order entered 10/23/15; accounting or waiver of account now due.
- 2 **CI Report of no report filed 12/26/17 and 01/02/18.**
- 3 No accounting or waiver of account. **Need same.**

RECOMMENDATION:

Inquire status.

(nb/lh)

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

DATE: 05/16/18 TIME: 9:30 DEPT: S36P

CASE#: CON PS1800116

CASE NAME: JANE L LAWRENCE

HEARING:
Petition for Appointment of Temporary Conservator

COUNSEL:
HELEN A BAGLEY (PET)...CALDWELL, KENNEDY & PORTER
JANE L LAWRENCE (CEE)...WALTER T MOORE

Temporary—no notes—JTD

Future Hearing: 5/31/18: Petition for Appointment of Conservator

Superior Court of Calif, County of San Bernardino

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

DATE: 05/16/18 TIME: 1:30 DEPT: S36P

CASE#: CON PS1400045

CASE NAME: Vivian Bertrand

ALSO ON CALENDAR AT 1:30 IN S37P ON 05/16/18

HEARING:
Mediation Settlement Conference

COUNSEL:

ANNMARIE M SCOTT	(PET)...RYAN J GALLANT
BRYAN C HARTNELL	(PET)...HARTNELL LAW GROUP
JAMES L OBERMAN	(PET)...DONNASUE ORTIZ
JEANNE E KENNEDY	(PET)...JEANNE E KENNEDY
MELODIE Z SCOTT	(CPE)...BRYAN C HARTNELL
SURETEC INSURANCE COMPANY	(PET)...PRO/PER
SURETEC INSURANCE COMPANY	(TP)...WOLKIN CURRAN LLP
VIVIAN BERTRAND	(CEP)...JEANNE E KENNEDY

CCP170.6 filed as to Judge CYNTHIA A LUDVIGSEN

MSC –no notes—JTD

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

PROBATE

DATE: 05/16/18 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1100827

VACATE

CASE NAME: ESTATE OF VADIS MALONE SCOTT

HEARING:

Accounting Review re Patrick Daniel

COUNSEL:

PATRICK MCDANIEL

(PET)...THOMAS W DOMINICK

US SPECIALTY INSURANCE COMPANY (TP)...PRO/PER

VADIS MALONE SCOTT

(DEC)...

Petition to Terminate Further Proceedings filed 05/10/18 by Patrick McDaniel.

Future hearing: 06/19/18 – Petition to Terminate and Discharge by Patrick McDaniel

Superior Court of Calif, County of San Bernardino

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

DATE: 05/16/18 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1701189

CASE NAME: THE FAMILY TRUST OF RUSSELL MORSE

HEARING:
Petition for Instruction to appoint Trustee

COUNSEL:
DEANNA MORSE (PET)...GAUDY LAW, INC
THE FAMILY TRUST OF RUSSELL MO (TRU)...

Currently under review by legal research.

(LR)

Notice is complete.

(lh)

Superior Court of Calif, County of San Bernardino

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

DATE: 05/16/18 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1800329

CASE NAME: MTR OF DEBORAH D PENDERGRAFT

SEE ALSO 4

HEARING:

Petition for VERIFIED PETITION FOR RETURN OF PROPERTY TO ESTATE
ETC

COUNSEL:

DEBORAH D PENDERGRAFT (DEC)...
JULIE A LAMA (PET)...AMBROSI & DOERGES, APC

Currently under review by legal research.

(LR)

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

DATE: 05/16/18 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1800329

CASE NAME: MTR OF DEBORAH D PENDERGRAFT

SEE ALSO 3

HEARING:

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

COUNSEL:

DEBORAH D PENDERGRAFT (DEC)...
JULIE A LAMA (PET)...AMBROSI & DOERGES, APC

GENERAL INFORMATION

Ex parte orders granted 04/11/18. Julie A Lama appointed Special Administrator. Court orders sole heir to dispose of decedent's ashes. Court advises Manuela Salazar to contact funeral home to ask about process of getting a refund. Bond required \$50,000. Ex Parte Order signed this date.

