



Second/Final Check

Superior Court of California
County of San Bernardino
Probate Department

Probate Notes for Calendar Date: 08/10/17

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.

lc07/11/17-8/4

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT

PROBATE

DATE: 08/10/17 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1300192

CASE NAME: MATTHEW FLOREZ SPECIAL NEEDS TRUST

HEARING:

Accounting Review

COUNSEL:

MATTHEW FLOREZ	(PET)...PRO/PER
MATTHEW FLOREZ S.N. TRUST	(TRU)...
RAQUEL FLOREZ	(PET)...JOHN F WEBER
RAQUEL FLOREZ	(TEE)...JOHN F WEBER

GENERAL INFORMATION

Continued from 05/18/17.

THIS CASE SET FOR HEARING ON Accounting review.

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

1. 2nd Trust Account of Trustee Raquel Florez approved on 10/21/16.
2. Need 3rd Account beginning with 03/01/16.

RECOMMENDATION

Inquire status of accounting. When the trustee fails to file an accounting as ordered, the court may take action as specified in Pr.C. § 800 and C.C.P. § 128. Clerk will have to notice bonding company.

(lc)

Superior Court of Calif, County of San Bernardino

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

DATE: 08/10/17 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1400271

CASE NAME: GIBSON FAMILY TRUST***MASTER FILE*****

SEE ALSO 3, 4, 5

HEARING:

Hearing Re: Status Conference

COUNSEL:

GIBSON FAMILY TRUST	(TRU)...
JANET K. HUNTER-GIBSON	(PET)...ALLEN M JOHNCOX
SANDRA LOUISE COBB	(PET)...LAYNE A BARTHOLOMEW
SANDRA LOUISE COBB	(RES)...LAYNE A BARTHOLOMEW

Status – No notes – JTD

Future Hearing: 11/02/17 Readiness calendar

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

DATE: 08/10/17 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1400271

CASE NAME: GIBSON FAMILY TRUST***MASTER FILE*****

SEE ALSO 2, 4, 5

HEARING: Petition for Distribution of Trust Assets

COUNSEL:

GIBSON FAMILY TRUST	(TRU)...
JANET K. HUNTER-GIBSON	(PET)...ALLEN M JOHNCOX
SANDRA LOUISE COBB	(PET)...LAYNE A BARTHOLOMEW
SANDRA LOUISE COBB	(RES)...LAYNE A BARTHOLOMEW

GENERAL INFORMATION

Continued from **05/15/14** action consolidated with PROPS1400125.

Continued from **08/21/14** and **10/16/14** by stipulation. Attempting to clear title.

Continued from **12/18/14, 3/19/15, 7/31/15, 9/4/15, 10/28/15, 12/16/15** and **02/24/16**.

Parties are still completing the settlement terms.

Continued from 4/13/16, 06/15/16, 11/17/16 and 04/13/17.

THIS CASE IS SET FOR HEARING ON Petition for distribution of trust assets, to determine title to real property, and for determination of community property interest in trust assets by Janet Hunter-Gibson.

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

1. Petitioner is Janet Hunter-Gibson, surviving spouse of deceased trustor.
2. Petitioner states that the original trust was executed in 1994 by trustor Robert Gibson and his then-wife Irene Gibson; that both trustors are deceased; that the trust was amended several times, that petitioner and Robert married in 1999; and that upon Robert's death in 2011, petitioner Janet became the successor trustee of the resulting survivor's trust and respondent Sandra Cobb became successor trustee of the bypass trust.
3. Petitioner states that respondent Sandra asserts rights as a bona fide purchaser for value of a community interest in certain Newberry Springs, CA trust real property. Petitioner asserts that upon Robert's death, Sandra became sole beneficiary of the remaining trust interest in that property.
4. Petitioner asserts community property interests in trust assets acquired during her 1999-2011 marriage with Robert, including rights to the Newberry Springs, CA real property, totaling \$157,000.

5. Petitioner asserts rights to reimbursement for expenses and improvements contributed to trust assets including the Newberry Springs real property, of at least \$286,000.
6. Petitioner makes allegations of an express partnership with Robert for early distribution of trust assets, as well as a net business loss to respondent and other trust beneficiaries.
7. Petitioner alleges the 2009 transfer of a real property for the benefit of the bypass trust that was not disclosed in the other trust petition/case filed by Sandra (see other page this date).
8. Petitioner alleges she is a bona fide purchaser for value of Adelanto, CA real property which was transferred from the trust in 2009. She also alleges a community property interest in the acquisition of the property.
9. Petitioner requests a determination that the Newberry Springs, CA real property should be distributed to her in its entirety; that the Adelanto, CA real property is owned by petitioner individual and free and clear of trust claims; that petitioner is entitled to \$157,000 (community property) reimbursement from the trust subject to proof; that petitioner is entitled to \$286,000 (expense/improvements) reimbursements from the trust subject to proof; that the remaining trust real properties are properties of the survivor's trust; that any balance of the survivor's trust be distributed according to its terms; that the court approve termination of the family trust after distribution and accounting; for an accounting by Sandra of her partnership affairs with decedent/trustor Robert involving bypass trust assets; for a determination of the character of the subject real properties and other trust assets as community property or separate trust property; for reimbursement of expenses paid by petitioner for trust expenses; and for unspecified fees and costs.
10. **Objection filed by Sandra Cobb, successor trustee.**

RECOMMENDATION

Matter contested. Inquire status re settlement.

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

Future Hearing: 11/02/17 Readiness calendar

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

DATE: 08/10/17 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1400271

CASE NAME: GIBSON FAMILY TRUST***MASTER FILE*****

SEE ALSO 2, 3, 5

HEARING: Petition for to Determine Title of Real Property, Determine Questions of Construction of Instrument, etc

COUNSEL:

GIBSON FAMILY TRUST	(TRU)...
JANET K. HUNTER-GIBSON	(PET)...ALLEN M JOHNCOX
SANDRA LOUISE COBB	(PET)...LAYNE A BARTHOLOMEW
SANDRA LOUISE COBB	(RES)...LAYNE A BARTHOLOMEW

GENERAL INFORMATION

Continued from **8/21/14, 10/21/14, 12/18/14, 3/19/15, 7/31/15, 9/4/15, 10/28/15, 12/16/15** and **02/24/16**. Parties are working on settlement.

Continued from 4/13/16, 06/15/16, 11/17/16 and 04/13/17.

THIS CASE IS SET FOR HEARING ON Petition to determine title to trust real property, to determine questions of construction of trust instrument, to compel redress for breach of trust, and for instructions

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

1. Petitioner is Sandra Cobb, successor trustee of the bypass sub-trust.
2. Petitioner states that the subject family trust was executed in 1994; that the husband and wife trustors were the initial co-trustees; that the wife trustor died in 1994 and the husband trustor then acted as sole successor trustee; that the trust specifies that upon the death of the first settlor, the trust shall be divided into three sub-trusts for a survivor's share, a marital deduction share, and a non-marital share, each with specified assets and shares of the main trust; that the survivor's trust and bypass trust do not appear to have been funded upon the death of the wife trustor; that a first amendment to the trust was executed by the husband trustor in 1998 which refers to the survivor's trust; that the husband trustor remarried in 1999 to Janet Hunter-Gibson; that husband trustor executed a second trust amendment in 2001, a third trust amendment in 2003, and a fourth trust amendment in 2006, all of which also refer to the survivor's trust; that the husband trustor died in 2011; and that Janet Hunter-Gibson then became successor trustee of the survivor's trust and Sandra Cobb became successor trustee of the bypass trust.

