



Second/Final Check

Superior Court of California
County of San Bernardino
Probate Department

Probate Notes for Calendar Date: 09/07/17

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.

Lc09/01

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: 09/07/17 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1400692

CASE NAME: Janis Antoinette Moudy

HEARING:

Accounting Review

COUNSEL:

DANA R MOUDY

(PET)...ALEXANDER W WALLACE

JANIS ANTOINETTE MOUDY

(DEC)...

GENERAL INFORMATION

Continued from 06/01/17.

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 Dana Moudy, spouse, on 03/24/16; full authority, no bond.
2. Final Inventory and Appraisal filed 10/14/15; however, personal property such as vehicles and furnishings are to be appraised by probate referee. Need corrected final Inventory and Appraisal.
3. Need accounting or status report.

RECOMMENDATION

Inquire status of Inventory and Appraisal and accounting.

(lc/ww)

Superior Court of Calif, County of San Bernardino

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

DATE: 09/07/17 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1500842
CASE NAME: DENNIS JAMES AZAROVITZ
HEARING: FIRST Account and Report of CAROL AZAROVITZ and Petition for allowance of fees filed.

COUNSEL:

CAROL AZAROVITZ (PET)...ALEX R BORDEN
DENNIS JAMES AZAROVITZ (DEC)...

GENERAL INFORMATION

Continued from 11/17/16, 02/09/16 and 04/06/17. Court authorized counsel's request for statutory fees, 25% or \$1,807.29. Counsel may amend account to be first and final.

THIS CASE SET FOR HEARING ON 1st Account Current, Petition for Preliminary Distribution and Fees. .

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

1. Accounting period 11/23/12 – 09/01/16.
2. Assets on hand \$67,240.86. **Supp 03/29: Petitioner alleges the assets on hand are now \$98,111.09.**
3. The estate has received \$141,677.36 interim payment from the pharmaceutical settlement, with a **net value of \$68,205.86** and **\$31,318.98** after attorney's fees/costs. Counsel alleges that the settlement point calculation indicates the estate will receive a total of \$211,458.75 before attorney's fees. The estate is not in a condition to be closed until the remainder of the settlement is received.
4. Counsel requests preliminary statutory fees per CRC §7.701 totaling \$5,060.43 or 70% of \$7,229.18. Calculated. In *Estate of Hilton (1996) 44 Cal.App.4th 890* the probate court allowed a 50% preliminary distribution. It later found that that the attorneys were over compensated. Court may wish to require a breakdown in services already rendered to earn the statutory fees. Court tentatively allowed 25%. Declaration filed at end of supplement; however, no itemization. [Sup.03/29 LFpg9-11]. **Statutory fees of \$1,807.29 authorized on 04/06/17**
5. Petitioner **now** seeks preliminary distribution of \$36,137.77 to herself, spouse, and \$10,391.55 to Denis Jove, daughter; 2 other children assigned their interest. This is over 50% of the current assets. All property distributed must not exceed 50% of the estates net value of the estate Pr. C. § 11623(a)(2). Need verified supplement with points and authorities as to how the estate can distribute over 50% of the net value

of the estate. **Supp11/14/16: Petitioner alleges that court may have discretion to distribute per Pr.C. § 11620. However, it appears that Pr.C. § 11623(a)(2) specifies not to exceed 50%. Supp filed 03/29/17 does not cure issue. Court's discretion as to further supplement.**

6. ~Proposed Order: 10/06/16; however, not preapproved due to above note.

RECOMMENDATION

Court's discretion. If approved, set Accounting/Status Review for **11/30/17**. 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: STANFORD E. REICHERT

DATE: 09/07/17 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1500861

CASE NAME: FRANCES MAE TODD

HEARING:

FIRST AND FINAL Account and Report of VANESSA HUNTER and
Petition for allowance of fees filed.

COUNSEL:

FRANCES MAE TODD	(DEC)...
THE SALVATION ARMY	(TP)...PRO/PER
VANESSA HUNTER	(PET)...CHRISTOPHER A SCHUMATE

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Final Report, Distribution and Petition for Allowance of Fees by Vanessa Hunter, neighbor.

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

1. Petitioner and attorney request statutory fees of \$10,850.49 each. Ok.
2. Attorney seeks extraordinary fees of \$1,735.50 for 7.6 hours at \$125/350 per hour for paralegal and attorney services. [Acct. 07/27 LFPg39-45].
3. Attorney seeks court confirm reimbursement of costs already paid of \$1,276.50 and additional costs of \$465. [Acct.07/27 LFPg6].
4. All beneficiaries waive accounting; however, caption does not indicate waiver of accounting; Local rule 20-601. Need verified supplement.
5. Petitioner requests attorney's fees of \$1,722 for Reeves & Ross be paid. Itemized, not summarized per [Acct.07/27 LFPg47-48]. Need subtotals per local rule 20-904.
6. Inventory and Appraisal does not have
7. Petitioner requests a reserve of \$2,000.
8. ~Proposed Order: 07/27/17.

RECOMMENDATION

Need to clear notes 4-5. If approved, set hearing on the filing of receipts and final discharge for **09/13/18**.