THIS CASE SET FOR HEARING ON Petition for Letters of Administration with limited authority under IAEA by Julie A. Lama, daughter

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

1. Petitioner is sole intestate heir and seeks waiver of bond. Estimated value of estate is \$200,000 based on personal property only. Court previously required \$50,000 bond as to Special Administration. **JTD**
2. No proposed Order submitted.

RECOMMENDATION

RFA; Court's discretion re bond. If approved, set Accounting/Status Review for **07/24/19**. Any accounting to be filed 30 days in advance local rule 20-901. Note requirements of local rule 20-908.

(lh)

Superior Court of Calif, County of San Bernardino

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

DATE: 05/16/18 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1800338

CASE NAME: Mtr of Jack L Duncan

HEARING:

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

COUNSEL:

JACK L DUNCAN (DEC)...
KAREN L SALSMAN (PET)...GREGORY L ZUMBRUNN

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Letters of Administration with full
authority under IAEA by Karen Salsman, daughter/nominee

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

1. Both heirs waive bond; however, petitioner is a non-resident and the court may require bond if the proposed personal representative resides outside California per and Pr. C. § 8571. Court also has discretion to require bond per Pr. C. § 8481(b). Does court wish to require minimum bond of \$20,000 or alternatively based on real property assets of \$200,000. **JTD**
2. **Need** Proof of Publication.
3. ~Proposed Form Order: 04/11/18

RECOMMENDATION

Need to clear note #2 then Court's discretion. If approved, set Accounting/Status
Review for **07/24/19** Any accounting to be filed 30 days in advance local rule 20-901.
Note requirements of local rule 20-908.

(lh)

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

DATE: 05/16/18 TIME: 8:30 DEPT: S37P

CASE#: SPR SS04008

CASE NAME: ESTATE OF BOBBY P. MAC LACHLAN

HEARING:

SIXTEENTH Account and Report of DOROTHY N. KINSEY and Petition
for allowance of fees filed.

COUNSEL:

BOBBY P. MACLACHLAN (DEC)...
DOROTHY N KINSEY (PET)...J. DAVID HORSPOOL
DOROTHY N KINSEY (TEE)...HORSPOOL & HORSPOOL

XREF: SPRSS57143 (Donnell Frank Maclachlan Trust)

GENERAL INFORMATION

Continued from 11/14/17. Trust document filed in Court. Court approves attorney fee request in the amount of \$1,545.50. Hearing continued at request of Court to clear probate notes/file verified supplement. Court reserves issue of removing trust from Court jurisdiction and on issue of bond.

Continued from 01/24/18 at request of Court. Court ordered Counsel to prepare points and authorities allowing removal of Court jurisdiction.

Continued from 04/04/18. Petitioner requests compensation of \$2,000 as trustee fees. Counsel to submit declaration explaining work done, hours spent, and what needs to be done with total amount requests. Counsel to submit points and authorities in support of removal of court jurisdiction.

THIS CASE IS SET FOR HEARING ON Sixteenth Account Current; Petition for Fees and Petition to Remove Trust from Continuing Court Jurisdiction by Trustee, Dorothy Kinsey ["Petitioner"]. [Pr. C. §§17500(5), 17350 et seq.]

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

1. Accounting period 01/01/16 to 12/31/16.
2. Assets on Hand \$253,538.15 consisting of \$8,748.67 in cash and remaining in annuities and certificate of deposit.
3. No bond.
4. Petitioner requests compensation of \$2,000.00 as trustee fees. Need verified supplement with computation as to how the fee amount is determined and

itemization of same. **Supp 11/20/17** alleges requested fee is reasonable as trustee has routinely been approved compensation in the amount of \$2,000 calculated based on .7% percent of trust estate. **Supp filed 04/25/18 alleges petitioner has filed all 16 accountings, requesting a trustee fee of \$2,000 per year, which has always been less than 1% of trust corpus as a reasonable fee per CRC 7.776; general description of trustee services provided. JTD**

5. Attorney requests fees of \$1,540.50 billed at \$395/hour for 3.9 hours attorney time. Itemized [LF, p. 27].
6. Petitioner requests that the Court grant an order removing the Trust from continuing court jurisdiction due to the size of the trust; and indicates all current and remainder beneficiaries have consented to the removal of the Trust from continuing court jurisdiction. Waivers affixed [LF, pgs. 28-31]. **Need points and authorities in support of request to remove Court's jurisdiction. Supp 04/25/18 provides points and authorities. JTD**
7. ~Proposed Order 11/20/17

RECOMMENDATION:

Court's discretion re: fees, bond and trust termination. If approved, set hearing re next Accounting Review for **07/17/18**. Account to be filed 30 days' in advance of hearing.