3. Petitioner states that most of the real properties listed as trust assets on the attachment to the original trust instrument were deeded into the original trust but that they have not been segregated and transferred to the sub-trusts as required by the trust instrument. Instead, petitioner states that some real properties were sold and others were transferred out of the trust to Janet Hunter-Gibson. Petitioner seeks clarify ownership of the several real properties as between the survivor and bypass sub-trusts as specified in the petition. Petitioner adds that the allocation is essentially by default because the properties allocated to the bypass trust are the only real properties left, with those allocated to the survivor's trust having been sold or transferred by the husband trustor. Petitioner presents estimated values for the subject real properties and a calculation for allocation.
4. Petitioner also requests a determination of the construction of the trust instrument. Specifically, petitioner states that the husband trustor only had authority to amend the survivor's trust after the death of the wife trustor and therefore only property allocated to the survivor's trust could be affected. Therefore there is the question of the effect of the second and third trust amendments if a certain Newberry Springs, CA real property is allocated to the bypass trust. The second trust amendment purports to give a life estate on that property to Janet Hunter-Gibson, and the third trust amendment purports to give an outright gift of the property to her in fee simple. Petitioner seeks to invalidate those transfers.
5. Petitioner also reports that the fourth trust amendment provides that a certain Phelan, CA trust real property cannot be sold until five years after the death of trustor and may be sold with the agreement of three of the four grandchildren. Petitioner argues that this statement is ambiguous as to the word "and" and that the word "but" should have been used instead. Petitioner requests that the court interpret the language such that the real property can be sold five years after death so long as three of the four grandchildren agree.
6. Petitioner also requests redress of breach of trust in the form of the allocation of real properties addressed above plus a determination that a determination that any attempted allocation, transfer or gift by the husband trustor is void.
7. Petitioner requests an order authorizing transfer of the real properties per the division stated above.
8. Petitioner also requests unspecified fees and costs.
9. **Objections filed 04/08/14 by Janet K. Hunter-Gibson.**

RECOMMENDATION

If approved, no future dates need be set (the court is not extending ongoing supervision over the trusts).

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

Future Hearing: 11/02/17 Readiness calendar

Superior Court of Calif, County of San Bernardino

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

DATE: 08/10/17 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1400271

CASE NAME: GIBSON FAMILY TRUST***MASTER FILE*****

SEE ALSO 2, 3, 4

HEARING:
Readiness Calendar

COUNSEL:

GIBSON FAMILY TRUST	(TRU)...
JANET K. HUNTER-GIBSON	(PET)...ALLEN M JOHNCOX
SANDRA LOUISE COBB	(PET)...LAYNE A BARTHOLOMEW
SANDRA LOUISE COBB	(RES)...LAYNE A BARTHOLOMEW

Readiness – No notes – JTD

Future Hearing: 11/02/17 Readiness calendar

Superior Court of Calif, County of San Bernardino

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

DATE: 08/10/17 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1501002

CASE NAME: JUNE S NICHOLS

HEARING:

Petition for TERMINATION OF PROCEEDINGS AND FOR DISCHARGE OF
PERSONAL REPRESENTATIVE

COUNSEL:

JUNE S NICHOLS (DEC)...
MARTHA J GINSBURG (PET)...MARK L SAMSON

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Termination of Proceedings and
Discharge of personal representative Pr.C. § 12251 by Martha Ginsburg, daughter.

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

1. Petitioner Martha Ginsburg seeks termination and discharge on the basis that no assets subject to probate have been discovered; Pr.C. § 12251(c) appears to allow discharge of personal representative
2. ~Proposed Order: 06/28/17.

RECOMMENDATION

Court's discretion.

(lc)

Superior Court of Calif, County of San Bernardino

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

DATE: 08/10/17 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1501072

CASE NAME: WERNER LEE WEINMEISTER

VACATED

HEARING:
Readiness Calendar

COUNSEL:

DAVID WEINMEISTER	(PET)...	SUSAN E. CLARK
REAGENE YOUNG	(PET)...	IGNAZIO FICARA
WERNER LEE WEINMEISTER	(DEC)...	

Readiness – No notes – JTD

Future Hearing:
08/21/17 Court Trial
08/22/17 Court Trial
08/23/17 Court Trial
08/24/17 Court Trial
08/25/17 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: 08/10/17 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1601091

CASE NAME: THE JOE B MELTON & MONICA T MELTON TRUST

SEE ALSO 9, 13

HEARING:

Hearing Re: STATUS OF SALE OF REAL PROPERTY

COUNSEL:

CORA A BENIQUEZ	(OBJ)...PHILIP M FLANIGAN
JOSEPH B MELTON	(PET)...DIANA J CARLONI
THE JOE B MELTON & MONICA T ME	(TRU)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Status of Sale of Real Property.

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

1. Matter set on 05/11/17 when counsel stipulated to having real property being listed on the MLS for 60 days.

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

DATE: 08/10/17 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1601091

CASE NAME: THE JOE B MELTON & MONICA T MELTON TRUST

SEE ALSO 8, 13

HEARING:

Hearing Re: OSC RE COMPLETION OF SETTLEMENT

COUNSEL:

CORA A BENIQUEZ	(OBJ)...PHILIP M FLANIGAN
JOSEPH B MELTON	(PET)...DIANA J CARLONI
THE JOE B MELTON & MONICA T ME	(TRU)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON OSC re Completion of Settlement.

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

1. Matter set on 06/07/17 when counsel indicated a settlement was reached in mediation.
2. Need settlement agreement.

RECOMMENDATION

Inquire status of settlement.

(lc)

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

DATE: 08/10/17 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1700491
CASE NAME: RICK HIEBERT
HEARING: Petition for LETTERS OF ADMINISTRATION WITH LIMITED IAEA

COUNSEL:

KIMBERLY CATHERINE ANDREWS TOY (PET)...MICHAEL C MADDUX
RICK HIEBERT (DEC)...

GENERAL INFORMATION

Kimberly Toyer, spouse, appointed as special administrator on 05/25/17; special powers, \$75,000 bond. Bond has not been filed and temporary letters have not issued.

THIS CASE SET FOR HEARING ON Petition for Letters of Administration with Full Authority under IAEA by Kimberly Toyer, spouse

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

1. All heirs waive bond and bond of \$75,000 also requested. Net value of the estate consists of \$254,216.95 in real property. **Need bond of \$75,000 in order to issue Letters of Special Administration.**
2. Proof of publication filed on 06/27/17; however, as notice filed is incorrect, the verbiage regarding the authority to act under the IAEA powers is missing. Need corrected publication.
3. Duties and liabilities filed, however, the telephone number is missing. Need same.
4. Caption does not indicate IAEA powers; however it is clear that limited authority is being requested in body of petition. Court to clarify.
5. Section 5 of the petition is incomplete as to whether there was or was not a domestic partner. Court may wish to clarify on record as petitioner is spouse.
6. Petitioner is not listed in section 8 of the petition; however, it is clear that petitioner is the surviving spouse. Does Court wish to require verified supplement? JTD
7. ~Proposed Form Order: 05/18/17

RECOMMENDATION

Need to clear notes 1-3. Court's discretion re bond and remaining notes. If approved, set Accounting/Status Review for **10/18/18**. Any accounting to be filed 30 days in advance local rule 20-901. Note requirements of local rule 20-908.

(ww/lc)

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

DATE: 08/10/17 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1700492
CASE NAME: MINTA IRENE THORNESS
HEARING: Petition for LETTERS OF ADMINISTRATION WITH FULL IAEA

COUNSEL:

ADVANCE INHERITANCE LLC (TP)...JAMES L LEESTMA
GARRET THORNESS (PET)...PRO/PER
MINTA IRENE THORNESS (DEC)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Letters of Administration with Full Authority under IAEA by Garret Thorness, son

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

1. All heirs waive bond. The estate consists of \$257,000 of which \$1,000 is personal property. **Court to see note 2.**
2. Section 5 of the petition states that there is a domestic partner but one is not listed in section 8. Court may wish to clarify on record or in alternative, need verified supplement. If there is a domestic partner then a bond waiver would be required of them.
3. Proofs of service for assignment of interest and request for special notice indicate notice sent to Mark Moktarian, Esq. Court to clarify why notice was sent to counsel and not sent to petitioner as he does not appear to be represented by counsel. If so, need substitution of attorney.
4. Need Notice to Petition to Administer Estate and proof of service including to Advance Inheritance who requested special notice.
5. Need proof of publication
6. ~Proposed Form Order: 05/18/17

RECOMMENDATION

Need to clear notes 4 & 5. Court's discretion re bond and notes 2 & 3. If approved, set Accounting/Status Review for **10/18/18**. Any accounting to be filed 30 days in advance local rule 20-901. Note requirements of local rule 20-908.

