



## Second/Final Check

Superior Court of California  
County of San Bernardino  
Probate Department

### **Probate Notes for Calendar Date: 05/25/17**

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.

05/01/17-5/22lc

CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT

**PROBATE**

-----  
DATE: 05/25/17    TIME: 8:30    DEPT: S35P  
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CASE#: PRO PS1100621

CASE NAME: MAURICE FRANCIS BUSCH

HEARING:

Hearing re Final Discharge

COUNSEL:

ARLENE SOUZA	(HAROLD S NELSON
ARON TABOR MITCHELL	(PET)...MARIVEL M ZIALCITA
ELSIE BUSCH	(PET)...MOORE & ASSOCIATES, PLC
KENNETH H BUSCH	(OBJ)...MOORE & ASSOCIATES, PLC
MAURICE FRANCIS BUSCH	(DEC)...
RONALD LEE BUSCH	(PET)...JACK B OSBORN
VELMA GUSTAFSON	(HAROLD S NELSON

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Final Discharge.

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

1. Final account/distribution of Ronald Busch approved on 03/30/17. Need actual final distribution order.
2. Need receipt for Trustee of Maurice Francis Trust.
3. Need Ex Parte Petition for Final Discharge and Order once order for final distribution is submitted and approved.

RECOMMENDATION

Inquire status. Court may wish to continue matter **6 months** as final account was recently approved.

(lc)

Superior Court of Calif, County of San Bernardino

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

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DATE: 05/25/17 TIME: 8:30 DEPT: S35P  
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CASE#: PRO PS1300352

CASE NAME: BILLY RAY ZIMMERMAN

HEARING:

Hearing re Final Discharge

COUNSEL:

BILLY RAY ZIMMERMAN	(DEC)...
MARK ZIMMERMAN	(TP )...ROBERT A KRASNEY
NANCY L ZIMMERMAN	(PET)...HARTNELL LAW GROUP
PAMELA GEARHART	(ROBERT A KRASNEY

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Final Discharge.

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

1. Final account/distribution of Nancy Zimmerman, spouse, approved on 08/02/16.
2. Need receipt for Mark Zimmerman, Pamela Gearhart and Cindy Domercq.
3. Need Ex Parte Petition for Final Discharge and Order with recording information per Pr.C.§11753(b).

RECOMMENDATION

Inquire status.

(lc)

Superior Court of Calif, County of San Bernardino

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

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DATE: 05/25/17 TIME: 8:30 DEPT: S35P  
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CASE#: PRO PS1300620

CASE NAME: John Joseph Mall

HEARING:  
Accounting Review

COUNSEL:  
GAIL A LEVACY (PET)...CHARLES S ALTHOUSE  
JOHN JOSEPH MALL (DEC)...

GENERAL INFORMATION

**Continued from 02/26/17 and 04/20/17. Telephonic request to continue.**

THIS CASE SET FOR HEARING ON Accounting review/Status.

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

1. Letters of Administration issued to Gail Levacy, sister, on 09/17/136; full authority, no bond.
2. Previous status report approved on 02/29/16.
3. Need accounting or status report.

RECOMMENDATION

Inquire status.

(lc)

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

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DATE: 05/25/17 TIME: 8:30 DEPT: S35P  
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CASE#: PRO PS1300641

CASE NAME: Katherine Irene Mckee

**SEE ALSO 5**

HEARING: Hearing re Final Discharge

COUNSEL:

KATHERINE IRENE MCKEE	(DEC)...
PEARL BARR	(PET)...WILLIAM C. PULTZ
WILLIAM G MCKEE	(PET)...PRO/PER
WILLIAM G MCKEE	(PET)...WILLIAM C. PULTZ

See notes on other matter.

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

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DATE: 05/25/17 TIME: 8:30 DEPT: S35P  
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CASE#: PRO PS1300641

CASE NAME: Katherine Irene Mckee

**SEE ALSO 4**

HEARING: OSC re: Termination of Estate filed by WILLIAM G MCKEE

COUNSEL:

KATHERINE IRENE MCKEE	(DEC)...
PEARL BARR	(PET)...WILLIAM C. PULTZ
WILLIAM G MCKEE	(PET)...PRO/PER

GENERAL INFORMATION

Continued from 12/08/16. No appearance. William McKee ordered to be present.  
Continued from 02/23/17. Pearl Barr is now deceased. Court will not require receipt. Declaration to be filed by 03/23/17.

**OSC set on 04/13/17. No appearance.**

THIS CASE SET FOR HEARING ON **OSC re Termination**/Final Discharge.

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

1. Final account/distribution of William McKee, brother, approved on 12/10/15.
2. Sole heir Pearl Barr, mother, is now deceased. There were assets of \$165,577.98, subject to fees, in cash and personal property of \$9,924.50 to be distributed to Pearl. NO receipt has been filed.
  - a. **Need receipt from Pearl Barr prior to death or proof where Pearl's assets are as they are greater than \$150,000.**
  - b. **There does not appear to be an open probate for Pearl.**
3. Need receipt from William Pultz, ESQ for Statutory fees of **\$7,023.25**; as petitioner is now pro per. Need declaration re Pearl Barr and proof of payment to counsel Pultz.
4. Substitution of attorney filed 09/01/16. Court to notice prior Counsel Pultz.
5. Need Ex Parte Petition for Final Discharge and Order.

RECOMMENDATION

Court's discretion re OSC. Inquire status of receipts and discharge. No bonding company to notice.

(lc)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT

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DATE: 05/25/17 TIME: 8:30 DEPT: S35P  
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CASE#: PRO PS1400771

***Vacated***

CASE NAME: MARY EDYTH FLAKER

HEARING:

Hearing re Final Discharge

COUNSEL:

MARY EDYTH FLAKER (DEC)...

STACEY FLAKER (PET)...FULLERTON LEMANN SCHAEFER & DO

Order sent to department for signature on 05/22/17.

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

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DATE: 05/25/17 TIME: 8:30 DEPT: S35P  
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CASE#: PRO PS1500461  
CASE NAME: Deborha Thompson

**SEE ALSO 7, 8**

HEARING: Hearing Re: STATUS OF PROOF OF BLOCKED ACCT/FINAL 1&A

COUNSEL:

ANTHONY DURAN	(PET)...PRO/PER
DEBORHA THOMPSON	(DEC)...
MATTHEW E SHEASBY	(PET)...CKB VIENNA, LLP

**XREF: FAMSS1404541**

See notes on matter 8



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

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DATE: 05/25/17 TIME: 8:30 DEPT: S35P  
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CASE#: PRO PS1500461

CASE NAME: Deborha Thompson

**SEE ALSO 6, 8**

HEARING:

OSC re: Surcharge/Sanctions filed by ANTHONY DURAN

COUNSEL:

ANTHONY DURAN	(PET)...PRO/PER
DEBORHA THOMPSON	(DEC)...
MATTHEW E SHEASBY	(PET)...CKB VIENNA, LLP

**XREF: FAMSS1404541**

See notes on matter 8

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

-----  
DATE: 05/25/17 TIME: 8:30 DEPT: S35P  
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CASE#: PRO PS1500461

CASE NAME: Deborha Thompson

**SEE ALSO 6, 7**

HEARING: Accounting Review

COUNSEL:

ANTHONY DURAN	(PET)...PRO/PER
DEBORHA THOMPSON	(DEC)...
MATTHEW E SHEASBY	(PET)...CKB VIENNA, LLP

**XREF: FAMSS1404541**

GENERAL INFORMATION

Continued from 08/03/16 and 10/19/16. No appearance.

Continued from 11/09/16, 12/22/16 and 03/02/17. Administrator to file Inventory and Appraisal, accounting and proof of proceeds of Sale being placed into blocked account. **OSC set and Continued from 04/13/17. Need correct Inventory and Appraisal and MC-356.**

THIS CASE IS SET FOR HEARING ON **OSC re Sanctions/Surcharge/Status of Blocked account/Accounting Review re Special Administrator.**

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

1. Letters of Special Administration issued to Anthony Duran on 7/15/15, no bond. (General Letters of Administration with Will Annexed also issued to Anthony Duran on 11/30/15, no bond.)
2. As special administrator is now also general administrator, court may wish require one accounting, not separate.
3. Partial Inventory and Appraisal filed. Final Inventory and Appraisal filed 03/02/17 indicating \$1,800 in assets. It appears there is over \$100,000 in bank. Need new final Inventory and Appraisal.
4. **On 11/14/16** Court ordered proceeds from sale be placed into blocked account. Bank statements filed 03/02/17; however, **Need** actual mandatory form MC-356 Receipt and Acknowledgement of Order.

RECOMMENDATION:

Court's discretion re OSC. Need to clear note 4 and inquire re note 3.

(sa/lc)

Superior Court of Calif, County of San Bernardino

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San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT

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DATE: 05/25/17      TIME: 8:30      DEPT: S35P  
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CASE#: PRO PS1500582

***Vacated***

CASE NAME: MUHAMMAD AFZAL

HEARING:

Accounting Review

COUNSEL:

AFNAN AFZAL

(PET)...TIMOTHY CAHILL PICKART

MUHAMMAD AFZAL

(DEC)...

(lc)

Future hearing dates: 08/10/17 Final Account and Distribution

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

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DATE: 05/25/17 TIME: 8:30 DEPT: S35P  
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CASE#: PRO PS1500642

CASE NAME: JAMES WILLIAM TURNER JR.

HEARING:  
Hearing re Final Discharge

COUNSEL:  
JAMAAL TURNER (PET)...PRO/PER  
JAMES WILLIAM TURNER JR. (DEC)...

#### GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Final Discharge.

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

1. Final account/distribution of Jamaal Turner, son, approved on 10/14/15.
2. No receipts needed as personal representative is sole heir.
3. Need Ex Parte Petition for Final Discharge and Order with recording information per Pr.C.§11753(b).

#### RECOMMENDATION

Inquire status.

(lc)

Superior Court of Calif, County of San Bernardino

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

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DATE: 05/25/17 TIME: 8:30 DEPT: S35P  
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CASE#: PRO PS1500661

CASE NAME: HOWARD PTTTMAN

**SEE ALSO 12**

HEARING:

OSC re: Dismissal of Petition filed by Michael Jones filed by  
MICHAEL JONES

COUNSEL:

HOWARD PITTMAN (DEC)...  
MICHAEL JONES (PET)...PRO/PER

GENERAL INFORMATION

Continued from 11/17/16, 02/09/16 and 04/06/17. No appearance. Citation issued to Michael Jones.

**OSC set on 04/06/17 when there was no appearance or documents filed.**

THIS CASE SET FOR HEARING ON **OSC re Dismissal of petition** Accounting review/Status.

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

1. Letters Testamentary issued to Michael Jones, son/sole beneficiary, on 09/10/15; full authority, no bond.
2. Need final Inventory and Appraisal
3. Need accounting or status report.
4. Due diligence filed on 12/07/16 as **service of citation on Michael Jones was unsuccessful.**

RECOMMENDATION

Court's discretion re OSC. **Petition may not be dismissed as letters have issued.**

**Court may wish to refer matter to Public Administrator.** Inquire status of Inventory and Appraisal and accounting/status report.

(lc)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT

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DATE: 05/25/17      TIME: 8:30      DEPT: S35P  
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CASE#: PRO PS1500661

CASE NAME: HOWARD PTTTMAN

**SEE ALSO 11**

HEARING:

Accounting Review

COUNSEL:

HOWARD PITTMAN

(DEC)...