(nb/lh)

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

DATE: 05/16/18 TIME: 8:30 DEPT: S37P

CASE#: SPR SS57143

CASE NAME: MTTR OF DONNELL FRANK MACLACHLAN TRUST

HEARING:

TWENTY-SEVENTH Account and Report of DOROTHY KINSEY and Petition
for allowance of fees filed.

COUNSEL:

BOBBY P. MAC LACHLAN	(CEP)...ROBERT C CHANDLER
DONNELL FRANK MACLACHLAN	(DEC)...
DONNELL FRANK MACLACHLAN TESTA	(TRU)...
DOROTHY KINSEY	(CPE)...HORSPPOOL & HORSPPOOL
DOROTHY KINSEY	(STE)...HORSPPOOL & HORSPPOOL

XREF: SPRSS04008 (Bobby P Mac Lachlan)

GENERAL INFORMATION

Continued from 11/14/17. Trust document filed in Court. Court approves attorney fees in the amount of \$1,817. Hearing continued at request of Court to clear probate notes/file verified supplement. Court reserves on the issue of removing trust from Court supervision and requiring a bond.

Continued from 01/24/18 at request of Court. Court ordered Counsel to file points and authorities allowing removal of Court jurisdiction.

Continued from 04/04/18. Petitioner requests compensation of \$2,000 as trustee fees. Counsel to submit declaration explaining work done, hours spent, and what needs to be done with total amount requests. Counsel to submit points and authorities in support of removal of court jurisdiction.

THIS CASE IS SET FOR HEARING ON Twenty-Seventh Account Current; Petition for Fees; and Petition to Remove Trust from Continuing Court Jurisdiction by Successor Trustee, Dorothy Kinsey ["Petitioner"]. [Pr. C. §§17500(5), 17350 et seq.]

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

1. Accounting period 01/01/16 – 12/31/16.
2. Assets on Hand \$291,738.24 consisting of \$1,258.17 in cash and remaining in annuities.

3. **Prayer does not request trust to be removed from continuing court jurisdiction. Supp 11/20/17 prayer, item 5 prays for all other and further orders the Court deems necessary. Thus, is request that the Court also issue its Order that Trust be removed as requested in proposed Order. JTD.**
4. Petitioner requests compensation of \$2,000.00 as trustee fees. Not itemized; need computation as to how the fee amount is determined and itemization of same. **Supp 11/20/17** alleges requested fee is reasonable as trustee has routinely been approved compensation in the amount of \$2,000 calculated based on .6% percent of trust estate. **Need supplement per m/o dated 4/4/18.**
5. Attorney requests fees of \$1,817.00 for 4.60 attorney hours at \$395/hour. Itemized [LF p. 25]. JTD
6. Petitioner requests that the Court grant an order removing the Trust from continuing court jurisdiction due to the size of the trust; and indicates all current and remainder beneficiaries have consented to the removal of the Trust from continuing court jurisdiction. Waivers affixed [LF, pgs. 28-31]. **Need points and authorities in support of request to remove Court's jurisdiction.**
7. Proposed Order 11/20/17 total assets on hand are miscalculated and do not match accounting.

RECOMMENDATION:

Need to clear notes #4 and #6 then Court's discretion. If approved, set hearing re: next Accounting Review for **07/17/18**. Account to be filed 30 days' in advance of hearing.

(nb/lh)

CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

CONSERVATORSHIP

DATE: 05/16/18 TIME: 9:30 DEPT: S37P

CASE#: VC VS109

CASE NAME: IN THE MATTER OF CHRISTINE MARIE MORENO

HEARING:

Twenty Eighth Account and Report of GLORIA MORENO and Petition for allowance of fees filed.