(ww)

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

DATE: 08/10/17 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1700493
CASE NAME: LUZ MARIA RODRIGUEZ
HEARING: Petition for LETTERS OF TESTAMENTARY WITH FULL IAEA

COUNSEL:

LUZ MARIA RODRIGUEZ (DEC)...
MARIA ELIZABETH QUIROZ (PET)...MICHAEL C MADDUX

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Probate, Letters Testamentary with Full Authority under IAEA by Maria Quiroz, daughter

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

1. Will waives bond. Net value of the estate consists of \$205,483.31 in real property.
2. Section 2 of the petition fails to name the petitioner; however it is clear that the petition is Maria Quiroz. Court's discretion
3. Will is not self-proving as there is no statement that the will was not procured under duress etc. or signed under penalty and perjury of the laws of California. Need proof of subscribing witness. (DE-131)
4. Section 8 of the petition is incomplete as to the relationship to the decedent of Zion, Dominic and Aidan Sepulveda. Also, section 8 fails to list Gonzalo Sepulveda. Need verified supplement.
5. Notice to Petition to Administer Estate and proof of service filed on 05/25/17; however section 5 as to the authority to administer under IAEA is not marked. Also, Gonzalo Sepulveda is not listed on the proof of service. Need corrected notice and notice to Gonzalo Sepulveda.
6. Proof of publication filed on 06/27/17; however, the verbiage regarding the authority to act under the IAEA powers is missing. Need corrected publication.
7. ~Proposed Form Order: 05/18/17

RECOMMENDATION

Need to clear notes 3-6. Court's discretion re bond and note 2. If approved, set Accounting/Status Review for **10/18/18**. Any accounting to be filed 30 days in advance local rule 20-901. Note requirements of local rule 20-908.

(ww)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT **TRUSTS AND MOTIONS**

DATE: 08/10/17 TIME: 8:35 DEPT: S35P

CASE#: PRO PS1601091

CASE NAME: THE JOE B MELTON & MONICA T MELTON TRUST

SEE ALSO 8, 9

HEARING:

Petition for TO COMPEL THE TRUSTEE TO REPORT INFORMATION ABOUT
THE TRUST TO THE BENEFICIARIES

COUNSEL:

CORA A BENIQUEZ

JOSEPH B MELTON

THE JOE B MELTON & MONICA T ME

(OBJ)...PHILIP M FLANIGAN

(PET)...DIANA J CARLONI

(TRU)...

Currently under review by legal research

(LR)

Continued matter. Notice not re-reviewed.

CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT **CONSERVATORSHIP**

DATE: 08/10/17 TIME: 9:30 DEPT: S35P

CASE#: CON PS1600331

CASE NAME: MTR OF MEGAN UNGAR

HEARING: Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of SCOTT UNGAR

COUNSEL:

JULIA UNGAR	(CP)...TREVOR
MEGAN UNGAR	(CTP)...
SCOTT UNGAR	(CP)...TREVOR

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Compliance Review.

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

1. Scott and Julia Ungar, parents appointed conservator of the person only on 01/05/17.
2. Notification of Conservatee's rights per Pr.C.§1830(c) filed 01/06/17
3. Determination of Conservatee's Appropriate Level of Care form GC-355 and Care Plan in accord with Pr.C.§2352.5 filed 02/21/17.

RECOMMENDATION

None.

(lc)

Superior Court of Calif, County of San Bernardino

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

DATE: 08/10/17 TIME: 9:30 DEPT: S35P

CASE#: CON PS1600381

CASE NAME: MTR OF WINSTON HAYES

HEARING:

Hearing Re: ISSUE OF ESTATE POWERS

COUNSEL:

TANISCHIKA HAYES	(CPE)...PRO/PER
TANISHA HAYES	(CPE)...PRO/PER
WINSTON HAYES	(CEP)...PRO/PER

GENERAL INFORMATION

Continued from 04/13/17. Court conferred with counsel and Tanischika Hayes and noted that Las Vegas hearing was continued to 05/23/17. Court also noted that upon additional filing of a declaration regarding what steps Tanischika Hayes has taken to file in Las Vegas the Court will consider granting Tanischika Hayes the conservator of the estate.

Continued from 05/18/17 and 06/22/17. Court indicated a tentative ruling to require \$40,000 bond. Still waiting for information from Nevada.

THIS CASE SET FOR HEARING ON Issue of Estate Powers.

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

1. Tanisha Hayes and Tanischika Hayes, daughters, appointed co-conservators of the person only on 03/16/17. Court reserved issue on estate powers. Court further ordered \$2,000 to be released from the trust to Tanisha Hayes to repair the fourplex.
2. Petitioner requests no bond per Pr.C. § 2323. Petition indicates estate assets consist of annual rental income of \$40,812 directly deposited into the trust [Pet.12/28 LFpg11].
3. Report of counsel Kastilahn filed 05/15/17.

RECOMMENDATION

Court's discretion.

(lc)

Future Hearing: 10/19/17 Compliance review hearing

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

DATE: 08/10/17 TIME: 9:30 DEPT: S35P

CASE#: CON PS1700111
CASE NAME: JIMMY OROZCO
HEARING: Petition for Appointment of Conservator

COUNSEL:

AUSTREBERTO OROZCO (PET)...PRO/PER
JIMMY OROZCO (CEE)...
MARIA OROZCO (PET)...PRO/PER

GENERAL INFORMATION

Maria and Austreberto Orozco appointed temporary guardians on 04/05/17. Court accepts oral request to modify their petition to remove authorization for estate powers.

Continued from 05/18/17 and 06/22/17. Court will not require appointment of counsel or IRC report. Medical powers are being sought.

THIS CASE SET FOR HEARING ON Petition for Appointment of Conservator person only by Maria Orozco and Austreberto (parents)

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

1. Petitioners do not seek medical powers; however, clarified on record powers are sought. Capacity Declaration filed 07/07/17 does not have verification dated by physician or section 4 as to proposed conservatee's name. Need corrected form.
2. Need return of Citation
3. Court Investigator report filed 05/16/17.
4. Certificate of Completion of the Conservatorship Training Class filed 05/11/17.
5. ~Proposed Form Order: 03/29/17

RECOMMENDATION

Need to clear notes 1-2. If approved, set hearing for Compliance Review for **03/15/18** for the filing of the required documents and hearing re Accounting Review for **10/18/18**. Any accounting to be filed 30 days in advance.

(lh/lc)

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

DATE: 08/10/17 TIME: 9:30 DEPT: S35P

CASE#: CON PS1700251

CASE NAME: MTR OF ETHAN WAYNE CHAVEZ

HEARING:

Petition for Appointment of Conservator

COUNSEL:

CALEB L CHAVEZ	(CPE)...PRO/PER
ETHAN WAYNE CHAVEZ	(CEP)...
JENNIFER LYNNE CHAVEZ	(CPE)...PRO/PER
RONALD EDWARD CHAVEZ	(CPE)...PRO/PER

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Appointment of Conservator person and estate by Ronald, Jennifer and Caleb Chavez; parents and brother.