MICHAEL JONES

(PET)...PRO/PER

See notes on previous matter.

Superior Court of Calif, County of San Bernardino

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

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DATE: 05/25/17 TIME: 8:30 DEPT: S35P  
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CASE#: PRO PS1501021

CASE NAME: RUBY BEATRICE SMITH

**SEE ALSO 13A**

HEARING: Petition for TERMINATION OF FURTHER PROCEEDING AND FOR DISCHARGE

COUNSEL:

RUBY BEATRICE SMITH (DEC)...  
SANDY RENEE COLLINS (PET)...MARK J. ANDREW FLORY  
TAMMY MARLENE WALKER (PET)...YOLANDA FLORES-BURT

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition to Terminate Further Proceedings Pr.C. § 12251 by Sandy Collins.

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

1. Letters Testamentary issued to Sandy Collins, daughter, on 03/02/16; full authority no bond.
2. Petitioner seeks termination of the estate on the basis that all of decedent's property has been discovered to be held in the revocable trust, held in joint tenancy or had a pay on death beneficiary.
3. Waiver of the probate referee is permitted by Pr.C. § 8903, for good cause shown.
4. No proposed order. Submit after hearing.

RECOMMENDATION

Court's discretion as Trial dates are set.  
(lc)

**Future Hearing:**

09/06/17 **Readiness calendar**

**09/18/17** Court Trial

09/19/17 **Court Trial**

**09/20/17** Court Trial

09/21/17 **Court Trial**

**09/22/17** Court Trial

Superior Court of Calif, County of San Bernardino

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

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DATE: 05/25/17 TIME: 8:30 DEPT: S35P  
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CASE#: PRO PS1501021

CASE NAME: RUBY BEATRICE SMITH

**SEE ALSO 13**

HEARING:

Hearing Re: OSC RE CONFIRM DISMISSAL OF PTNS 9/15/16, 9/22/16

COUNSEL:

RUBY BEATRICE SMITH	(DEC)...
SANDY RENEE COLLINS	(PET)...MARK J. ANDREW FLORY
TAMMY MARLENE WALKER	(PET)...YOLANDA FLORES-BURT

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON OSC re Confirm Dismissal of Petitions of 09/15/16 & 09/22/16.

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

1. OSC set on 05/04/17. Petitions filed by Tammy Walker on 09/15/16 and 09/22/16 are subject to dismissal. Objections need to be filed by 05/10/17. It is the Court's intention to confirm dismissals of petitions.
2. No objections filed at time of review.

RECOMMENDATION

Court's discretion re OSC.

(lc)



Superior Court of Calif, County of San Bernardino

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

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DATE: 05/25/17 TIME: 8:30 DEPT: S35P  
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CASE#: PRO PS1501191

CASE NAME: THE GERALD TURNER LIVING TRUST

HEARING:

Petition for /CROSS COMPLAINT OF MYRNA CARDENAS AGAINST MARIA ROSEN FOR SPECIFIC PERFORMANCE, TRUST FRAUD ETC

COUNSEL:

LOUISE CAMMARATA	(	)...
MARIA C ROSEN	(PET)...	BRYAN C HARTNELL
MYRNA CARDENAS	(PET)...	PRO/PER
RAFAEL CARDENAS	(PET)...	PRO/PER
RAY CARDENAS	(RES)...	
THE GERALD TURNER LIVING TRUST	(TRU)...	

Currently under review by legal research

(LR)

**Future Hearing:**

**06/26/17** Petition for cross-complaint of Rafael Cardenas etc.

**07/18/17** Motion for order deeming admitted truth etc.

**11/15/17** Readiness calendar

**11/15/17** Hearing re: to determine title & to require etc.

**12/04/17** Court Trial

**12/05/17** Court Trial

**12/06/17** Court Trial

**12/07/17** Court Trial

**12/08/17** Court Trial

Superior Court of Calif, County of San Bernardino

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

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DATE: 05/25/17 TIME: 8:30 DEPT: S35P  
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CASE#: PRO PS1600381

CASE NAME: MATTER OF STOUT TRUST

**SEE ALSO 14B**

HEARING: Hearing Re: ACCOUNTING/PETITION FOR FEES (1<sup>st</sup> Account Current)

COUNSEL:

KEVIN STUOT	(PET)...GUAY P WILSON
KEVIN STUOT	(TEE)...GUAY P WILSON
KRAIG STOUT	(PET)...FULLERTON LEMANN SCHAEFER & DO
STOUT TRUST	(TRU)...

GENERAL INFORMATION:

Continued from 11/29/16. Objections to be filed in writing by 4pm.

**Continued from 05/11/17.**

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

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

1. Accounting period 02/19/12 to 07/31/16.
2. Assets on Hand \$373,512.00 consisting of \$23,512 in cash and \$350,000 remaining in real property.
3. Summary of Account values real property at \$300,000. However, LF, p. 3 reflects real property at \$350,000. Need further clarification via verified supplement and affected schedule(s).
4. Account does not include cash and non-cash schedules reflecting assets on hand at the end of the account period. Need same via verified supplement.
5. Need copies of bank/financial statements per Local Rule 20-908.
6. **Objections filed by Kraig Stout, beneficiary, on 11/29/16.**
7. No proposed order. Submit Order after Hearing.

RECOMMENDATION:

Need to clear notes 3-5; matter is contested. If approved, set next hearing for Accounting Review for **10/03/17**.

(nb/lc)

Superior Court of Calif, County of San Bernardino

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

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DATE: 05/25/17 TIME: 8:30 DEPT: S35P  
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CASE#: PRO PS1600381

CASE NAME: MATTER OF STOUT TRUST

**SEE ALSO 14A**

HEARING:

Hearing Re: TRIAL SETTING CONFERENCE

COUNSEL:

KEVIN STUOT	(PET)...GUAY P WILSON
KEVIN STUOT	(TEE)...GUAY P WILSON
KRAIG STOUT	(PET)...FULLERTON LEMANN SCHAEFER & DO
STOUT TRUST	(TRU)...

TSC – No notes – JTD

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PROBATE/CONSERVATORSHIP CALENDAR  
HONORABLE: STANFORD E. REICHERT

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DATE: 05/25/17 TIME: 8:30 DEPT: S35P  
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CASE#: PRO PS1700261

CASE NAME: CAMPBELL WAYNE WINKLER

HEARING:

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

COUNSEL:

CAMPBELL WAYNE WINKLER (DEC)...  
SAMANTHA WINKLER (PET)...JOHN F WEBER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full  
authority under IAEA by Samantha Winkler (daughter)

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

1. Petitioner is sole heir and waives bond. Estimated net value of estate is \$224,000.  
JTD
2. ~Proposed form Order: 03/22/17

RECOMMENDATION:

RFA, Court's discretion re bond. If approved, set future hearing for Accounting/Status  
Review on **08/02/18**. Any accounting to be filed 30 days in advance. Note requirements of  
Local Rules.

(lh/lc)

CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT **CONSERVATORSHIP**

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DATE: 05/25/17 TIME: 9:30 DEPT: S35P  
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CASE#: CON PS0900001

CASE NAME: OSCAR MORENO

HEARING:

AMENDED FIRST AND FINAL Account and Report of TIRRIE L MORENO  
and Petition for allowance of fees filed.

COUNSEL:

OSCAR MORENO (CEP)...MELVIN FRIEDLAND  
TIRRIE MORENO (CPE)...PRO/PER

GENERAL INFORMATION

Continued from 03/23/16, 05/17/16 and 08/02/16. A first amended account was filed on 07/28/16 and needs to be reviewed by legal research.

**Continued from 10/11/16, 01/17/17 and 04/20/17.**

THIS CASE IS SET FOR HEARING ON Amended **(03/13/17)** 1<sup>st</sup> and **Final** Account and Report of Conservator Tirrie Moreno, spouse.

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

1. Petitioner/spouse was appointed 4/28/09, with no bond as long as estate qualifies under Pr.C. §2628. Court approved purchase of 2008 Ford Edge and a home on 04/24/13. Previous waiver of Account approved on 05/23/13 for period ending 04/29/12.
2. Account period 4/29/12 – 9/22/14.
3. Assets on hand \$151,100.13. **Supp 04/27/17 appears to be confused with Inventory and Appraisal and balance on hand.**
4. **NOTE: Court to inquire as to whether the conservator/spouse has consented to administering the community property through the conservatorship estate. The community property is not included in the conservatorship estate unless the spouse consents Pr.C. §3051(c). Supp04/27: at time of conservatorship petitioner alleges that they had very little community property.**
5. Caption states final account; however, there is no reason for a final account or distribution. Court to inquire and possibly deem as an account current. **Supp04/27: Petitioner assumed a final account was necessary as there are allegedly no funds left. However, accounting stated assets on hand. Court to clarify.**

6. Court authorized the purchase of two vehicles; however, it appears there is a third vehicle, 2013 Ford Edge purchased 10/25/13. [Acct.03/13 LFpg12]. Question under what authority did petitioner purchase vehicle? Need verified supplement. **Supp 04/27: Petitioner alleges had to trade in 2 vehicles due to mechanical and hazardous issues.**
7. Amended Account filed reflects receipt of \$561,325.60 consisting of Disability Checks; "Extra Help: from Mr. Douduion's Office; Workmen's compensation settlement monies; and annuity payments.
8. Need schedule of assets on hand to support cash. **Supp 04/27: now petitioner states \$0 is left.**
9. Disbursements Schedule C needs further clarification and itemization via verified supplement as to the following: **See supp filed 04/27/17 page 4.**
  - a. Withdrawals/Transfers to account ending 7607 totaling \$44,887.26;
  - b. Loans/Payment made to Third Parties totaling \$12,856.06;
  - c. Gas for Joe's cars;
  - d. Continual withdrawals to San Manuel and other gaming venues;
  - e. Continual "Family Time" expenses consisting of vacations; lodging; and restaurants in excess for two people (conservatee, petitioner, 2 adult children, their spouses and 4 grandchildren);
  - f. Special milk for granddaughter;
  - g. Unidentified withdrawals.
10. Need Notice of Hearing and proof of service.
11. No proposed order.

RECOMMENDATION:

Amended accounting filed **06/08/17 which appears to have many deficiencies.** Need a complete and proper amended account. Suggest petitioner seek legal counsel or Court to consider appointing Public Guardian.

(sa/nb/lc)

Future hearing dates: 06/08/17 **Amended final Account.**

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PROBATE/CONSERVATORSHIP CALENDAR  
HONORABLE: STANFORD E. REICHERT

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DATE: 05/25/17 TIME: 9:30 DEPT: S35P  
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CASE#: CON PS0900213

CASE NAME: CAROL SCHINDLER

HEARING:  
Accounting Review

COUNSEL:

CAROL SCHINDLER	(CEP)...DONNASUE ORTIZ
CHRISTINE RICHER	(CE )...KARIN E HORSPOOL
CHRISTINE RICHER	(CPE)...HORSPOOL & HORSPOOL
DONNASUE SMITH ORTIZ	(PET)...DONNASUE ORTIZ

GENERAL INFORMATION

**Continued from 11/17/16, 02/16/17 and 03/23/17.**

THIS CASE SET FOR HEARING ON Accounting review.