COUNSEL:

CHRISTINE MARIE MORENO	(CEP)...
GLORIA MORENO	(CPE)...CALDWELL, KENNEDY & PORTER
GLORIA MORENO	(CPE)...JANET M HERRING

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON 28th Account Current and Petition for Fees by Gloria Moreno, conservator

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

1. Account period covers 01/01/16 to 12/31/17
2. Assets on hand **\$457,011.25** consisting of \$5,382 in cash and the balance in securities, real property and a motor home.
3. Petitioner requests continued monthly allowances of **\$1,800** for the conservatee's personal needs, and **\$1,900** paid to petitioner for care services, ordinary home utilities and expenses provided without a detailed account for these payments. See next note. **JTD**
4. Assets have depleted over \$80,000 since last accounting period. Court previously approved monthly allowances to conservatee at \$1,800 per month for personal needs, etc and \$1,900 per month paid to petitioner for care services, etc. However, disbursements show additional allowances in excess of \$10,000 per month for conservator and/or conservatee. [Acct, 04/06/18, LFpg27-30]. **Need** verified supplement clarifying Schedule C disbursements. **Supp filed 05/09/18 not in LF at time of review.**
5. Report indicates that some of the funds are held in blocked accounts; however, there is no indication in the accounting or on the individual account statements as to what funds are blocked. **Need** verified supplement. **Supp filed 05/09/18 not in LF at time of review.**

6. Attorney requests fees of **\$6,017.50**; billed for attorney at \$250-\$350/hour and paralegal at \$125-\$150/hour for a total of 31.45 hours. Itemized [Acct, 4/6/18, LF p.12-14]. **JTD**
7. Petitioner requests authority to purchase assets of the estate with values up to \$100,000 from any of the present or successor conservatorship blocked accounts, the following: Negotiable Bank Certificates of Deposit; Bills and Notes guaranteed by the Federal Government; Corporate Bonds; Tax Free Municipal Bond Funds Shares; US Government Securities/Mutual Fund Shares. **JTD**
8. Petitioner requests authority to withdraw periodic funds from the blocked account for payment of the following:
 - a. Court Investigator fees currently \$450;
 - b. Charges for filing fees and certified copies when necessary;
 - c. Federal and State income taxes as required;
 - d. Payments to the County of San Bernardino for real property taxes and required payment for homeowner's insurance on the real property.
 - e. An amount not to exceed \$700 annually to certified public accountant for preparation of required tax returns;
 - f. Payment of brokerage fees, commissions and bank charges if any incurred;
 - g. Insurance premiums for medical and dental insurance.
 - h. Bookkeeper's expenses not to exceed \$400 annually;
 - i. Attorney's fees and costs (subject to Court order).
9. Conservatee lives with conservator/mother in property owned by the estate rent free per Court order.
10. Bond is currently set at **\$364,543**. Appears sufficient.
11. Last Court Investigator report filed 4/19/16. **JTD**
12. Notice was given.
13. Proposed order submitted 04/06/18; however, maximum bookkeeper's expenses do not match prayer.

RECOMMENDATION:

Need to clear notes #4-5. If approved, set hearing re next Accounting Review for **02/27/19** (if one year) or **02/26/20** (if two years). Accounting to be filed 30 days in advance.

(lh)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

MISC

DATE: 05/16/18 TIME: 1:30 DEPT: S37P

CASE#: CON PS1400045

VACATED

CASE NAME: Vivian Bertrand

SEE ALSO 10, 11

ALSO ON CALENDAR AT 1:30 IN S36P ON 05/16/18

HEARING:

Hearing Re: STATUS OF MEDIATION

COUNSEL:

ANNMARIE M SCOTT

(PET)...RYAN J GALLANT

BRYAN C HARTNELL

(PET)...HARTNELL LAW GROUP

JAMES L OBERMAN

(PET)...DONNASUE ORTIZ

JEANNE E KENNEDY

(PET)...JEANNE E KENNEDY

MELODIE Z SCOTT

(CPE)...BRYAN C HARTNELL

SURETEC INSURANCE COMPANY

(PET)...PRO/PER

SURETEC INSURANCE COMPANY

(TP)...WOLKIN CURRAN LLP

VIVIAN BERTRAND

(CEP)...JEANNE E KENNEDY

CCP170.6 filed as to Judge CYNTHIA A LUDVIGSEN

Status—no notes—JTD

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

DATE: 05/16/18 TIME: 1:30 DEPT: S37P

CASE#: CON PS1400045

CASE NAME: Vivian Bertrand

SEE ALSO 9, 11

ALSO ON CALENDAR AT 1:30 IN S36P ON 05/16/18

HEARING:

AMENDED SECOND Account and Report of MELODIE Z SCOTT and
Petition for allowance of fees filed.