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

6. Petition indicates proposed conservatee will not reach the age of majority until 09/04/17. Does Court wish to require petitioners to re file once proposed conservatee reaches age of majority? Alternatively, trail hearing to 09/07/17.
7. Petitioner requests no bond as there are no assets. Court to inquire re necessity of estate powers?
8. It appears a petition for limited conservatorship is appropriate as proposed conservatee is developmentally disabled [Petition,7/3/17, LFpg7]. Does Court wish to deem this petition for limited conservatorship?
9. 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.
10. 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
11. Question if petitioner is seeking medical powers as no additional powers are requested; however, section 9 indicates a Capacity Declaration will be filed. Need verified supplement.
12. Supplemental Information form filed 07/03/17 refers to attached medical reports; however, report not attached as alleged. Need completed form.

13. Certificate of Completion of the Conservatorship Training Class filed re Robert on 07/10/17. Need proof for Jennifer and Caleb.
14. Need Notice of Hearing and Proof of Service, including 30 days' notice to Inland Regional Center.
15. Need return of Citation.
16. Court Investigator report filed 08/02/17.
17. ~Proposed Form Order: 07/03/17

RECOMMENDATION

Need to clear notes 11-15. Proposed conservatee is not yet 18.

If approved, set hearing for Compliance Review for **03/15/18** for the filing of the required documents and hearing re Accounting Review for **10/23/18**. Any accounting to be filed 30 days in advance.

(lh/lc)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT

DATE: 08/10/17 TIME: 9:30 DEPT: S35P

CASE#: CON PS1700252

CASE NAME: MTR OF NANCY J CONNORS

VACATED -

HEARING:

Petition for Appointment of Conservator

COUNSEL:

COLLEEN DAVIS	(CP)...PRO/PER
NANCY J CONNORS	(CTP)...PRO/PER
SHANA O'CONNORS	(CP)...PRO/PER

MOVED TO 08/17/17 CALENDAR

Superior Court of Calif, County of San Bernardino

Page: 1 ADD ON

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

DATE: 08/10/17 TIME: 8:30 DEPT: S36P

CASE#: CIP DS1700097

CASE NAME: IN RE: LIU ZIJIA

HEARING:
Petition for Compromise of Disputed Claim of Minor

	COUNSEL:
LIU ZIJIA	(M/P)...ALDER LAW PC
YE JINFENG	(PET)...ALDER LAW PC

No notes – JTD

Superior Court of Calif, County of San Bernardino

Page: 1A

CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: CYNTHIA LUDVIGSEN

PROBATE

DATE: 08/10/17 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1100414

CASE NAME: RICHARD F. HARDING

HEARING:

Hearing Re: RESULTS/STATUS OF BINDING ARBITRATION

COUNSEL:

FAYE VEGA

(OBJ)...HARTNELL LAW GROUP

RICHARD F HARDING

(DEC)...

RICHARD K HARDING

(PET)...JEFFORD C DAVIS

Status – No notes – JTD

Superior Court of Calif, County of San Bernardino

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

DATE: 08/10/17 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1400495

CASE NAME: THE SAVAGE TRUST

HEARING: THIRD AND FINAL Account and Report of DIANE D. HARKISON and
Petition for allowance of fees filed.

COUNSEL:

DIANE D HARKISON	(PET)...MARIELLEN ROSS
THE SAVAGE TRUST	(TRU)...
VICTOR DEKTEROV	(PRO/PER

GENERAL INFORMATION

Continued from 06/22/17. Attorney Roy Barry to file written objections. If Victor Dekterov has counsel, he needs to be present at the next hearing.

THIS CASE SET FOR HEARING ON 3rd and Final Account and Petition for Allowance of Fees by ***Diane Harkison, Former Successor Trustee.***

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

1. George Dekterov was appointed successor Trustee on 01/06/16. See recommendation.
2. Accounting period 03/13/15 – 04/18/16.
3. Assets on hand \$0.
4. Petitioner requests trustee fees of \$1,824 for 15.2 hours at \$120 per hour with a remaining balance owed of \$1,104. Itemized [Acct. 03/24LFpg13-16].
5. Attorney Ross requests fees of \$3,745 for Itemized [Acct. 03/24LFpg18-19].
6. Attorney Ross seeks reimbursement of costs totaling \$815 for P&R Business Services and filing fee.
7. Attorney Kern requests \$2,920 for 7.3 hours at \$400 per hour. Itemized [Acct. 03/24 LFpg20].
8. ~Proposed Order: 06/23/17.

RECOMMENDATION

Court's discretion re fees. If approved, set hearing on the filing of receipts and final discharge for ***Diane Harkison*** for **06/28/18**. Need to set Accounting review for Successor Trustee ***George Dekterov*** for **09/20/17**.

(lc)

Superior Court of Calif, County of San Bernardino

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

DATE: 08/10/17 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1400685

CASE NAME: BETTEANNE BURCHELL

HEARING:

Probate status report filed.

COUNSEL:

BETTEANNE BURCHELL	(DEC)...
DENNIS SHOGREN	(PET)...E JOAN NELMS
DENNIS SHOGREN	(PET)...JAMES B CHURCH
MELVIN L FRIEDLAND	(PET)...MELVIN L FRIEDLAND

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Status Report.

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

1. Letters of Administration issued to Dennis Shogren, PPF, on 10/08/14; current bond \$450,000.
2. Petitioner seeks an additional 6 months to close to estate in order to claim proceeds of sale of real property that was sold at a trustee's sale on 07/18/16 unbeknownst to petitioner.
3. ~Proposed Order: 05/12/17.

RECOMMENDATION

Court's discretion. If approved, set Accounting/Status Review for **03/15/18**. Any accounting to be filed 30 days in advance local rule 20-901. Note requirements of local rule 20-908.

(lc)

Superior Court of Calif, County of San Bernardino

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

DATE: 08/10/17 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1500794

CASE NAME: RICHARD V SMITH

HEARING:
Accounting Review

COUNSEL:

MELODIE Z SCOTT	(PET)...HARTNELL LAW GROUP
PACIFIC WESTERN BANK	(TP)...HEMAR, ROUSSO & HEALD, LLP
RICHARD V SMITH	(DEC)...
STATE OF CALIFORNIA FRANCHISE ()...

XREF CIVDS1419125 (Steinbrenner v Melodie Scott) PROPS1400908 (Richard Smith Trust).

GENERAL INFORMATION

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 Melodie Scott, PPF, on 06/21/16; full authority, \$20,000 bond.
2. Need final Inventory and Appraisal
3. Need accounting or status report.

RECOMMENDATION

Need to clear notes 2 & 3.

(lc)

Superior Court of Calif, County of San Bernardino

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

DATE: 08/10/17 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1500940

Vacate

CASE NAME: Lloyd E. Meinzer

HEARING:
Hearing re Final Discharge

COUNSEL:
BETTY L. TUCKER (PET)...ROGER VON KAESBORG
LLOYD E. MEINZER (DEC)...

Final Discharge order sent to department for signature on 08/04/17.

(lc)

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

DATE: 08/10/17 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1600325

CASE NAME: ROBERT MICHAEL JOHNSON

HEARING: WAIVER OF Account and Report of JAN MARIE RUE and Petition for allowance of fees filed.

COUNSEL:

JAN MARIE RUE (PET)...BURTON R POPKOFF
ROBERT MICHAEL JOHNSON (DEC)...

GENERAL INFORMATION

Continued from 07/06/17.

THIS CASE SET FOR HEARING ON Waiver of Final Account, Distribution and Petition for Allowance of Fees by **Jan** Hotaling-Rue, cousin.

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

1. Sole beneficiary **Jay** Hotaling waives accounting.
2. Petitioner and attorney request statutory fees of \$14,031.92 each. Calculated; however, need to clear Inventory and Appraisal note(s)
3. Petitioner seeks extraordinary fees of \$3,500 in report, yet \$2,000 in prayer. Need itemization per local rule 20-904 with clarification.
4. Attorney seeks extraordinary fees of \$10,000 for 25 hours at \$400 per hour. Need itemization per local rule 20-904.
5. Supplemental Inventory and Appraisal indicates pension and retirement plan proceeds.
 - a. Items shall be on attachment 2 and appraised by probate referee.
 - b. Need final Inventory and Appraisal allegedly filed 09/08/16. No Inventory and Appraisal listed for that date in ROA.
6. Petitioner requests a reserve of \$5,000.
7. No proposed order. Submit after hearing.