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

1. 5<sup>th</sup> Account of Conservator Christine Richer approved on 05/19/16. Additional total bond posted of \$500,000.
2. Need 6<sup>th</sup> Account beginning with 09/01/15.

RECOMMENDATION

Inquire status.

(lc)

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

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DATE: 05/25/17 TIME: 9:30 DEPT: S35P  
-----

CASE#: CON PS1500203  
CASE NAME: OSCAR J HAALAND JR  
HEARING: FIRST Account and Report of ALICE EVANS and Petition for allowance of fees filed.

COUNSEL:

ALICE EVANS (CPE)...PATRICIA A LOBELLO  
OSCAR J HAALAND JR (CTE)...MITCHELL I ROTH

**XREF: CONPS1500202 (Ruby Haaland; Oscar's spouse)**

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON 1<sup>st</sup> Account Current and Petition for Allowance of Fees by Alice Evans, daughter.

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

1. Accounting period 08/06/15 – 12/31/16.
2. Assets on hand \$191,025.22; cash.
3. Petitioner waives fees.
4. Attorney requests fees of \$10,681.25 for 37.55 hours at \$125/375 per hour for paralegal and attorney services. Itemized. [Acct. 04/05 LFpg 32-34].
5. Petitioner requests to terminate conservatorship of estate. Petitioner requests that the assets, which are community property, be transferred into the 2014 Haaland Family Trust. Trust page 37. However, request within accounting is not proper. Court to require a separate petition such as a substituted judgment. **Supp 05/17: request withdrawn.**
6. Current bond is \$320,000. Petitioner requests bond be reduced to \$237,000.
7. ~Proposed Order: 05/17/17.

RECOMMENDATION

Court's discretion. If approved, set hearing on the next accounting review for **03/28/18** (if one year) or **03/27/19** (if two years). Accounting to be filed 30 days in advance.

(lc)



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

-----  
DATE: 05/25/17 TIME: 9:30 DEPT: S35P  
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CASE#: CON PS1600112

CASE NAME: CALIXTO ZALDANA

HEARING:

Conservatorship Compliance Review Hearing on PETIITON FOR  
CONSERVATORSHIP of SONIA ROMERO

COUNSEL:

CALIXTO ZALDANA (CEE)...SANDY L. TURNER  
SONIA ROMERO (CP )...

GENERAL INFORMATION

**Continued from 04/20/17.**

THIS CASE SET FOR HEARING ON Compliance Review.

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

1. Sonia Romero, sister appointed conservator of the person only on 09/15/16.
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.

RECOMMENDATION

Need to clear notes 2-4.

(lc)

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

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DATE: 05/25/17 TIME: 9:30 DEPT: S35P  
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CASE#: CON PS1700120

CASE NAME: LUIS TOOLE CASILLAS

HEARING:  
Petition for Appointment of Conservator

COUNSEL:  
LUIS TOOLE CASILLAS (CEE)...  
MARIA B CASILLAS (PET)...PRO/PER

#### GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Appointment of Conservator person only by Maria B. Casillas (mother)

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

1. Petitioner seeks medical powers. Capacity Declaration filed 04/06/17 is missing page 3. Need completed form.
2. Petitioner seeks orders relating to powers under Pr. C. 1873; however, orders are not specified in Attachment 1E [Petition, 4/6/17, LF, pg11]. Need verified supplement.
3. Petitioner requests all powers set forth in Pr. C. §2351-2358; however, powers are not specified in Attachment 1F [Petition, 4/6/17, LF, pg12]. Need verified supplement.
4. Need Court Investigator report.
5. Need return of Citation.
6. Need Notice of Hearing and Proof of Service.
7. See Confidential Screening form filed 04/06/17 [LF, pgs4-5].
8. As proposed conservatee is developmentally disabled and this is not a petition for Limited Conservatorship, Court may wish to appoint counsel and require report for proposed conservatee per Pr.C. §1470. JTD
9. As proposed conservatee is developmentally disabled and this is not a petition for Limited Conservatorship, an IRC report is optional per Pr.C. 1827.5(b). Does court wish to require? JTD
10. Certificate of Completion of the Conservatorship Training Class filed 04/26/17.
11. ~Proposed Form Order: 04/06/17

## RECOMMENDATION

Need to clear notes 1-6. If approved, set hearing for Compliance Review for **12/28/17** 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)

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

-----  
DATE: 05/25/17 TIME: 9:30 DEPT: S35P  
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CASE#: SC SS01451

CASE NAME: IN THE MATTER OF MARSHA ROSE

HEARING:  
Accounting Review

COUNSEL:

DEPARTMENT OF HEALTH CARE SERV	(PRO/PER
INLAND COUNTIES REGIONAL CENTE	(PET)...STEVEN K BECKETT
INLAND COUNTIES REGIONAL CENTE	(TEE)...STEVEN K BECKETT
LAURA ROSE PUMFORD	(CPE)...BRUNICK MCELHANEY &
LAURA ROSE PUMFORD	(CPE)...PRO/PER
MARSHA ROSE	(CEP)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Accounting review.

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

1. 8<sup>th</sup> Account of IRC Master Trust approved on 07/30/15.
2. Need 9<sup>th</sup> Account.
3. Creditor's Claim filed by Department of Health Services SNT unit for \$723,220.67.  
Court to inquire if conservatee has passed away.

RECOMMENDATION

Inquire status.  
(lc)

Superior Court of Calif, County of San Bernardino

Page: 22

CIVPRO San Bernardino District  
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT **PA/PG**

-----  
DATE: 05/25/17 TIME: 10:00 DEPT: S35P  
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CASE#: CON PS1600257

CASE NAME: ANNIE ODEN

**SEE ALSO 23 VACATED**

HEARING: Petition for Appointment of Conservator

COUNSEL:

ANNIE ODEN (CEP)...LENITA A SKORETZ  
PUBLIC GUARDIAN (CPE)...COUNTY COUNSEL

#### GENERAL INFORMATION

Ex Parte hearing held on **09/13/16**. Attorney Lenita Skoretz appointed counsel. Ex Parte orders denied on **10/03/16**.

**Continued from 10/31/16 and 11/15/16. Matter is contested, trial set.**

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Conservator of the Person and Estate, by Public Guardian.

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

1. No bond – PG.
2. Notice of Hearing and Proof of Service filed on 09/13/16 indicating no known relatives. Need clarification as to status of proposed conservatee's relatives as mentioned in Attachment 3f(1), and provide service on same (see petition, LF. P.10).
3. Need List of Required Contacts (Local form SB-12224).
4. Petitioner seeks Pr. C. § 2590 powers to sell real or personal property of the estate and proceeds to be used for Conservatee's care and personal needs.
5. Petitioner seeks authority to deposit up to \$5000 in an irrevocable burial trust and authority to abandon and/or donate personal property with value of \$300 or less; storage or a sale would be a burden on the estate.
6. Petitioner seeks medical powers. Capacity Declaration filed 08/25/16.
7. Petitioner seeks dementia powers. Report of Counsel Skortez filed on 09/29/16.
8. Confidential APS records filed 10/31/16 & 12/22/16
9. Court Investigator's Report filed on 09/26/16.
10. ~Proposed Form Order: 08/25/16

#### RECOMMENDATION

Need to clear notes 2-3. **Petitioner is Public Guardian, need to set on a Monday.** If approved, set hearing for Compliance Review for **12/18/17** for the filing of the required documents and hearing re Accounting Review for **07/30/18**. Any accounting to be filed 30 days in advance of hearing. Note requirements of Local Rules.

(lh/lc/lh/lc/nb/lc)

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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](mailto:ProbateNotes@sb-court.org) for clarification of the notes only - no legal or procedural advice will be given.

**Future Hearing:**

**06/05/17** *Court Trial*

06/06/17 **Court Trial**

**06/07/17** *Court Trial*

06/08/17 **Court Trial**

**06/09/17** *Court Trial*

06/12/17 **Court Trial**

**06/13/17** *Court Trial*

06/14/17 **Court Trial**

**06/15/17** *Court Trial*

06/16/17 **Court Trial**

Superior Court of Calif, County of San Bernardino

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

-----  
DATE: 05/25/17 TIME: 10:00 DEPT: S35P  
-----

CASE#: CON PS1600257

CASE NAME: ANNIE ODEN

**SEE ALSO 22 VACATED**

HEARING:  
Readiness Calendar

COUNSEL:  
ANNIE ODEN (CEP)...LENITA A SKORETZ  
PUBLIC GUARDIAN (CPE)...COUNTY COUNSEL

Readiness – No notes – JTD

**Future Hearing:**

**06/05/17 Court Trial**

**06/06/17 Court Trial**

**06/07/17 Court Trial**

**06/08/17 Court Trial**

**06/09/17 Court Trial**

**06/12/17 Court Trial**

**06/13/17 Court Trial**

**06/14/17 Court Trial**

**06/15/17 Court Trial**

**06/16/17 Court Trial**

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT

**MISC.**

-----  
DATE: 05/25/17      TIME: 1:30      DEPT: S35P  
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CASE#: PRO PS1501083

CASE NAME: KENNETH AARON RAINS

HEARING:

Hearing Re: COURT TRIAL ON PETITION FOR WILL CONTEST, ETC

COUNSEL:

BARBARA MOORE

(PET)...LINDA ROBERTS ROSS

KENNETH AARON RAINS

(DEC)...

SHELLIE DINNAUER

(PET)...LINDA ROBERTS ROSS

TERRY ANDERSON

(PET)...TREVOR

Trial – No notes – JTD



Superior Court of Calif, County of San Bernardino

Page: 1

CIVPRO San Bernardino District  
PROBATE/CONSERVATORSHIP CALENDAR  
HONORABLE: CYNTHIA LUDVIGSEN **PROBATE**

-----  
DATE: 05/25/17 TIME: 8:30 DEPT: S36P  
-----

CASE#: PRO PS1400725

CASE NAME: Noehren Family Trust

HEARING:

Hearing Re: Status of Settlement Agreement

COUNSEL:

JANIS ELIZABETH JACKSON	(PET)...MARK J. ANDREW FLORY
KRISTEN JACKSON	(OBJ)...PRO/PER
NOEHREN FAMILY TRUST	(TRU)...
ROBERTA JOAN NOEHREN	(PET)...HAMILTON & MCINNIS, LLP

GENERAL INFORMATION

**Continued from 03/16/17 and 04/20/17. Stip is out for signature.**

THIS CASE SET FOR HEARING ON Status of Settlement.

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

1. On 02/23/17 Trial re Determine Validity of Trust etc, parties informed the court that a settlement was reached.

RECOMMENDATION

Inquire status.

(lc)

Superior Court of Calif, County of San Bernardino

Page: 2

CIVPRO San Bernardino District  
PROBATE/CONSERVATORSHIP CALENDAR  
HONORABLE: CYNTHIA LUDVIGSEN

-----  
DATE: 05/25/17 TIME: 8:30 DEPT: S36P  
-----

CASE#: PRO PS1400826

CASE NAME: RODNEY L PARAMOURE JR

HEARING:  
Accounting Review

COUNSEL:  
MELANIE AJANWACHUKU (PET)...JAMES L HEYWOOD AND  
RODNEY L PARAMOURE JR (DEC)...

#### GENERAL INFORMATION

Continued from 01/12/17 and 03/16/17. No appearance. Counsel and client to appear at next hearing or powers will be suspended.

**Continued from 04/20/17.**

THIS CASE SET FOR HEARING ON Accounting review/Status.