COUNSEL:

ANNMARIE M SCOTT	(PET)...RYAN J GALLANT
BRYAN C HARTNELL	(PET)...HARTNELL LAW GROUP
JAMES L OBERMAN	(PET)...DONNASUE ORTIZ
JEANNE E KENNEDY	(PET)...JEANNE E KENNEDY
MELODIE Z SCOTT	(CPE)...BRYAN C HARTNELL
SURETEC INSURANCE COMPANY	(PET)...PRO/PER
SURETEC INSURANCE COMPANY	(TP)...WOLKIN CURRAN LLP
VIVIAN BERTRAND	(CEP)...JEANNE E KENNEDY

CCP170.6 filed as to Judge CYNTHIA A LUDVIGSEN

GENERAL INFORMATION:

Continued from **05/02/17**. Compliance review re Melodie deemed moot.

Continued from 06/14/17. The Court confirms Judge McCarville's order that **Melodie Scott's fees are not to be paid to Melodie Scott, but instead go to Pacific Western Bank. Petition for surcharge may be filed.** Amended 2nd or 3rd and final accounting to be filed. Melodie Scott's posted bond amount and whether AnneMarie Scott's bond has been brought current to be addressed. The Court orders accounting to be filed by 8/16/17.

Continued from 10/02/17 for Counsel to file reply to written objections. Court orders request for attorney's fees to be filed by Ms. Scott. At request of Counsel, matter is set on a Wednesday. Notice is waived.

Continued from 12/06/17 at request of Counsel. Attorney Bryan Hartnell represents responses have been recently filed and additional time is needed to review responses.

Counsel are encouraged to meet and confer regarding setting a Court Sponsored Mediation date.

Continued from 03/14/18. Ms. Ortiz reports remaining bank statements have been provided to her and Ms. Kenedy. Counsel to meet and confer re settlement of issues. Meet and Confer may include bonding company. Mediation set. Bonding company representative with authority to settle matter may be available by telephone.

THIS CASE IS SET FOR HEARING ON **Amended (08/16/17) Second Account Current to Create Second and Final Account** and Petition for Fees by **former** Conservator of the Person and Estate and Successor Trustee, Melodie Z. Scott.

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

1. Accounting period 03/12/15 to **09/16/16 (Conservatorship)**
Accounting period 03/12/15 to 09/30/16 (Trust)
2. Assets on Hand \$0.00 (Conservatorship)
Assets on Hand \$0.00 (Trust)
3. Current bond set at \$735,000.
4. Petitioner indicates she is entitled to reasonable fees for her services as Conservator of the person and estate and as Trustee of the Trust. Court ordered fees to be paid to Pacific Western Bank per m/o on 06/14/17.
5. Petitioner acquired authority to make periodic payments of compensation to herself in an amount of 80% equal to her monthly billing. Supp filed 12/05/17 the fees of \$2,744.58 and \$12,700 paid on 11/12/15 from Trust were approved in prior account leaving \$6,400 paid toward fees. Said paid sum of \$6,400 will be used for fees earned and unpaid during this account period; however, petitioner does not have current time records available. **Supp 04/16/18 remaining \$6,400 will be against fees earned and unpaid for present period of account. Time records attached at LFpgs 7-27. JTD**
6. Attorney requests reimbursement of costs advanced of \$3,072.34. Itemized [LF, p. 72]. **JTD**
7. During this accounting period, petitioner paid caregiving services; case management fees; and account management fees. **Supp 12/06/17 fee acknowledgments attached** by Danielle Temby; Deborah Diaz; Jodi Loera; Annmarie Scott; Raumey Wilson; Vivian Kavigan; Lindsey Fillian; Carol Voll-Buschez; Carie Bashez; Sheryl Cook; Christopher Scott; and Right at Home Inland Valley; **see LFpgs7-25. JTD**
8. Supp 09/29/17 residential facility statements for Rose Garden Residential from 01/2015 to 08/2015. **Supp 12/05/17 includes residential statements through 09/2016 at LFpgs28-37.**
9. Supp 09/29/17 requests attorneys' fees **\$39,610.00** for 166.90 hours at ranging from \$250-\$425/hour for attorney services; \$50-125/hour for paralegal services, and \$25/hour for book keeper. Itemized at LFpg24-42. **JTD**
10. **Objections filed 09/27/17 by James Oberman, current conservator and trustee.**