RECOMMENDATION

Need to clear notes 3-5. If approved, set hearing on the filing of receipts and final discharge for **07/12/18**.

(lc)

Superior Court of Calif, County of San Bernardino

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

DATE: 08/10/17 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1600950

CASE NAME: MTR OF GERTRUDE ELVIN MACKENZIE

HEARING:

FIRST AND FINAL Account and Report of KIMBERLY WHITESIDE and
Petition for allowance of fees filed.

COUNSEL:

GERTRUDE ELVIN MACKENZIE (DEC)...
KIMBERLY WHITESIDE (PET)...JOHN F WEBER

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Final Account, Distribution and Petition for
Allowance of Fees by Kimberly Whiteside, daughter.

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

1. Petitioner waives statutory compensation.
2. Counsel requests statutory fees of \$4,450 each. Petitioner will pay outside of estate due to no liquid assets.
3. Petitioner and remaining beneficiary Scott MacKenzie agreed on distribution per assignments of interest.
4. ~Proposed Order: 05/18/17.

RECOMMENDATION

RFA. If approved, set hearing on the filing of receipts and final discharge for **03/15/18**.

(lc)

Superior Court of Calif, County of San Bernardino

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

DATE: 08/10/17 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1700464

CASE NAME: MTR OF DENNIS JONES

HEARING:

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

COUNSEL:

DENNIS JONES (DEC)...
SHLLEY E PEEBLES (PET)...GEORGINA LEPE

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Letters of Administration with Full
Authority under IAEA by Shelly Pebbles, daughter

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

1. All heirs waive bond. The estate consists of \$180,000 in real property.
2. ~Proposed Form Order: 06/20/17

RECOMMENDATION

RFA. Court's discretion re bond If approved, set Accounting/Status Review for **10/18/18**.
Any accounting to be filed 30 days in advance local rule 20-901. Note requirements of
local rule 20-908.

(ww)

Superior Court of Calif, County of San Bernardino

Page: 8A ADD ON

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

DATE: 08/10/17 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1700465

CASE NAME: CARMEN TOSCANO

HEARING:

Petition for LETTERS OF ADMINISTRATION W/ FULL IAEA

COUNSEL:

CARMEN TOSCANO (DEC)...
GUADALUPE L TOSCANO (PET)...GEORGINA LEPE

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full authority under IAEA by Guadalupe Toscano (daughter-in-law)

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

1. Requested bond \$41,400. Suggested bond \$1,241,400, consisting of \$41,400 in personal property and \$1,200,000 in real property. JTD.
2. Caption of petition is incomplete as to type of petition; however, it appears petitioner seeks appointment as administrator. Need verified supplement.
3. ~Proposed form Letters 07/11/17.

RECOMMENDATION:

RFA subject to note 2. Court's discretion re bond. If approved, set future hearing for Accounting/Status Review on **10/18/18**. Any accounting to be filed 30 days in advance. Note requirements of Local Rules.

(lh/lc)

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

DATE: 08/10/17 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1700045

CASE NAME: MTR OF EFREN MICHAEL SALAZAR

HEARING: Petition to determine succession to Real Property

COUNSEL:

ALEJANDRO ROMERO (MIN)...
EFREN MICHAEL SALAZAR (DEC)...
MELANIE VANESSA SALAZAR (PET)...KELLIE

GENERAL INFORMATION

Continued from 03/23/17 and 05/18/17. Court has concerns about petition and appoints Mitchell Roth GAL for minor Alejandro Romero (17).

Continued from 07/06/17. Mitchell Roth represents that parties have agreed to sell the property. Counsel have agreed to use Flans and Weiner. Flans and Weiner to provide a report.

THIS CASE SET FOR HEARING ON Petition to Determine Succession to Real and Personal property per Pr.C. §13151 by Melanie Salazar, daughter.

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

1. Petitioner seeks 100% interest in the decedent's 100% interest in real property per intestate succession and assignments of interest.
2. Need report of Flans and Weiner.
3. **Report and Objection filed by GAL on 07/06/17.**
4. ~Proposed Form Order: 05/18/17.

RECOMMENDATION

Need report.

(lc)

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

DATE: 08/10/17 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1700500

CASE NAME: MARCO TULIO MATA ESTEVEZ

HEARING:

Spousal Property Petition hearing.

COUNSEL:

MARCO TULIO MATA ESTEVEZ (DEC)...
ROSA ELVIA CARBALLO (PET)...PRO/PER

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Spousal Property Petition by Rosa Carballo, spouse.

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

1. Petitioner seeks court confirm her half of community property and determine that property left by decedent is community and passes to petitioner without administration.
2. Petitioner alleges that she and decedent were married in 2010, property was acquired using community funds. Question when property was acquired and why property is not held as community property? Need verified supplement.
3. ~Proposed Form Order: 05/23/17.

RECOMMENDATION

Need to clear note 2.

(lc)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: CYNTHIA LUDVIGSEN

CONSERVATORSHIP

DATE: 08/10/17 TIME: 9:30 DEPT: S36P

CASE#: BC BS166

Vacate

CASE NAME: IN THE MATTER OF DENISE TUMLIN

HEARING:

Accounting Review

COUNSEL:

BARBARA BRYSON

(PET)...PRO/PER

DENISE TUMLIN

(CEP)...

RICHARD BRYSON

(PET)...PRO/PER

(lc)

Waiver of Account forwarded to department for signature on 08/02/17. Clerk's office to set next suggested hearing date of 07/25/19.

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

DATE: 08/10/17 TIME: 9:30 DEPT: S36P

CASE#: CON PS1300065

CASE NAME: LIDIA DEKTEROV
HEARING: Hearing re Final Discharge

COUNSEL:

DIANE D HARKISON	(CE)...MARIELLEN ROSS
DONNASUE SMITH ORTIZ	(PET)...DONNASUE ORTIZ
GEORGE DEKTEROV	(CP)...ELIZABETH MCDONOUGH
GEORGE DEKTEROV	(CPE)...ROY A BARRY
LIDIA DEKTEROV	(CEP)...PRO/PER
LIDIA KEKTEROV	(PCE)...THE ALVAREZ FIRM
SURETEC INSURANCE COMPANY	(PRO/PER
VICTOR DEKTEROV	(APP)...AMY M COHEN
VICTOR DEKTEROV	(APP)...JOHN
VICTOR DEKTEROV	(OBJ)...

GENERAL INFORMATION

Continued from **03/03/16 and 10/06/16**. Mitchell I Roth is relieved as counsel of record for Lidia Dekterov.

Continued from **12/20/16** – awaiting refund on amended tax return.

Continued from 03/21/17 and 06/22/17.

THIS CASE SET FOR HEARING ON Final Discharge re **Temporary Conservator** Diane Harkison

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

1. Final Accounting of Diane Harkison approved on 02/26/15.
2. Need receipt from George Dekterov, successor Conservator.
3. Need Ex Parte Petition for Final Discharge and Order.

RECOMMENDATION

Inquire status.

(lc)

Future Hearing: 09/28/17 *Accounting Review for **George Dekterov**, son*

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

DATE: 08/10/17 TIME: 9:30 DEPT: S36P

CASE#: CON PS1600145

CASE NAME: MTR OF BETTY MAY CAVENAUGH

HEARING:

Hearing Re: CI Memo (Dated 07/19/17)

COUNSEL:

BETTY MAY CAVENAUGH	(CEP)...
COLLEEN ANN CAVENAUGH	(CPE)...SHERRI L KASTILAHN
DEPARTMENT OF AGING AND ADULT	(TP)...COUNTY COUNSEL
KATHY BREITENBACH	(PCR)...PRO/PER
PATRICK M CAVENAUGH	(PET)...YASHA BRONSHTEYN
SURETEC INSURANCE COMPANY	()...