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

1. Letters of Administration issued to Melanie Ajanwachuku, creditor, on 12/19/14 [vacated] and reissued 06/09/16; full authority, \$20,000 bond.
2. Previous status report approved on 06/13/16.
3. Need accounting or status report.

#### RECOMMENDATION

Inquire status.

(lc)

Superior Court of Calif, County of San Bernardino

Page: 2A ADD ON

CIVPRO San Bernardino District  
PROBATE/CONSERVATORSHIP CALENDAR  
HONORABLE: CYNTHIA LUDVIGSEN

-----  
DATE: 05/25/17 TIME: 8:30 DEPT: S36P  
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CASE#: PRO PS1501015

CASE NAME: WILLIAM BERNARD OFNER

**SEE ALSO 3**

HEARING:  
Accounting Review

COUNSEL:

DANIEL CAUSEY	(TP )...KENNETH L MORRIS
LINDA ATKINSON	(PET)...JEFFREY S. COHEN
WILLIAM BERNARD OFNER	(DEC)...

**XREF: CONPS1500051**

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

THIS CASE SET FOR HEARING ON Accounting review/Status.

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

1. Letters of Administration issued to Linda Atkinson, PPF, on 08/09/16; full authority, \$25,000 bond.
2. Need final Inventory and Appraisal
3. Need accounting or status report.
4. **NOTE:** Report of sale granted on 04/25/17; \$25,000 bond. Court to clarify if this is additional bond. Also, no order submitted/approved at time of review.

RECOMMENDATION

Inquire status.

(lc)

Superior Court of Calif, County of San Bernardino

Page: 3

CIVPRO San Bernardino District  
PROBATE/CONSERVATORSHIP CALENDAR  
HONORABLE: CYNTHIA LUDVIGSEN

-----  
DATE: 05/25/17 TIME: 8:32 DEPT: S36P  
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CASE#: PRO PS1501015

CASE NAME: WILLIAM BERNARD OFNER

**SEE ALSO 2A**

HEARING:  
Readiness Calendar

COUNSEL:

DANIEL CAUSEY	(TP )...KENNETH L MORRIS
LINDA ATKINSON	(PET)...JEFFREY S. COHEN
WILLIAM BERNARD OFNER	(DEC)...

**XREF: CONPS1500051**

Readiness – No notes – JTD

CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: CYNTHIA LUDVIGSEN

**CONSERVATORSHIP**

-----  
DATE: 05/25/17      TIME: 9:30      DEPT: S36P  
-----

CASE#: CON PS1200150

CASE NAME: MTR OF DOLORES DELGADILLO

HEARING:

OSC re: Sanctions for FTA/Failure to file discharge order filed  
by PEARL WARDLOW

COUNSEL:

D. HERSHEL WILSON	(PET)...
DAVID HERMAN	(CPE)...
DOLORES DELGADILLO	(CEP)...HARTNELL LAW GROUP
PEARL WARDLOW	(CPE)...KELLY L PEXTON
PEARL WARDLOW	(OBJ)...KELLY L. PEXTON, ESQ
U.S. SPECIALTY INSURANCE COMP	(LANAK & HANNA

GENERAL INFORMATION

Continued from 10/06/16 and 12/15/16. Court orally amended 2<sup>nd</sup> account that the vehicle can be distributed to Pearl Wardlow as she is sole heir.

Continued from 02/09/17. Second account approved as amended. Counsel to submit order after hearing.

**OSC set on 04/20/17 when there was no appearance. Attorney Kelly Pexton to personally be present.**

THIS CASE SET FOR HEARING ON **OSC re FTA/FTF/Final Discharge.**

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

1. Second and Final Account was granted on 10/06/15; Court orally amended 2<sup>nd</sup> account that the vehicle can be distributed to Pearl Wardlow as she is sole heir.  
**Need order for second account with distribution.**
2. No receipts needed as Pearl Wardlow is sole heir.
3. Need Ex Parte Petition for Final Discharge and Order once the above order is approved.

RECOMMENDATION

Court's discretion re OSC. Need to clear notes 1&3. Court to notice bond company.

(lc)

Superior Court of Calif, County of San Bernardino

Page: 4A ADD ON

CIVPRO San Bernardino District  
PROBATE/CONSERVATORSHIP CALENDAR  
HONORABLE: CYNTHIA LUDVIGSEN

-----  
DATE: 05/25/17 TIME: 9:30 DEPT: S36P  
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CASE#: CON PS0800115

CASE NAME: ROBERTA EILEEN GOSNEY

HEARING:

Hearing Re: Bond Review

COUNSEL:

DONALD NICKEL	(OBJ)...BUXBAUM & CHAKMAK
EILEEN B. GOSNEY	(PCR)...DOUGLAS M. GEE
ROBERT TEMPLE	(CPE)...LENITA A SKORETZ
ROBERTA EILEEN NICKEL	(CEP)...WILLIAM P LEAMY
ROLLIN R. GOSNEY	(PCR)...DOUGLAS M. GEE

GENERAL INFORMATION

Continued from 05/04/17. No appearance. Counsel to be present if bond not filed.

**Continued from 05/18/17. Counsel ordered to post bond before the next hearing.**

THIS CASE SET FOR HEARING ON Bond Review.

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

1. On 04/03/17 22<sup>nd</sup> account, Court ordered an increase of bond of \$220,000 for a total bond of \$2,972,000. Need amended proposed order.
2. Need bond.

RECOMMENDATION

Inquire status of order and bond.

(lc)

Future Hearing: 01/28/18 *Accounting Review*.

CIVPRO San Bernardino District  
PROBATE/CONSERVATORSHIP CALENDAR  
HONORABLE: CYNTHIA LUDVIGSEN

-----  
DATE: 05/25/17 TIME: 9:30 DEPT: S36P  
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CASE#: CON PS1300006

CASE NAME: SIERRA MARTIN

HEARING: FIRST Account and Report of MARY MARGARET MARTIN and Petition for allowance of fees filed.

COUNSEL:

MARY MARGARET MARTIN (CP )...JOSEPH P FOLEY  
SIERRA MARTIN (CTP)...

***XREF: CIVVS1105356***

GENERAL INFORMATION

**Continued from 03/30/17.**

THIS CASE SET FOR HEARING ON 1<sup>st</sup> Account Current of Trust and Petition for discharge of bond by Mary Margaret Martin, paternal grandmother.

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

1. Mary Margaret Martin, paternal grandmother, was appointed limited Conservator of **person only** on 04/03/13. Mary is also Trustee of Special Needs Trust created on 04/15/14 due to an automobile accident.
2. Accounting period 04/15/14 – 03/26/16.
3. Assets on hand \$1,332.97.
4. Petitioner requests exoneration of \$20,000 bond. JTD
5. Disbursements indicate car loan of \$488 and \$2,000 for home equity loan payments [Acct.01/18 LFpg6-7]. Question who owns the vehicle and real property as there are none listed in the property on hand? Need verified supplement. **Supp 03/27/17: Petitioner states that she owns the vehicle. The SNT is not the lienholder. Court to inquire how these payments fit under “special needs”.**
6. No proposed order.

RECOMMENDATION

Court's discretion re note 5. If approved, set Accounting/Status Review for **10/12/17**. Any accounting to be filed 30 days in advance local rule 20-901. Note requirements of local rule 20-908.

(lc)

CIVPRO San Bernardino District  
PROBATE/CONSERVATORSHIP CALENDAR  
HONORABLE: CYNTHIA LUDVIGSEN

-----  
DATE: 05/25/17 TIME: 9:30 DEPT: S36P  
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CASE#: CON PS1400305

CASE NAME: BEVERLY ANN CLARK VCELAK

HEARING: Accounting Review

COUNSEL:

BEVERLY ANN CLARK VCELAK	(CEP)...DONNASUE ORTIZ
DONNASUE SMITH ORTIZ	(PET)...DONNASUE ORTIZ
JAMES VCELAK	(OBJ)...HARTNELL LAW GROUP
LEO CLARK	(CPE)...PRO/PER
LEO CLARK	(CPE)...WIL R MULLINS ESQ
WIL R. MULLINS	(PET)...WIL R MULLINS

GENERAL INFORMATION

Continued from 09/01/16 and 11/10/16 for Attorney Ortiz just received the informal act and her client needs to review.

**Continued from 01/19/17 and 03/16/17.**

THIS CASE SET FOR HEARING ON Accounting review.

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

1. Matter set after settlement was reached and court obtained jurisdiction of the Trust. James Vcelak, spouse, is Current Trustee and shall account yearly until the trust terminates.
2. Need accounting.
3. Declaration filed on 03/15/17 by Leo Clark, brother, requesting a formal accounting.

RECOMMENDATION

Inquire status.

(lc)



Superior Court of Calif, County of San Bernardino

Page: 1

CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

Readiness Calendar

-----  
DATE: 05/25/17 TIME: 8:29 DEPT: S37P  
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CASE#: CON PS0900167

CASE NAME: MARK JORDAN ELKINS

**SEE ALSO 2, 3**

HEARING:

Hearing Re: PETITION FOR REMOVAL

COUNSEL:

CALIFORNIA DEPARTMENT OF STATE	(PET)...PRO/PER
KERINE E ELKINS	(CPE)...NOREEN T FONTAINE
MARK J ANDREW FLORY	(PET)...BROWN WHITE & OSBORN
MARK J ANDREW FLORY	(PET)...MARK J. ANDREW FLORY
MARK JORDAN ELKINS	(CEP)...MARK J. ANDREW FLORY
MARK JORDAN ELKINS S.N. TRUST	(TRU)...

Currently under review by legal research

(LR)

Continued matter. Notice not re-reviewed.

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

-----  
DATE: 05/25/17 TIME: 8:29 DEPT: S37P  
-----

CASE#: CON PS0900167

CASE NAME: MARK JORDAN ELKINS

**SEE ALSO 1, 3**

HEARING: Third Account and Report of KERINE E ELKINS and Petition for allowance of fees filed.

COUNSEL:

CALIFORNIA DEPARTMENT OF STATE	(PET)...PRO/PER
KERINE E ELKINS	(CPE)...NOREEN T FONTAINE
MARK J ANDREW FLORY	(PET)...BROWN WHITE & OSBORN
MARK J ANDREW FLORY	(PET)...MARK J. ANDREW FLORY
MARK JORDAN ELKINS	(CEP)...MARK J. ANDREW FLORY
MARK JORDAN ELKINS S.N. TRUST	(TRU)...

GENERAL INFORMATION

Continued from 1/22/15, 3/5/15, 5/5/15, 9/2/15, 9/8/15, 11/09/15, 3/10/16, 5/19/16 and 07/27/16. Interim possible resolution. Trustee will not object to \$20,000 bond. Once bond is obtained, \$20,000 can be released from blocked account and placed into a SNT bank account. Monthly distributions will then be made to Mark Elkins of \$250 or more as trustee sees fit. Trustee does not object to a CPA being retained to file taxes. Counsel to file a supplement to bring the account current.

Continued from 10/06/16. Kerine Elkins ordered to be present and explain why accounting is not filed. Parties to consider a private professional fiduciary [PPF].