11. **Declaration joining objection filed by appointed Counsel Jeanne Kennedy on 10/04/17.**
12. **Reply to Objection to Amended Second Account by Melodie Scott filed 12/05/17.**
13. Proposed Order 08/16/17 indicates the fees for Petition and her counsel as requested are approved; no fees have been requested. Fees remaining due and owing the Petitioner are blank; attorney fees are blank; allows discharge and exoneration of bond upon filing of documents instead of upon entry of discharge order.

RECOMMENDATION:

Matter is contested.

Court's discretion. If approved, set hearing for receipts and final discharge for **03/20/19.**

(nb/lc/nb/lh)

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

DATE: 05/16/18 TIME: 1:30 DEPT: S37P

CASE#: CON PS1400045

CASE NAME: Vivian Bertrand

SEE ALSO 9, 10

ALSO ON CALENDAR AT 1:30 IN S36P ON 05/16/18

HEARING:

Third Account and Report of JAMES L OBERMAN and Petition for allowance of fees filed.

COUNSEL:

ANNMARIE M SCOTT	(PET)...RYAN J GALLANT
BRYAN C HARTNELL	(PET)...HARTNELL LAW GROUP
JAMES L OBERMAN	(PET)...DONNASUE ORTIZ
JEANNE E KENNEDY	(PET)...JEANNE E KENNEDY
MELODIE Z SCOTT	(CPE)...BRYAN C HARTNELL
SURETEC INSURANCE COMPANY	(PET)...PRO/PER
SURETEC INSURANCE COMPANY	(TP)...WOLKIN CURRAN LLP
VIVIAN BERTRAND	(CEP)...JEANNE E KENNEDY

CCP170.6 filed as to Judge CYNTHIA A LUDVIGSEN

GENERAL INFORMATION:

Continued from 03/14/18. Matter continued to trail other hearings set.

THIS CASE IS SET FOR HEARING ON Third Account Current and First Report of Successor Conservator, Petition for Settlement, Fees and Reimbursements by James L. Oberman, second successor conservator

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

1. Assets on hand: \$367,211.82, cash. Note: it is unclear if the starting balance of the third account matches the ending balance of the second account. See prior matter. Need Order approving second account prior to approval of third account.
2. Accounting period: 09/30/16 to 09/30/17. Note: accounting period lapses one day.
3. Petitioner will file separate supplements conservator fee's and attorney's fees. **Need same.**

4. **Need** bank/investment statements verifying ending balance per Local Rule 20-908. **Supp filed 05/9/18 not in LF at time of review.**
5. During this accounting period, petitioner paid caregiving services to a Debbie Diaz, nurse's aid. **Need** verified declaration for acknowledgment of receipt of fees per Local Rule 20-1406(c)
6. **Need** verified supplement with residential care statements for Braswell Leisure Manor per Pr. C. §2620(c)(5).
7. Need statement regarding family or affiliate relationship between the fiduciary and any agent hired by the fiduciary. Pr. C. § 1064 (a)(4). **Need** verified supplement.
8. Current bond is \$20,000. Petitioner requests bond increase of \$386,413 for a total bond of \$406,413.00. **Need** bond calculation via verified supplement.
9. Request for Special Notice: Pacific Western Bank; Suretec Insurance Co.
10. Notice was given.
11. **Notice of Conservatee's Death filed 05/10/18 not in LF at time of review.**
12. No Proposed Order submitted.

RECOMMENDATION:

Need to clear notes 3-8, then Court's discretion. If approved, Court to set next *final* accounting review hearing **12/4/18** (if one year) or **12/03/19** (if two years).

(lh)