XREF: CONPS1600146 (Patrick Cavanaugh, spouse)

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Court Investigator memo.

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

1. Matter set after review of Court Investigator report filed **07/19/17**.
2. Conservatee passed away on **07/22/17**.

RECOMMENDATION

Court's discretion.

(lc)

Future Hearing: 01/22/18 Compliance review hearing
08/20/18 Accounting Review.

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

DATE: 08/10/17 TIME: 9:30 DEPT: S36P

CASE#: CON PS1700235
CASE NAME: MARICA KAY BISSONNETTE
HEARING: Petition for Appointment of Conservator

COUNSEL:

KRISTIN COX (CPE)... BRADLEY J. HAGUE
MARCIA KAY BISSONNETTE (CEP)... MITCHELL I ROTH

GENERAL INFORMATION

Mitchell Roth appointed Counsel on 06/29/17, exparte continued.
Kristin Cox appointed temporary Conservator on 07/26/17; person and estate \$82,000 bond.

THIS CASE SET FOR HEARING ON Petition for Appointment of Conservator person and estate by Kristin Cox (daughter)

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

1. Petitioner requests court reserve bond until assets are determined. Does Court wish to require minimum bond of \$20,000? JTD
 - a. Need **temporary bond of \$82,000** in order for letters to issue.
2. Petitioner seeks powers under Pr. C. §2591; however, does not specify requested powers and reasons for each. Also, question if real property is conservatee's separate property as proposed conservatee is married? Need verified supplement.
3. Petitioner seeks all powers under Pr. C. §2351-2358. Need verified supplement specifying each requested power and reasons for each.
4. Proof of Service of Notice of Hearing filed 06/29/17 as to Richard Bissonnette (husband) is incomplete at item #6 re server's address. Need amended proof of service.
5. Petitioner seeks medical powers. Capacity Declaration filed 06/22/17.
6. Petitioner seeks dementia powers. Report of Counsel M. Roth filed 08/01/17.
7. Return of Citation filed 06/29/17.
8. Proof of Completion of Conservatorship Training Class filed 07/06/17.
9. Court Investigator report filed 08/01/17.
10. No proposed Order submitted.

RECOMMENDATION

Need to clear notes 1-4. If approved, set hearing for Compliance Review for **03/15/17** for the filing of the required documents and hearing re Accounting Review for **10/18/18** Any accounting to be filed 30 days in advance.

(lh/lc)

CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

Readiness Calendar

DATE: 08/10/17 TIME: 8:29 DEPT: S37P

CASE#: GAR PS1600219

CASE NAME: ALYSSA EILEESE MIRANDA-SIMS

SEE ALSO 2, 3

HEARING: Hearing re: Petition for Appointment of Guardian

COUNSEL:

ALYSSA EILEESE MIRANDA-SIMS	(MIN)...PRO/PER
BROWN WHITE AND OSBORN	(PET)...BROWN WHITE & OSBORN
HEATHER MIRANDA	(GE)...BROWN WHITE & OSBORN
HEATHER MIRANDA	(OBJ)...BROWN WHITE & OSBORN
LUCIA PADILLA	(GP)...CRAIG M PARKER

XREF: PROPS1600688 (*Estate of Raul Miranda; father*)

GENERAL INFORMATION

Temporary orders denied on 06/02/16 and 07/07/16.

Continued from 06/21/16 and 07/07/16 and 10/25/16. Mitchell Roth appointed GAL.

Continued from 03/23/17. Counsel ready for trial, but do not have dates free on which to proceed. Matter continued for Counsel to be available. Notice given by Counsel Flory.

THIS CASE SET FOR HEARING ON

Petition 1 - Petition for Guardianship person and estate by paternal grandmother.

Petition 2 - Petition for Guardianship estate only by mother, minor 11.

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

Petitioner 1 – Lucia Padilla, paternal grandmother

1. Petitioner requests no bond on the basis there is currently no assets other than personal property. Court to inquire re life insurance as to the father's death.
2. Father is deceased.
3. Mother was served
4. Petitioner requests Pr.C. § 2590 powers to file law suit for wrongful death of father; Raul Miranda.
5. Attorney did not date petition at signature. Need same.
6. CI Report filed on 08/05/16.
7. ~Proposed Form Order: 05/09/16.

Petitioner 2 – Heather Miranda, mother

8. Petitioner requests life insurance proceeds be placed into a blocked account.
9. Father is deceased.
10. Questionnaire filed on 07/08/16 is missing signature on front page, Section VI References (see LF, p.6), Section VII, 1(a) is incomplete (See LF, P.7).
11. GAL Report filed 01/31/17.
12. **Objections filed on 07/08/16 by mother.**
13. ~Proposed Form Order: 05/13/16.

RECOMMENDATION

Need to clear notes 5 and 10. Matter is contested.

If approved, set proof of blocked account in **30 days** and Accounting/Status Review for **10/18/18**. Any accounting to be filed 30 days in advance local rule 20-901. Note requirements of local rule 20-908.

(lc/lh/lc/lh/lc)

Future Hearing:

09/12/17 Hearing re: GUARDIAN AD LITEM'S REPORT

Superior Court of Calif, County of San Bernardino

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

DATE: 08/10/17 TIME: 8:29 DEPT: S37P

CASE#: GAR PS1600219

CASE NAME: ALYSSA EILEESE MIRANDA-SIMS

SEE ALSO 1, 3

HEARING:

Petition for APPOINTMENT OF GUARDIAN OF THE ESTATE

COUNSEL:

ALYSSA EILEESE MIRANDA-SIMS	(MIN)...PRO/PER
BROWN WHITE AND OSBORN	(PET)...BROWN WHITE & OSBORN
HEATHER MIRANDA	(GE)...BROWN WHITE & OSBORN
HEATHER MIRANDA	(OBJ)...BROWN WHITE & OSBORN
LUCIA PADILLA	(GP)...CRAIG M PARKER

XREF: PROPS1600688 (*Estate of Raul Miranda; father*)

See notes on matter 2.

Future Hearing:

09/12/17 Hearing re: Guardian ad litem's report

Superior Court of Calif, County of San Bernardino

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

DATE: 08/10/17 TIME: 8:29 DEPT: S37P

CASE#: GAR PS1600219

CASE NAME: ALYSSA EILEESE MIRANDA-SIMS

SEE ALSO 1, 2

HEARING:
Readiness Calendar

COUNSEL:

ALYSSA EILEESE MIRANDA-SIMS	(MIN)...PRO/PER
BROWN WHITE AND OSBORN	(PET)...BROWN WHITE & OSBORN
HEATHER MIRANDA	(GE)...BROWN WHITE & OSBORN
HEATHER MIRANDA	(OBJ)...BROWN WHITE & OSBORN
LUCIA PADILLA	(GP)...CRAIG M PARKER

XREF: PROPS1600688 (*Estate of Raul Miranda; father*)

Readiness- no notes—JTD

Future Hearing:
09/12/17 Hearing re: Guardian ad litem's report

Superior Court of Calif, County of San Bernardino

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

DATE: 08/10/17 TIME: 8:29 DEPT: S37P

CASE#: CON PS1600023

CASE NAME: MTR OF BETTY J ELLIS

HEARING:
Hearing Re: EVIDENCE

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

No notes – JTD

Future Hearing:
08/14/17 *Court Trial*
08/14/17 *Hearing re: Petition for guardianship*

Superior Court of Calif, County of San Bernardino

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

DATE: 08/10/17 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1300467

CASE NAME: THE JANE GILL THOMPSON SEPARATE PROPERTY TRUST

SEE ALSO 4

HEARING:

Hearing Re: TSC/SET MEDIATION

COUNSEL:

EMORY D'AQUILA (RES)...DAVID LIVINGSTONE TAUB

MILES THOMPSON (PET)...PRO/PER

OSCAR EMMETT THOMPSON (PET)...JACK B OSBORN

THE JANE GILL THOMPSON SEPARA (TRU)...