**Continued from 12/08/16 and 03/02/17.**

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

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

1. Accounting covers 08/01/13 – 10/31/14.
2. Assets on hand: \$144,071.37 consisting of cash held in a blocked account.
3. Petitioner states a supplement will be filed to request trustee's fees.
4. Attorney states she will request attorney's fees via a supplement to be filed prior to the hearing.
5. CI Report filed 02/24/15 and Interoffice Memo on 03/18/15.
6. **Objections filed 7/8/15 by Mark Elkins.**
7. **Objections filed 09/28/15 by Kerine Elkins.**

8. Proposed Order 12/16/14.

**RECOMMENDATION:**

Matter is contested. If approved, set hearing on accounting review for **60 days/07/27/17**.  
(vet/kra/vet/lc/dl/lc/sa/lc)

Superior Court of Calif, County of San Bernardino

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

-----  
DATE: 05/25/17 TIME: 8:29 DEPT: S37P  
-----

CASE#: CON PS0900167

CASE NAME: MARK JORDAN ELKINS

**SEE ALSO 1, 2**

HEARING:  
Readiness Calendar

COUNSEL:

CALIFORNIA DEPARTMENT OF STATE	(PET)...PRO/PER
KERINE E ELKINS	(CPE)...NOREEN T FONTAINE
MARK J ANDREW FLORY	(PET)...BROWN WHITE & OSBORN
MARK J ANDREW FLORY	(PET)...MARK J. ANDREW FLORY
MARK JORDAN ELKINS	(CEP)...MARK J. ANDREW FLORY
MARK JORDAN ELKINS S.N. TRUST	(TRU)...

Readiness – No notes – JTD

Superior Court of Calif, County of San Bernardino

Page: 4

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

-----  
DATE: 05/25/17 TIME: 8:29 DEPT: S37P  
-----

CASE#: PRO PS1500867

CASE NAME: THE MORENO TRUST

**SEE ALSO 5, 6**

HEARING:

Hearing Re: RECEIPT OF SETTLEMENT

COUNSEL:

CYNTHIA ANN MORENO	(PET)...DENNIS M SANDOVAL
STACIE HERNANDEZ	(OBJ)...TECLA M LUNAK
THE MORENO TRUST	(TRU)...

**XREF: CONPS1300280**

GENERAL INFORMATION

**Continued from 02/01/17 and 02/15/17 to trial readiness.**

THIS CASE SET FOR HEARING ON Receipt of Settlement.

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

1. On 12/14/16, parties reported matter was settled, but requested a date for mediation in case they need help with settlement.
2. Stipulated agreement signed and filed on 04/18/17.

RECOMMENDATION

Court's discretion.

(lc)

Superior Court of Calif, County of San Bernardino

Page: 5

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

-----  
DATE: 05/25/17 TIME: 8:29 DEPT: S37P  
-----

CASE#: PRO PS1500867

CASE NAME: THE MORENO TRUST

**SEE ALSO 4, 6**

HEARING: Petition for FULL ACCOUNTING OF THE MORENO TRUST

COUNSEL:

CYNTHIA ANN MORENO	(PET)...DENNIS M SANDOVAL
STACIE HERNANDEZ	(OBJ)...TECLA M LUNAK
THE MORENO TRUST	(TRU)...

Request for Waiver of Court Fees and Costs filed by CYNTHIA ANN MORENO is GRANTED  
Fee waiver amount due \$470.50 \$465.00 for petition for trust accounting on 09/15/15  
\$5.50 for copies on 04/24/17.

**X REF: CONPS1300280**

GENERAL INFORMATION

**Continued from 10/22/15, 12/14/15, 02/16/16, 07/07/16, 09/12/16, 11/23/16, 12/14/16,  
02/01/17 and 02/15/17.**

THIS CASE SET FOR HEARING ON **Amended (06/29/16)** Petition for Accounting of Trust, Determine Interest in Trust Property, Determine Bad Faith; **Objection to Summary of Account; Removal of Trustees; named Successor Trustees and Advisory Committee;** Request for Surcharge and Damages by Cynthia Moreno.

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

1. Petitioner, Cynthia Moreno, is beneficiary of The Moreno Trust dated 2/27/92, and the sole beneficiary of the Cynthia Moreno SNT dated 4/18/01. Settlers, Carlos Moreno died 6/22/13 and Eleanor Moreno died 5/23/14.
2. Patricia Ortiz became Temporary Conservator of Eleanor Moreno on 11/14/13; person and estate and later general Conservator on 04/09/14.
3. Linda Hodson and Patricia Ortiz are believed to be the co-Trustee of the Trust.
4. Petitioner alleges that an accounting provided by the conservators indicated certain distributions were made to the SNT, **but petitioner claims none were received.**
5. Petitioner is seeking court appoint a third party to provide a forensic account for the Trust. Petitioner alleges that Melodie Scott informed her that all the assets of the Trust were gone. It is unclear how Melodie Scott is involved with the Trust. Demand for accounting was made on 02/19/15 and 03/21/15 [9/15/15 Petition LF p.17&20].

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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](mailto:ProbateNotes@sb-court.org) for clarification of the notes only - no legal or procedural advice will be given.

6. Petitioner requests the Court remove the trustees and appoint an independent trustee for both the Family Trust and the SNT.
7. Petitioner requests the Court impose a surcharge and damages for breach of trust.
8. Petitioner appears to be a restrained person from Patricia Ortiz per restraining order FAMSS1400335.
9. **Response and Answer by Stacie Hernandez filed 12/11/15.**
10. **Objections filed 12/15/15 by Co-Trustees.**
11. **Amended (First) Petition filed 06/29/16 requests the removal of Stacie Hernandez, Linda Hodson and Patricia Ortiz from the SNT's Distribution Advisory Committee and the removal of Linda Hodson and Patricia Ortiz from being nominated as Successor Trustees of the SNT.**
12. ~Proposed order: 06/29/16

#### RECOMMENDATION

Court's discretion. Settlement filed 04/18/17.

(lc/sa/nb/lc/nb/oc/lc/lh)

Superior Court of Calif, County of San Bernardino

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

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DATE: 05/25/17 TIME: 8:29 DEPT: S37P  
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CASE#: PRO PS1500867

CASE NAME: THE MORENO TRUST

**SEE ALSO 4, 5**

HEARING:  
Readiness Calendar

COUNSEL:

CYNTHIA ANN MORENO	(PET)...DENNIS M SANDOVAL
STACIE HERNANDEZ	(OBJ)...TECLA M LUNAK
THE MORENO TRUST	(TRU)...

**XREF: CONPS1300280**

Readiness – 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**

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DATE: 05/25/17    TIME: 8:30    DEPT: S37P  
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CASE#: PRO PS1100808

CASE NAME: BERNADETTE P. LEGARRETA

HEARING:

Hearing re Final Discharge

COUNSEL:

BERNADETTE P. LEGARRETA	(DEC)...
MARIE LEGARRETA	(PET)...OSUNA & DOTSON LAW FIRM
PHILLIP LEGARRETA	(PET)...COURTNEY MEDINA
PHILLIP LEGARRETA	(TP )...SUZANNE M GRAVES

#### GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Final Discharge.

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

1. Final account/distribution of Marie Legarreta, daughter, approved on 05/23/16.
2. Receipts filed.
3. Need Ex Parte Petition for Final Discharge and Order.

#### RECOMMENDATION

Inquire status.

(lc)

Superior Court of Calif, County of San Bernardino

Page: 8

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

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DATE: 05/25/17 TIME: 8:30 DEPT: S37P  
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CASE#: PRO PS1300080

CASE NAME: GLENNON ZEHRT LIVING TRUST

**SEE ALSO 9**

HEARING:

Hearing Re: RECEIPT OF SETTLEMENT/TRIAL SETTING CONF

COUNSEL:

CARLA ZEHRT	(OBJ)...RALPH K HEKM AN
GERI ZEHRT	(PET)...PRO/PER
GLNNON ZEHRT LIVING TRUST	(TRU)...

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

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DATE: 05/25/17 TIME: 8:30 DEPT: S37P  
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CASE#: PRO PS1300080

CASE NAME: GLENNON ZEHRT LIVING TRUST

**SEE ALSO 8**

HEARING: Hearing Re: Petition for DETERMINING THE EXISTENCE OF TRUST

COUNSEL:

CARLA ZEHRT (OBJ)...RALPH K HEKM AN  
GERI ZEHRT (PET)...PRO/PER  
GLNNON ZEHRT LIVING TRUST (TRU)...

GENERAL INFORMATION

On 2/5/13, the court suspended the powers of Carla Zehrt except as to the power to close escrow. The court further ordered the escrow proceeds to be placed in Atty Linda Roberts-Ross' trust account

Continued from **3/27/13, 5/1/13, 8/7/13, 9/25/13, 10/30/13, 12/18/13, 4/21/14, 6/18/14, 8/20/14, 9/24/14, 11/24/14 and 5/18/15** at request of counsel. Court Trial vacated 4/23/15 and hearing re status of mediation also before the court 5/18/15.

Continued from **06/22/15** at request of counsel. Counsel state they believe case is settled. Notice waived.

Continued from **10/13/15 and 11/17/15** at request of counsel.

Continued from **01/07/16** Court notes that on 02/05/13, Carla Zhert powers were suspended except as to the power to close escrow and ordered the escrow proceeds to be placed in attorney Linda Roberts-Ross' trust account. Court orders today that the funds in Linda Roberts-Ross' trust account be turned over to Ralph Hekman, to be placed in Ralph Hekman's trust account.

**Continued from 3/1/16, 5/18/16, 08/01/16, 10/13/16, 12/15/16 and 03/09/17. Waiting for retirement distribution.**

THIS CASE IS SET FOR HEARING ON Petition Determining Existence of Trust to remove Trustee based upon Breach of Fiduciary Duties, to Compel Trustee to Report to Beneficiaries and for Damages Resulting from Trustee's Breach

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

1. Petitioner, Geri Zehrt McCann, is a beneficiary under the Glennon Zehrt Living Trust dated 9/26/12. Petitioner believes that the principal administration of the Trust was Riverside County, California. The trustor died on 10/27/12 and since no Notice of Trust Administration was ever sent to petitioner after trustor's death as required under Pr.C. 16061, this petition is timely.