TSC/Set Mediation – No notes – JTD

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

DATE: 08/10/17 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1400479
CASE NAME: Richard Edson Holdaway
HEARING: Petition for COMPLAINT FOR DAMAGES ON REJECTED CLAIM

COUNSEL:

PATRICIA C EVERETT	(PET)...BRYAN C HARTNELL
RICHARD EDSON HOLDAWAY	(DEC)...
RICHARD EVERETT HOLDAWAY	(PET)...DIANE E ROBBINS

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Complaint for Damages on Rejected Claim Pr.C. § 9354 by Patricia Everett, creditor.

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

1. Letters Testamentary issued to Richard Holdaway, son, on 10/06/16. Prior to executor's appointment, petitioner Patricia Everett filed a Creditor's Claim for \$90,875 (prior competing petitioner) on 06/11/14. Decedent died on 06/13/14. Executor Richard rejected claim 3 years later on 03/10/17. The statute begins to run again once the personal representative rejects the claim Pr.C. § 9353.
2. Petitioner alleges that prior to decedent's death, petitioner provided services, provided loans, incurred in home expenses on behalf of decedent etc. totaling \$90,875. Petitioner attaches promissory notes for \$8,000, \$10,000 in 1997, \$3,000 in 2012 was paid to petitioner by decedent. There is no itemization of services of \$24,000, expenses of \$17,675 or alleged personal property of \$24,000 mentioned in petition [Pet. 05/19 LFpg4]. Need verified supplement for the following.
 - a. Question how petitioner derived the alleged balance owed re personal property and services?
 - b. Additionally, as the loans were from 1997, question how no payments allegedly made until 2012? Petitioner alleges the \$3,000 repayment was never cashed. However, there does not appear to be proof other than a copy of a back of check that is illegible [Pet. 05/19 LFpg10].
 - c. The \$4,200 loan does not appear to be clear.
3. Need proof of service of summons.
4. Petitioner seeks reimbursement of attorney's fees and costs related to petition.
5. No proposed order. Submit after hearing.

RECOMMENDATION

Need to clear notes 2-3.

(lc)

Future Hearing: 12/13/17 *Accounting Review*.

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

Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

DATE: 08/10/17 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1600339

CASE NAME: JONATHAN RYAN JANER

HEARING:

Accounting Review

COUNSEL:

ANNA DOLORES INGRAM	(PET)...SYBIL YVONNE BURRELL
JONATHAN RYAN JANER	(DEC)...
WERNER W JANER	(TP)...SNYDER & HANCOCK

GENERAL INFORMATION

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 Anna Ingram, mother , on 06/08/16; **limited** authority, \$20,000 bond.
2. Final Inventory and Appraisal filed 10/05/16.
3. Need accounting or status report.

RECOMMENDATION

Inquire status of accounting.

(lc)

Superior Court of Calif, County of San Bernardino

Page: 8

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

DATE: 08/10/17 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1600688

CASE NAME: MTR OF RAUL MIRANDA

HEARING:

Spousal Property Petition hearing.

COUNSEL:

HEATHER MIRANDA (PET)...JACK B. OSBORN
RAUL MIRANDA (DEC)...

XREF: GARPS1600219 (*Alyssa Eileese Miranda-Sims, minor child*)

GENERAL INFORMATION:

Continued from 09/06/16, 11/17/16, 02/23/17 and 03/23/17.

THIS CASE IS SET FOR HEARING ON Spousal Property Petition by Heather Miranda.

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

1. Petitioner, Heather Miranda, requests a determination of property passing to the surviving spouse as community property. Specifically, real property located in Barstow, CA, in San Bernardino County. However, petitioner does not set forth facts sufficient to establish a community property interest in the California real property. When were petitioner and decedent married? How was the property interest acquired – with community funds, etc? Need verified supplement.
2. Decedent died intestate with one minor child Alyssa (11) who would also share a one-half distribution in the estate per Pr.C. §6401 if the real property is the separate property of decedent.
3. ~Proposed Form Order 07/08/16.

RECOMMENDATION:

Need to clear note 1 then Court's discretion.
(nb/lc)

Future Hearing: 01/25/18 *Accounting Review.*

Superior Court of Calif, County of San Bernardino

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

DATE: 08/10/17 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1700217

Vacated

CASE NAME: MTR OF LIVING TRUST OF MARIE LEMMONS

HEARING:

Hearing Re: STATUS OF POSTING OF \$135,000.00 BOND

COUNSEL:

HOLDEN BOEHM	(PET)...KEYSTONE LAW GROUP
LIVING TRUST OF MARIE LEMMONS	(TRU)...
NICOLAS BOEHM	(PET)...KEYSTONE LAW GROUP
SHAANA BOEHM	(PET)...KEYSTONE LAW GROUP
WILLIAM BOEHM	(TP)...DAVID J HORSPOOL

XREF: PROPS1700631 (Marie Lemmons Living Trust)

Bond posted 07/25/17.

Future Hearing:

08/28/17 Petition to determine the validity of the purported etc.

08/28/17 Hearing re: Status of mediation/discovery271

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

DATE: 08/10/17 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1700508

CASE NAME: MTR MINNIE WIELENGA

HEARING:

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

COUNSEL:

MINNIE WIELENGA (DEC)...
ROBERT JAY WIELENGA (PET)...PRO/PER

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Letters of Administration with full
authority under IAEA by Robert Wielenga, son

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

1. Petitioner request bond be set at \$234,000. Estate value consist of \$234,000 with \$129,000 in real property.
2. Need proof of publication.
3. As section 8 lists issue of predeceased child, section 5 appears to have been inadvertently checked as to no issue of predeceased child.
4. ~Proposed Form Order: 05/23/17

RECOMMENDATION

RFA subject to note 2. Court's discretion re bond. If approved, set Accounting/Status Review for **10/18/18**. Any accounting to be filed 30 days in advance local rule 20-901. Note requirements of local rule 20-908.

(cs)

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

DATE: 08/10/17 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1700509

CASE NAME: ENRIQUE A MUNIZ

HEARING: Petition for LETTERS OF ADMINISTRATION W/FULL IAEA

COUNSEL:

ENRIQUE A MUNIZ (DEC)...
HECTOR MUNIZ (PET)...PRO/PER

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Letters of Administration with full authority under IAEA by Hector Muniz, son

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

1. All heirs waive bond. Net estate value \$93,479.99 with \$73,479.99 in real property.
2. Need proof of publication.
3. ~Proposed Form Order: 05/23/17

RECOMMENDATION

RFA subject to note 2. Court's discretion re bond. If approved, set Accounting/Status Review for **10/18/18**. Any accounting to be filed 30 days in advance local rule 20-901. Note requirements of local rule 20-908.

(cs/lc)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

TRUSTS AND MOTIONS

DATE: 08/10/17 TIME: 8:35 DEPT: S37P

CASE#: PRO PS1700388

CASE NAME: Salazar 2015 Family Trust

HEARING:

Motion Re: ORDER QUASHING SUBPOEANAS TO ALASKA FEDERAL CREDIT UNION Filed by Petitioner JOYCE SALAZAR

COUNSEL:

JEANNE E KENNEDY

(TP)...YEE & BELILOVE

JOYCE SALAZAR

(BEN)...

MICHELLE MILLER

(ZUMBRUNN LAW CORPORATION

SALAZAR 2015 FAMILY TRUST

(TRU)...

SONJA SALAZAR BROWN

(PET)... DOONAN & DOONAN,

No notes – JTD

(LR)

Superior Court of Calif, County of San Bernardino

Page: 12A ADD ON

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

DATE: 08/10/17 TIME: 9:30 DEPT: S37P

CASE#: CIF DS1700058

CASE NAME: LEE VS MOSELEY

HEARING:

Hearing Re: ELDER ABUSSE RESTRAINING ORDER

COUNSEL:

JOHN LEE (PP)...PRO/PER
MONT'U MOSLEY (RP)...

EX PARTE HEARING REGARDING ELDER OR DEPENDENT ADULT ABUSE

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

CONSERVATORSHIP

DATE: 08/10/17 TIME: 9:30 DEPT: S37P

CASE#: CON PS1500057

Vacate

CASE NAME: LILIA J RIVAS

HEARING:

Accounting Review

COUNSEL:

LILIA J RIVAS

(PCE)...CRAIG M PARKER

MARIA E RIVAS

(PCR)...LAYNE A BARTHOLOMEW

Exparte Petition to Dispense forwarded to department for signature on 08/04/17. Clerk's office to set next suggested hearing date of 07/25/19.

(lc)

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

DATE: 08/10/17 TIME: 9:30 DEPT: S37P

CASE#: CON PS1500181

CASE NAME: MATTHEW THOMPSON

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of FANNIE THOMPSON

COUNSEL:

FANNIE THOMPSON	(CP)...PRO/PER
LISA THOMPSON	(CP)...PRO/PER
MATTHEW THOMPSON	(CTP)...EDWARD B FISCHER

GENERAL INFORMATION

Continued from 05/26/16.

THIS CASE IS SET FOR HEARING ON Conservatorship Compliance Review

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

1. Fannie and Lisa Thompson, Mother and sister, were appointed Limited conservators on 10/21/15, person only.
2. Notification of Conservatee's rights per Pr.C.§1830(c) filed 07/31/17.
3. Determination of Conservatee's Appropriate level of Care form GC-355 and Care Plan in accord with Pr.C.§2352.5 filed 05/26/16.

RECOMMENDATION:

None.
(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: 08/10/17 TIME: 9:30 DEPT: S37P

CASE#: CON PS1600227

CASE NAME: MTR OF ERICKA MICHELLE BARAHONA

HEARING:

Conservatorship Compliance Review Hearing on PETIITON FOR
CONSERVATORSHIP of BLANCA ESTELA ESCARCEGA

COUNSEL:

BLANCA ESTELA ESCARCEGA (CP)...PRO/PER
ERICKA MICHELLE ESCARCEGA (CTP)...JENNIFER M DANIEL

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Compliance Review.

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

1. Blanca Escarcega, mother, appointed **limited** conservator of the person only on 01/05/17.
2. Notification of Conservatee's rights per Pr.C.§1830(c) filed 07/21/17.
3. Determination of Conservatee's Appropriate Level of Care form, Care Plan filed 02/03/17.

RECOMMENDATION

None.

(lc)

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

DATE: 08/10/17 TIME: 9:30 DEPT: S37P

CASE#: RC RS00396

CASE NAME: DAVID M JOHNSTON (MASTER)

HEARING:
Accounting Review

COUNSEL:

DAMIAN G GARCIA	(PET)...BANKS GARCIA & JANIS
DAVID J JOHNSTON	(TEE)...J. DAVID HORSPOOL
DAVID M JOHNSTON	(CEP)...
DAVID M. JOHNSTON SPECIAL NEED	(TRU)...
HEATHER JOHNSTON	(CPE)...DONNASUE ORTIZ
SUKI JOHNSTON	(PCR)...

CCP170.6 filed as to CYNTHIA LUDVIGSEN

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Accounting review.

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

1. 3rd Account for Heather Johnson, sister, approved on 01/28/16.
2. Need 4th Account beginning with 06/01/15.

RECOMMENDATION

Inquire status of accounting.

(lc)

CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY **MISC.**

DATE: 08/10/17 TIME: 1:30 DEPT: S37P

CASE#: CON PS1100062

CASE NAME: *MF* LORIANNE M. DURAN.

SEE ALSO 18

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	(PET)...BANKS GARCIA & JANIS
JANET DURAN	(PLA)...KAMPF SCHIAVONE & ASSOC
JENNIFER M DANIEL	(PET)...JENNIFER M DANIEL
LORIANNE DURAN	(PET)...KAMPF SCHIAVONE &)...
LORIANNE M. DURAN	(CEE)...JENNIFER M DANIEL
LORIANNE M. DURAN	(PET)...JEANNE E KENNEDY
RICHARD DURAN	()...
STEVEN DURAN	(CP)...DAVID E FOATE
STEVEN DURAN	(PCR)...DAVID E FOATE
STEVEN DURAN	(PET)...HORSPOOL & HORSPOOL
JOHN ADAN MD	(MCNEIL TROPP & BRAUN LLP

XREF: PROPS1300446 (Esther Duran)

Currently under review by legal research

(LR)

Continued matter. Notice not re-reviewed.

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

DATE: 08/10/17 TIME: 1:30 DEPT: S37P

CASE#: CON PS1100062

CASE NAME: *MF* LORIANNE M. DURAN.

SEE ALSO 17

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	(PET)...BANKS GARCIA & JANIS
JANET DURAN	(PLA)...KAMPF SCHIAVONE & ASSOC
JENNIFER M DANIEL	(PET)...JENNIFER M DANIEL
LORIANNE DURAN	(PET)...KAMPF SCHIAVONE &)...
LORIANNE M. DURAN	(CEE)...JENNIFER M DANIEL
LORIANNE M. DURAN	(PET)...JEANNE E KENNEDY
RICHARD DURAN	()...
STEVEN DURAN	(CP)...DAVID E FOATE
STEVEN DURAN	(PCR)...DAVID E FOATE
STEVEN DURAN	(PET)...HORSPOOL & HORSPOOL
JOHN ADAN MD	(MCNEIL TROPP & BRAUN LLP

XREF: PROPS1300446 (Esther Duran)

M.S.C./TRC – 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

DATE: 08/10/17 TIME: 1:30 DEPT: S37P

CASE#: PRO PS1300446
CASE NAME: ESTHER DURAN

SEE ALSO 20, 21

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

COUNSEL:

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

XREF: CONPS1100062 (*Lorianne Duran*)

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, 04/04/16 08/22/16 02/14/17, 03/16/17 and 05/25/17.

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 **10/18/18**. 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: 08/10/17 TIME: 1:30 DEPT: S37P

CASE#: PRO PS1300446
CASE NAME: ESTHER DURAN

SEE ALSO 19, 21

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

COUNSEL:

ESTHER DURAN	(DEC)...
JANET DURAN	(PET)...BANKS GARCIA & JANIS
LORIANNE M DURAN	(PET)...PRO/PER
STEVEN DURAN	(PET)...HORSPPOOL & HORSPPOOL
TOYOTA MOTOR CREDIT CORP	(TP)...SCOTT WELTMAN

XREF: CONPS1100062 (*Lorianne Duran*)

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, 03/16/17 and 05/25/17.

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. It does not appear notice has ever been filed in this matter. Does court wish to deem as served as hearing has continued since 2013? JTD**
8. Order on Stipulation to void and cancel four grant deeds approved on 01/15/14.

RECOMMENDATION:

Court's discretion re notice, then set for evidentiary hearing.

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

Superior Court of Calif, County of San Bernardino

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

DATE: 08/10/17 TIME: 1:30 DEPT: S37P

CASE#: PRO PS1300446

CASE NAME: ESTHER DURAN

SEE ALSO 19, 20

HEARING:

Hearing Re: MSC/TRC

COUNSEL:

ESTHER DURAN

JANET DURAN

LORIANNE M DURAN

STEVEN DURAN

TOYOTA MOTOR CREDIT CORP

(DEC)...

(PET)...BANKS GARCIA & JANIS

(PET)...PRO/PER

(PET)...HORSPPOOL & HORSPPOOL

(TP)...SCOTT WELTMAN

XREF: CONPS1100062 (*Lorianne Duran*)

M.S.C./TRC – No notes – JTD