2. Petitioner alleges no copy of the Trust has been provided as required. Petitioner requests that this court make a determination of the existence of Glennon's Trust.
3. Petitioner asserts that the current Successor Trustee of the Trust, Carla Zehrt, has breached her fiduciary duties to the beneficiaries of the trust by the following acts/omissions:
  - a. Glennon's California Beach Club Timeshare is not being paid and is at a risk of loss.
  - b. Glennon's other California Beach Club Timeshare for October, 2012, was only paid on 1/11/13. Petitioner asserts there were sufficient funds to pay this obligation in a timely manner.
  - c. The Silver Lakes Vacation Club timeshare is likewise at risk if this estate is not properly administered.
  - d. The trustee has failed and refused to do what is necessary, to obtain death benefits owed to the estate from the California State Teacher's Retirement System (estimated value \$6,000).
  - e. The trustee has refused to reimburse petitioner for costs paid related to the memorial service for decedent which petitioner is informed and believes that is directed to be paid per terms of the trust.
  - f. Petitioner believes the trustee has refused to share information regarding the extent, nature and character of the trust estate assets despite requests by petitioner.
  - g. Petitioner alleges that the decedent intended his personal accounts to be included in the corpus of the trust, but instead, the trustee used coercion and/or undue influence on the decedent/trustor to leave those accounts to respondent as a joint tenant.
  - h. Petitioner is informed and believes that the trustee has received a post-death social security check which she has not returned and/or has converted to her own personal use.
  - i. Petitioner alleges the trustee set herself up to be paid \$1,500/month pre-death to provide "help" to the trustor, Glennon, which petitioner believes was not necessary and which was not needed as Glennon could manage himself very well with the exception of transportation.
  - j. Petitioner asserts Respondent was self-dealing from Glennon's accounts
  - k. Petitioner alleges trustee has failed to obtain death benefits owed to the estate from CALSTRS.
  - l. The trustee has refused to reimburse petitioner for costs paid related to the memorial service for decedent, as well as refused to share information regarding the character of the Trust estate assets.
  - m. Petitioner believes that the trustee has received post-death social security checks which she has not returned and/or has converted to her own personal use. In addition, petitioner believes the trustee set herself up to be paid the sum of \$1,500/month from the time she moved in to "help" Glennon during the last few months of his life. Petitioner contends this help was not needed.
4. Petitioner alleges Glennon's mobile home located in Yucaipa, CA has been sold and escrow scheduled to close 2/4/13, with the gross proceeds to be distributed (approx.. \$22,000) to the trustee/respondent. Petitioner requests an injunctive order

to prevent the sale proceeds from being distributed, wasted, and absconded with or being otherwise controlled by the trustee/respondent. Petitioner believes that she will suffer irreparable harm should the court not impose the requested mandatory injunction. Petitioner requests that the escrow company either be ordered to hold the funds or that such funds be held in trust by petitioner's attorney.

5. Petitioner requests that Carla Zerht be removed as trustee of the Trust and that petitioner be substituted in her place and to provide an accounting.
6. Petitioner seeks damages for any breach of the Trustee's breach of fiduciary duty.
7. **Objections files by Carla Zerht stating it's unnecessary and wasteful to change control of the estate at this time. Substitution of Attorney filed 4/3/14 making objector in pro per.**
8. Order Directing Linda Roberts to Transfer Sale Proceeds of Mobile Home to Ralph Hekman, to be placed in Ralph Hekman's trust account entered 3/1/16.

RECOMMENDATION:

Find out status of mediation/settlement.

(gls/sa/ds/gls/sa/gls//nb/lc/sa/lc)

Superior Court of Calif, County of San Bernardino

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

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DATE: 05/25/17 TIME: 8:30 DEPT: S37P  
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CASE#: PRO PS1500519

CASE NAME: JOHN RAY ALTOMARE

HEARING:  
Hearing re Final Discharge

COUNSEL:

GINA N ALTOMARE (PET)...MARC PAUL JACOBS  
JOHN RAY ALTOMARE (DEC)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Final Discharge.

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

1. Final account/distribution of Gina Altomare, daughter, approved on 05/26/16.
2. No receipt required, petitioner is sole heir.
3. Need Ex Parte Petition for Final Discharge and Order with recording information per Pr.C.§11753(b).

RECOMMENDATION

Inquire status.  
(lc)

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

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DATE: 05/25/17 TIME: 8:30 DEPT: S37P  
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CASE#: PRO PS1500588

CASE NAME: MTR OF ROBERTO JAIME DURAN

HEARING: Hearing re Final Discharge

COUNSEL:

DAVID GONZALEZ	(DIANA J CARLONI
EUGENIA DURAN	(PET)...KYLE A PATRICK
ROBERTO JAIME DURAN	(DEC)...
STATE OF CALIFORNIA	( )...
WELLS FARGO BANK, N.A.	(TP )...

GENERAL INFORMATION

**Continued from 03/09/17.**

THIS CASE SET FOR HEARING ON Final Discharge.

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

1. Final account/distribution of Eugenia Duran, sister, approved on 12/15/16.
  - a. Waiver of Account approved on 12/15/16 did not include property on hand, any requests for fees, statements re taxes paid, notices to Department of Health Services etc. Waiver did not comply with Pr.C.§§ 10954,1060 et. seq.
  - b. Supp 05/19/17: includes an attached waiver of account with report whereas petitioner alleges the clerk's office would not file on March 09, 2017. Court to instruct clerk's office to accept accounting as prior waiver of accounting was not proper. Clerk's office to set accounting on 06/29/17 as examiner has already pre-reviewed in supplement.**
2. Need Ex Parte Petition for Final Discharge and Order with recording information per Pr.C.§11753(b) once amended waiver of accounting order is approved.

RECOMMENDATION

Need to file corrected waiver of account with proper fees.

(lc)

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

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DATE: 05/25/17 TIME: 8:30 DEPT: S37P  
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CASE#: PRO PS1600057  
CASE NAME: CASSIE C SHARP TRUST

**SEE ALSO 13**

HEARING: Petition for TO DETERMINE INVALIDITY OF TRUST

COUNSEL:

DARCY CLOUTIER-FERNALD	(PET)...FULLERTON LEMANN SCHAEFER
THE CASSIE C SHARP TRUST	(TRU)...PRO/PER
IRIS ROBERTSON	(OBJ)...JACK B. OSBORN

GENERAL INFORMATION

**Continued from 6/8/16, 08/03/16, 10/19/16 and 02/02/17. Discovery is ongoing.**

THIS CASE IS SET FOR HEARING ON Petition to determine validity of trust.

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

1. Petitioner is Darcy Cloutier-Fernald, daughter of trustor.
2. Petitioner states that respondents are Iris and Gary Robertson, trustor's neighbors.
3. Petitioner states that trustor executed the purported trust in 2015 (copy at Exhibit A), that the trust instrument disinherits trustor's family and instead that Iris is designated as sole beneficiary of the trust, that Gary is the alternate beneficiary in case Iris predeceased trustor, that trustor suffered from mental illnesses for many years prior to her death in October 2015 at age 67, and that the trust was procured by undue influence and was executed when trustor lacked mental capacity. Petitioner adds that the trust instrument is invalid pursuant to Pr.C. § 21380 (presumption of fraud or undue influence for certain donative transfers, here based upon the allegation that respondents were caregivers to trustor).
4. Petitioner requests a determination that the purported trust instrument is invalid, that Iris is an involuntary trustee holding the trust assets for the benefit of trustor's heirs, and for cost of suit.
5. **Objection filed 3/8/16 by Iris Robertson.**
6. ~Proposed Order 1/20/16.

RECOMMENDATION

Matter is opposed; set for contested hearing.  
(ds/sa/lc)



Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

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DATE: 05/25/17    TIME: 8:30    DEPT: S37P  
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CASE#: PRO PS1600057

CASE NAME: CASSIE C SHARP TRUST

**SEE ALSO 12**

HEARING:

Trial Setting Conference

COUNSEL:

DARCY CLOUTIER-FERNALD

THE CASSIE C SHARP TRUST

IRIS ROBERTSON

(PET)...FULLERTON LEMANN SCHAEFER

(TRU)...PRO/PER

(OBJ)...JACK B. OSBORN

TSC – No notes – JTD

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

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DATE: 05/25/17 TIME: 8:30 DEPT: S37P  
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CASE#: PRO PS1600537

CASE NAME: MTR OF EUGENE L WILKINSON

**SEE ALSO 14A**

HEARING:

Petition for PROBATE OF WILL & FOR LETTERS TESTAMENTARY W/FULL  
IAEA

COUNSEL:

DEBORAH WILKINSON (PET)...MORTENSEN & REINHEIMER, PC  
EUGENE L WILKINSON (DEC)...  
JANET WILKINSON (OBJ)...PRO/PER

GENERAL INFORMATION

**Continued from 08/04/16.** Written objections to be filed or objections will be waived.  
Rodney Lee's client to file the original will within 20 days.

**Continued from 11/10/16.** Deborah Wilkinson appointed special administrator;  
\$2,150,000 bond.

**Continued from 01/26/17. No objection deemed a stipulation as to Attorney Pro Tem.  
Written objections filed to the codicil but will contest has not been filed. Will contest  
to be filed and served by 03/30/17. Objector notes that the copy of the will provided  
does not appear to be the copy of the original. Counsel to meet and confer  
regarding marshalling of assets by Special Administrator. Counsel to report on  
status of discovery at next hearing. All existing orders remain in effect.**

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

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

1. Petitioner, Deborah Wilkinson, is named executor in codicil. However, codicil does not waive bond as to petitioner. Petitioner waives bond; however, no other beneficiaries waived bond. **Supp 07/29/16:** Petitioner alleges that decedent intended the will terms did not change. However, petitioner is not named as executor in the will. Supplement does not cure deficiency. **Supp11/07/16:** Petitioner requests bond of \$200,000 as bulk of the personal property is to go to petitioner. **Estate value \$2,150,000. JTD**
2. The original will is apparently lost. When a will is lost, and was last in the testator's possession, it is presumed that the testator destroyed the will with the intent to

revoke it. Pr.C. 6124. This presumption affects the burden of producing evidence and unless petitioner can overcome the presumption, no valid will exists. **Supp 07/29/16: Petitioner alleges that decedent's wife has confirmed having original will.** Declarations filed **11/23/16** indicating that Janet Wilkinson **does not** have the original will.

3. Petitioner alleges she has the original codicil.
4. Decedent and spouse were legally separated at time of death. See declaration filed 05/27/16.
5. **Objections filed by Janet Wilkinson, surviving spouse, on 09/22/16.**
6. **Response filed by Deborah Wilkinson on 11/07/16.**
7. ~Proposed Form Order: 05/27/16.

#### RECOMMENDATION

Court's discretion re bond; matter is contested. If approved, set Accounting/Status Review for **08/02/18**. Any accounting to be filed 30 days in advance local rule 20-901. Note requirements of local rule 20-908.

(lc/lh)

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

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DATE: 05/25/17 TIME: 8:30 DEPT: S37P  
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CASE#: PRO PS1600537

CASE NAME: MTR OF EUGENE L WILKINSON

**SEE ALSO 14**

HEARING: Petition for ORDER TO COMPEL BENEFICIARY FOR TURN OVER  
PERSONAL PROPERTY

COUNSEL:

DEBORAH WILKINSON	(PET)...MORTENSEN & REINHEIMER, PC
EUGENE L WILKINSON	(DEC)...
JANET WILKINSON	(OBJ)...PRO/PER

GENERAL INFORMATION

**Continued from 04/27/17. Janice Wilkinson ordered to comply with requests to turn over truck, computer, TV and guns. Assets not to be disposed of pending further order of the court. Counsel stated will contest was served is not sufficient. Petition requesting codicil be stricken may be filed. Counsel states Pr.C. § 850 Petition is not appropriate in this matter.**

THIS CASE SET FOR HEARING ON Petition for order to Compel Beneficiary for Turn over of Personal property Pr.C. § 9650, 9654 by Deborah Wilkinson.

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

1. Petitioner is **special administrator**, letters issued 01/30/17, \$2,150,000.00 bond.
2. Petitioner is seeking an order for the return of personal property allegedly taken by respondent Janet Wilkinson, surviving spouse. Petitioner believes that Janet is in possession of the following:
  - a. 2000 Ford Dully Truck
  - b. Glock G27 .40 Caliber handgun
  - c. CHP Limited Edition Ruger .38 rifle
  - d. Flat Screen TV
  - e. Computer

Petitioner alleges that parties have met with counsel to confer and has attempted to recover the personal property. Respondent has reportedly unreasonably refused. Copies of letters attached. [Pet.02/27 LFpg9 et.seq].

3. Petitioner alleges in Supplement filed 04/20/17 that he is unsure of whether there is a statute allowing him to maintain this action. Petitioner alleges he is attempting to regain possession of estate property, but that Probate Code § 850(2)(D), which allows the personal rep to maintain an action where "the decedent died having claim

to real or personal property, title to or possession of which is held by another,” does not apply. – JTD

4. In as much as the Court has ordered Janet Wilkinson to turn over the property, per minute order of 04/27/17, it appears that this part of the petition has in fact been granted and is now enforceable under contempt proceedings. So the search for an applicable statute to regain possession may in fact be moot, and the only part of the prayer to be determined is recovery of attorney fees.
5. Janet Wilkinson, who is in possession of the property, appeared at the 04/27/17 hearing. It would therefore appear that service is unnecessary as to her on this particular claim.
6. Not clear whether Janet Wilkinson complied with Penal Code §§ 27875 and/or 27920 for the alleged firearm transfers.
7. No proposed order. Submit after hearing.

#### RECOMMENDATION

Court's discretion.

(lc/jm)

Future Hearing: 05/25/17 Petition for probate of will & for letters etc. **by Deborah Wilkinson**

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

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DATE: 05/25/17      TIME: 8:30      DEPT: S37P  
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CASE#: PRO PS1600538

***Vacated***

CASE NAME: MTR OF MC PICKETT

HEARING:

Hearing Re: RECEIPT OF BOND

COUNSEL:

APPROVED INHERITANCE CASH, INC	(	)...
CHRISTOPHER MILLER	(PET)...	JASON L GAUDY
DIANE E ROBBINS	(ROBBINS & HOLDAWAY	
ETHEL PICKETT	(OBJ)...	
MC PICKETT	(DEC)...	

Future Hearing: 05/17/18 *Accounting Review.*

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

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DATE: 05/25/17 TIME: 8:30 DEPT: S37P  
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CASE#: PRO PS1601279

CASE NAME: Leebertha Alisa Rogers

HEARING:

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

COUNSEL:

EVANS LOUIS ROGERS Jr (PET)...PRO/PER  
LEEERTHA ALISA ROGERS (DEC)...

GENERAL INFORMATION:

**Continued from 03/09/17.**

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full  
authority under IAEA by Evans Rogers, Jr (brother)

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

1. Bond waiver filed by son/sole heir, Quentin Rogers. Estimated net value of estate is \$103,799.
2. Need Notice of Petition to Administer Estate.
3. Need Proof of Publication.
4. **Note to court: minute order on 3/9/17 shows petition was granted and petitioner was appointed administrator; however, JA was contacted and indicated the minute order is erroneous.**
5. ~Proposed form Order: 12/27/16

RECOMMENDATION:

Need to clear notes 2-3. Court's discretion re bond. If approved, set Accounting/Status Review for **05/17/18**. 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

**CONSERVATORSHIP**

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DATE: 05/25/17      TIME: 9:30      DEPT: S37P  
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CASE#: CON PS1100062

CASE NAME: \*MF\* LORIANNE M. DURAN.

**SEE ALSO 24, 25, 26, 27, 28**

HEARING: Petition for APPROVAL AND PAYMENT OF ATTY'S FEES TO  
GUARDIAN AD LITEM

COUNSEL:

ADAN JOHN M.D.	(MCNEIL, TROPP & BRAUN LLP
DESERT VALLEY HOSPITAL	(MCNEIL, TROPP & BRAUN LLP
DESERT VALLEY HOSPITAL	(QUINTAROS, PRIETO, WOOD &
DOUGLAS ZIPRICK MD	(MCNEIL TROPP & BRAUN LLP
ESTHER DURAN	(CPE)...PRO/PER
GARY DURAN	( )...
JANET DURAN	(PLA)...KAMPF SCHIAVONE & ASSOC
JENNIFER M DANIEL	(PET)...JENNIFER M DANIEL
JOHN ADAN MD	(MCNEIL TROPP & BRAUN LLP
LORIANNE M. DURAN	(CEE)...JENNIFER M DANIEL
RICHARD DURAN	( )...
RONALD DURAN	( )...
STEVEN DURAN	(PET)...HORSPPOOL & HORSPPOOL

**CCP170.6 filed as to Judge CYNTHIA A LUDVIGSEN**

**XREF: PROPS1300446**

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Attorney's Fees by Mitchell Roth.

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

1. Petitioner was appointed GAL on 02/19/15.
2. Petitioner requests fees of \$11,445 for 33.8 hours at \$350 per hour plus \$4 for parking fees re mediation for a total of \$11,449. Itemized [Pet. 03/28 LFpg6-15]. JTD
3. ~Proposed Order: 03/28/17. Court to determine if date constitutes content of order for local rule 20-614(d).

RECOMMENDATION

Court's discretion.

(lc)



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

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DATE: 05/25/17 TIME: 9:30 DEPT: S37P  
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CASE#: CON PS1600125

CASE NAME: EMYLSE TERRAZAS

HEARING:

Conservatorship Compliance Review Hearing on PETIITON FOR  
CONSERVATORSHIP of JUANITA MUNOZ

COUNSEL:

EMYLSE TERRAZAS	(CTP)...JACK B OSBORN
EUSEBIO TERRAZAS	(CP )...PRO/PER
JUANITA MUNOZ	(CP )...PRO/PER

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Compliance Review.

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

1. Juanita Munoz and Eusebio Terrazas, parents, appointed conservator of the person on 07/28/16.
2. Notice of conservatee's rights filed.
3. Determination of level of care and care plan filed on 02/10/17.

RECOMMENDATION

None.

(lc/lh/lc)

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

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DATE: 05/25/17 TIME: 9:30 DEPT: S37P  
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CASE#: CON PS1600229  
CASE NAME: ERIC MURILLO  
HEARING: Conservatorship Compliance Review Hearing on PETITION FOR  
CONSERVATORSHIP of DOLORES M FUENTES

COUNSEL:

DOLORES M FUENTES	(CE )...MELINDA S. BELL
DOLORES M FUENTES	(PET)...MELINDA S. BELL
ERIC MURILLO	(CEP)...EDWARD B FISCHER
JEANNETTE CABRERA	(CPE)...MELINDA S. BELL

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Compliance Review.

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

1. Dolores Fuentes and Jeanette Cabrera; mother and sister appointed conservator of the person and estate on 10/20/16, \$0 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.

RECOMMENDATION

Need to clear notes 2-7

(lc)

Future Hearing: 12/21/17 Accounting Review.

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

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DATE: 05/25/17 TIME: 9:30 DEPT: S37P  
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CASE#: CON PS1600378

CASE NAME: JEREMY GLEN BRAUKER

HEARING:

Petition for Appointment of Conservator

COUNSEL:

GAIL ANNETTE BRAUKER (PET)...GUY A BOVEE  
GLEN ARTHUR BRAUKER (PET)...GUY A BOVEE  
JEREMY GLEN BRAUKER (CTP)...SHERRI L KASTILAHN

GENERAL INFORMATION

**Continued from 03/02/17. Court verified petitioner's mailing address. Court refers to IRC for report. Clerk's Office to send notice to IRC.**

THIS CASE SET FOR HEARING ON Petition for Appointment of Conservator person only by Gail Brauker and Glen Brauker (parents).

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

1. Petitioner seeks medical powers. Capacity Declaration, filed 02/06/17.
2. As proposed conservatee is developmentally disabled and this is not a petition for Limited Conservatorship. **Need report from Counsel Sherri Kastilahn.**
3. **Need IRC report**
4. Court Investigator report, filed 02/16/17.
5. Citation served, proof of service filed 02/06/17.
6. Notice of Hearing and Proof of Service, filed 02/06/17. Proposed conservatee is an only child; grandparents deceased.
7. Certificates of Completion of the Conservatorship Training Class filed 01/06/17.
8. Mail returned as undeliverable for Jeremy Glen Brauker.
9. ~Proposed Form Order: 12/27/16

RECOMMENDATION

Need report from Counsel and IRC report. If approved, set hearing for Compliance Review for **12/28/17** 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)

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

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DATE: 05/25/17 TIME: 9:30 DEPT: S37P  
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CASE#: CON PS1700027  
CASE NAME: ABIGAIL PINTO  
HEARING: Petition for Appointment of Conservator

COUNSEL:

ABIGAIL PINTO (CEE)...WALTER T. MOORE  
GLORIA ROSALES HIDALGO (PET)...PRO/PER

GENERAL INFORMATION

**Continued from 03/09/17. Attorney Walter T. Moore appointed for Abigail Pinto.**

THIS CASE SET FOR HEARING ON Petition for Appointment of Limited Conservator person only by Gloria Hidalgo, mother.

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

1. Petitioner seeks powers re habilitation, treatment, training, medical etc, per Pr. C. §2351.5. JTD
2. Petitioner seeks civil rights not be limited without court order. JTD
3. Petitioner seeks medical powers. Capacity Declaration filed 02/27/17.
4. Proposed conservatee is developmentally disabled. Need report from Counsel Walter T. Moore.
5. List of required contacts (Local form SB-12224) is missing Abraham Garcia. Need completed form.
6. Proposed conservatee is developmentally disabled. Need IRC report. Letter from IRC filed 02/23/17 indicating Abigail is not a consumer. JTD
7. Certificate of Completion of the Conservatorship Training Class filed 04/21/17.
8. Court Investigator report filed 03/01/17
9. Petition is incomplete at section 11 as to relationship of named relatives. However, they are identified in Notice of Hearing filed 02/09/17.
10. Citation returned served.
11. ~Proposed Form Order: 01/25/17

RECOMMENDATION

Need to clear notes 4-5. If approved, set hearing for Compliance Review for **12/28/17** 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/lc/lh)

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

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DATE: 05/25/17 TIME: 9:30 DEPT: S37P  
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CASE#: CON PS1700029  
CASE NAME: CARLOS M MARTINEZ  
HEARING: Petition for Appointment of Conservator

COUNSEL:

CARLOS M MARTINEZ (CTP)...MITCHELL I ROTH  
MARLA A VARGAS (CP )...

GENERAL INFORMATION

**Continued from 03/09/17. Mitchell Roth appointed Counsel. IRC to prepare report.**

THIS CASE SET FOR HEARING ON Petition for Appointment of Limited Conservator person only by Marla Vargas, mother.

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

1. Petitioner seeks powers re habilitation, treatment, training, medical etc. Authority to fix residence, access confidential records, control right to contract per Pr. C. §2351.5. JTD
2. Petitioner seeks civil rights not be limited without court order. JTD
3. Proposed conservatee is developmentally disabled. IRC report filed 03/21/17.
4. Petitioner seeks medical powers. Capacity Declaration filed 02/16/17. However, the document is not dated, name and address of physician is incomplete, section 5 re ability to attend is incomplete, and form not dated at signatures. Need same.
5. Confidential Screening Form filed 01/26/17 is incomplete at item 3 re nomination of proposed conservator. Need completed form.
6. List of Required Contact Information filed 01/26/17 is incomplete as to first and second degree relatives named in petition. Need completed form.
7. Proposed conservatee is developmentally disabled. Report of Counsel Roth filed 05/02/17.
8. Court Investigator report filed 03/01/17.
9. Certificate of Completion of the Conservatorship Training Class shown in court.
10. Citation returned served.
11. ~Proposed Form Order: 01/26/17

RECOMMENDATION

Need to clear notes 4-6. If approved, set hearing for Compliance Review for **12/28/17** 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/lc/lh/lc)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

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DATE: 05/25/17      TIME: 9:30      DEPT: S37P  
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CASE#: SC SS01349

***Vacated***

CASE NAME: IN THE MATTER OF JASMINE ANSARI

HEARING:

Hearing Re: RECEIPT OF BOND

COUNSEL:

INLAND COUNTIES REGIONAL CENTE	(CE )...BRUNICK MCELHANEY &
INLAND COUNTIES REGIONAL CENTE	(CE )...STEVEN K BECKETT
INLAND COUNTIES REGIONAL CENTE	(PET)...BRUNICK MCELHANEY &
INLAND COUNTIES REGIONAL CENTE	(PET)...WILLIAM J. BRUNICK
JASMINE ANSARI	(CEE)...
THE SPECIAL NEEDS TRUST JASMIN	(TRU)...PRO/PER

Future Hearing: 01/10/19 *Accounting Review*.

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

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DATE: 05/25/17 TIME: 1:30 DEPT: S37P  
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CASE#: CON PS1100062

CASE NAME: \*MF\* LORIANNE M. DURAN.

**SEE ALSO 17, 25, 26, 27, 28**

HEARING:

Hearing Re: MSC/TRC

COUNSEL:

ADAN JOHN M.D.	(MCNEIL, TROPP & BRAUN LLP
DESERT VALLEY HOSPITAL	(MCNEIL, TROPP & BRAUN LLP
DESERT VALLEY HOSPITAL	(QUINTAROS, PRIETO, WOOD &
DOUGLAS ZIPRICK MD	(MCNEIL TROPP & BRAUN LLP
ESTHER DURAN	(CPE)...PRO/PER
GARY DURAN	( )...
JANET DURAN	(PLA)...KAMPF SCHIAVONE & ASSOC
JENNIFER M DANIEL	(PET)...JENNIFER M DANIEL
JOHN ADAN MD	(MCNEIL TROPP & BRAUN LLP
LORIANNE M. DURAN	(CEE)...JENNIFER M DANIEL
RICHARD DURAN	( )...
RONALD DURAN	( )...
STEVEN DURAN	(PET)...HORSPOOL & HORSPOOL

**CCP170.6 filed as to Judge CYNTHIA A LUDVIGSEN**

**XREF: PROPS1300446**

M.S.C./TSC – No notes – JTD

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

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DATE: 05/25/17 TIME: 1:30 DEPT: S37P  
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CASE#: CON PS1100062

CASE NAME: \*MF\* LORIANNE M. DURAN.

**SEE ALSO 17, 24, 26, 27, 28**

HEARING:

Hearing Re: TRUSTEE OF SPECIAL NEEDS TRUST

COUNSEL:

ADAN JOHN M.D.	(MCNEIL, TROPP & BRAUN LLP
DESERT VALLEY HOSPITAL	(MCNEIL, TROPP & BRAUN LLP
DESERT VALLEY HOSPITAL	(QUINTAROS, PRIETO, WOOD &
DOUGLAS ZIPRICK MD	(MCNEIL TROPP & BRAUN LLP
ESTHER DURAN	(CPE)...PRO/PER
GARY DURAN	( )...
JANET DURAN	(PLA)...KAMPF SCHIAVONE & ASSOC
JENNIFER M DANIEL	(PET)...JENNIFER M DANIEL
JOHN ADAN MD	(MCNEIL TROPP & BRAUN LLP
LORIANNE M. DURAN	(CEE)...JENNIFER M DANIEL
RICHARD DURAN	( )...
RONALD DURAN	( )...
STEVEN DURAN	(PET)...HORSPOOL & HORSPOOL

**CCP170.6 filed as to Judge CYNTHIA A LUDVIGSEN**

**XREF: PROPS1300446**

Currently under review by legal research

(LR)

Continued matter. Notice not re-reviewed.



Superior Court of Calif, County of San Bernardino

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

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DATE: 05/25/17 TIME: 1:30 DEPT: S37P  
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CASE#: PRO PS1300446

CASE NAME: ESTHER DURAN

**SEE ALSO 17, 24, 25, 27, 28**

HEARING:

Hearing Re: MSC/TRC

COUNSEL:

ESTHER DURAN	(DEC)...
JANET DURAN	(PET)...DAMIAN G GARCIA
LORIANNE M DURAN	(PET)...PRO/PER
STEVEN DURAN	(PET)...HORSPOOL & HORSPOOL
TOYOTA MOTOR CREDIT CORP	(TP )...SCOTT WELTMAN

**CCP170.6 filed as to Judge CYNTHIA A LUDVIGSEN**

**XREF: CONPS1100062**

M.S.C./TSC – No notes – JTD

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

-----  
DATE: 05/25/17 TIME: 1:30 DEPT: S37P  
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CASE#: PRO PS1300446  
CASE NAME: ESTHER DURAN

**SEE ALSO 17, 24, 25, 26, 28**

HEARING: Hearing Re: PTN FOR PROBATE OF WILL AND LTS TESTAMENTARY

COUNSEL:

ESTHER DURAN	(DEC)...
JANET DURAN	(PET)...DAMIAN G GARCIA
LORIANNE M DURAN	(PET)...PRO/PER
STEVEN DURAN	(PET)...HORSPOOL & HORSPOOL
TOYOTA MOTOR CREDIT CORP	(TP )...SCOTT WELTMAN

**CCP170.6 filed as to Judge CYNTHIA A LUDVIGSEN**

**XREF: CONPS1100062**

GENERAL INFORMATION:

Order appointing Steven Duran as Special Administrator entered 06/03/13, \$100,000 bond required (see prior matter).

Continued from **7/11/13** and **8/22/13**.

On **8/6/13** Court denied an Ex-parte order on Motion to Set Aside Order filed by Janet Duran. Need order.

Continued from **8/26/13, 12/16/13, 1/9/14, 4/30/14 and 8/21/14**. New trial dates set.

**Continued from 11/25/14, 2/11/15, 2/11/15, 6/25/15, 11/19/15, 12/2/15, 3/30/16, 4/4/16 08/22/16 02/14/17, 03/16/17 and .**

THIS CASE IS SET FOR HEARING ON

- Petition for Letters Testamentary with full authority under IAEA, by Steven Duran (son)
- Petition for Letters Testamentary with full authority under IAEA, by Janet Duran (daughter)

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

**Petition by Steven Duran - son:**

1. Petitioner, Steven Duran, requests admission of decedent's Will dated 7/6/93 only.
2. Petitioner is the third nominated executor. Will dated 7/6/93 nominates first Manuel Duran (now deceased) and second Janet Duran. Petitioner believes Janet Duran should not be appointed. Objections and competing petition filed by Janet Duran.
3. Will waives bond as to nominated executors. However, Court required \$100,000 bond for Special Administrator. JTD

**4. Objection filed by Janet Duran.**

5. Notice of Lis Pendens filed by Steven Duran on 03/30/15.

**Petition by Janet Duran – daughter – second named executor:**

6. Petitioner, Janet Duran, requests admission of decedent's Will dated 7/6/93 and holographic codicils dated 11/12/06 and 1/29/09.

7. Will waives bond. Notwithstanding the waiver of bond by a will, the Court has in its discretion to require bond (Pr.C.§8481). Estimated estate value is \$14,200. JTD

8. Decedent's will nominates Janet Duran as executor and the codicil of 1/29/09 restates/reconfirms the nomination.

9. **Objection to appointment and admission of purported codicils filed by Steven Duran.**

10. Settlement purportedly reached at MSC held on 12/06/13. Court to clarify if stipulation reflects order signed 01/15/14.

**RECOMMENDATION:**

Matter is contested. It appears Janet Duran has priority of appointment.

Court to determine bond. If approved, set hearing for Accounting/Status Review on

**08/02/18**. Any accounting to be filed 30 days in advance. Note Local Rule requirements.

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

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

-----  
DATE: 05/25/17 TIME: 1:30 DEPT: S37P  
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CASE#: PRO PS1300446  
CASE NAME: ESTHER DURAN

**SEE ALSO 17, 24, 25, 26, 27**

HEARING: Hearing Re: PTN FOR ORDER DETERMINING TITLE AND  
REQUESTING ETC

COUNSEL:

ESTHER DURAN	(DEC)...
JANET DURAN	(PET)...DAMIAN G GARCIA
LORIANNE M DURAN	(PET)...PRO/PER
STEVEN DURAN	(PET)...HORSPOOL & HORSPOOL
TOYOTA MOTOR CREDIT CORP	(TP )...SCOTT WELTMAN

**CCP170.6 filed as to Judge CYNTHIA A LUDVIGSEN**

**XREF: CONPS1100062**

GENERAL INFORMATION:

**Continued from 8/5/13, 8/6/13, 8/23/16, 4/30/14, 8/21/14, 11/14/14, 11/25/14, 2/11/15, 6/25/15, 11/19/15, 12/2/15, 4/4/16, 8/18/16, 08/22/16, 02/14/17 and 03/16/17.**

THIS CASE IS SET FOR HEARING ON Petition to Determine Title of real and personal property and a finding of a Breach of Fiduciary Duty and Elder Abuse

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

1. Petitioner, Steven Duran, was appointed Special Administrator \$100,00 bond. Petitioner is one of six children and a beneficiary of the decedent's estate. Decedent died 2/11/13. Petitioner alleges that at all times described in the petition, the decedent was an "elder" as described in W&I§15610.27.
2. Petitioner alleges that the decedent held title to bank accounts containing proceeds from winnings and a settlement) and to 6 parcels of real property and that prior to her death, decedent was hospitalized for unknown reasons and on 7/29/12 decedent executed a Durable Power of Attorney, naming daughter, Janet Duran, as attorney in fact. Copy of POA attached (see LF pages 29-36).
3. Petitioner alleges that on 2/12/13 (one day after decedent's death) respondent, Janet Duran, through her power of attorney, recorded six Grant Deeds transferring the real property to decedent and her as joint tenants, and then on 5/10/13, Janet Duran filed Affidavit of Death of Joint Tenant on each parcel. Copies of Deeds and Affidavits attached (see LF pages 37-58). Petitioner refers to the text of the POA that informs the agent that the property may not be transferred without adequate

consideration. As the POA is terminated at death, it would appear that the Grant Deeds have created a cloud on title as they transfer title to a deceased person with a terminated POA.

4. Petitioner requests the property be transferred back to the estate. However, as the Grant Deeds were recorded after date of death of decedent creating a cloud on title, Court may wish to find the Grant Deeds and Affidavits of Joint Tenant as void.
5. Petitioner requests the Court find that Janet Duran exceeded her scope of authority, acted in bad faith, breached her fiduciary duty, and under Pr.C.§859 should be held liable for twice the value of the property in an amount to be determined.
6. Petitioner requests the Court find that prior to decedent's death, Janet Duran, fraudulently misappropriated funds from decedent's accounts, and under W&I§15657.5 for financial elder abuse be held liable for treble damages, punitive damages, prejudgment interest and costs.
7. Need notice of hearing and proof of service.
8. No objections filed at the time of review of this file.
9. Order on Stipulation to void and cancel four grant deeds approved on 01/15/14.

**RECOMMENDATION:**

Need notice, then set for evidentiary hearing.

(sa/lc/nb/lc/dl/lc/sa/nb/lc)