(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: 09/07/17 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1501021

CASE NAME: RUBY BEATRICE SMITH

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

Continued from 05/25/17.

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.

(lc)

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

DATE: 09/07/17 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1600091

CASE NAME: MTR OF ALLEN ROBERT GONZALES

HEARING:

FIRST & FINAL Account and Report of ALLEN ANTHONY GONZALES and
Petition for allowance of fees filed.

COUNSEL:

ALLEN ANTHONY GONZALES (PET)...CHRISTOPHER A SHUMATE
ALLEN ROBERT GONZALES (DEC)...
ALLEN ROBERT GONZALES (PET)...JEFFERY D GOLD

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Final Report, Distribution and Petition for Allowance
of Fees by Allen Gonzales, son.

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

1. Personal representative is sole heir and waives accounting; however, caption does not indicate waiver of accounting; Local rule 20-601. Need verified supplement.
2. Petitioner waives statutory compensation.
3. Attorney seeks statutory fees of \$9,090 to be divided between Shumante, 70% or \$6,363 and Jeffrey Gold, 30% or \$2,727.
4. Attorney seeks extraordinary fees of \$562.50 for 3.6 hours at \$125/350 per hour for paralegal and attorney services. [Acct. 06/14LFpg31].
5. Karen Bachand owes a promissory note to the estate created in 2014 for \$180,000, payable annually at \$30,000. Karen advanced \$4,000 to the estate as offset and to help cover Creditor's Claims.
6. Attorney seeks reimbursement of costs totaling \$465. [Acct. 06/14LFpg6].
7. ~Proposed Order: 06/14/17.

RECOMMENDATION

Need to clear note 1. If approved, set hearing on the filing of receipts and final discharge for **09/13/18**.

(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: 09/07/17 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1600431

CASE NAME: MTR OF ROBERT HYATT

HEARING:
Accounting Review

COUNSEL:
JOHN JAMES HYATT (PET)...PRO/PER
ROBERT HYATT (DEC)...

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 John Hyatt, son, on 06/30/16, full authority, no bond.
2. Final Inventory and Appraisal filed 06/16/17.
3. Need accounting or status report.

RECOMMENDATION

Inquire status of accounting.

(ww)

Superior Court of Calif, County of San Bernardino

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

DATE: 09/07/17 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1600492

CASE NAME: PAUL C HAMMONS

HEARING:

PTN FOR DISTRIBUTION, STATUS OF ADMIN, WAIVER OF Account and
Report of PAUL R HAMMONS and Petition for allowance of fees
filed.

COUNSEL:

PAUL C HAMMONS (DEC)...
PAUL R HAMMONS (PET)...PAUL R. HAMMONS

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Waiver of Final Account, Distribution and Petition for Allowance of Fees by Paul Hammons, son.

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

1. Petitioner is sole heir, waives accounting and statutory compensation.
2. Final Inventory and Appraisal filed 05/30/17; however, section 3 is incomplete as to all or portion of estate. Court may wish to deem as final Inventory and Appraisal.
JTD
3. No proposed order. Submit after hearing.

RECOMMENDATION

RFA subject to note 2. If approved, set hearing on the filing of receipts and final discharge for **09/13/18**.

(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: 09/07/17 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1601232

CASE NAME: Mary Clouser

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

COUNSEL:
MARNIE KING (PET)...PRO/PER
MARY CLOUSER (DEC)...

Address 15590 Halinor Street, Hesperia 92345
APN 0397-115-19

Appraised value \$190,000.00

Sale price \$205,000.00

First overbid \$215,750.00

Deposit \$3,000, insufficient. **Deposit of 10% of \$20,500 is required absent special circumstances per local rule 20-807(a).**

Commission 5% total commission, 50% each to Lonestar and Realty One

Additional bond \$145,000.

Reason for sale Debts and best interest of the interested persons.

Exposure to market MLS (Multiple listing service), marketing and advertising.

Notice Ok.
~Proposed Form Order: 06/05/17.

(lc)

Future Hearing: 04/25/18 *Accounting Review.*

Superior Court of Calif, County of San Bernardino

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

DATE: 09/07/17 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1700581

CASE NAME: MARY L ROEMER

HEARING:

Petition to determine succession to Real Property

COUNSEL:

JAMES M MAZALIC (PET)... SU P CHEAH
MARY L ROEMER (DEC)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition to Determine Succession to Real Property by James Mazalic, son.

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

1. Petitioner James Mazalic is the sole heir by assignments of interest. Petitioner seeks 100% interest in decedent's 100% interest in real property per intestate succession as the will was not properly executed.
2. Notice of hearing filed on 06/22/17.
3. Proposed Form Order: 06/14/17

RECOMMENDATION

RFA.

(ww)

CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT **CONSERVATORSHIP**

DATE: 09/07/17 TIME: 9:30 DEPT: S35P

CASE#: CON PS1600131

CASE NAME: MTR OF NANCY L DUGAN

HEARING: SIXTH Account and Report of CYNTHIA J WILLIAMS and Petition for allowance of fees filed.

COUNSEL:

CYNTHIA J WILLIAMS (CEP)...AMY L GOSTANIAN
MARGARET T DUGAN (CPE)...AMY L GOSTANIAN
NANCY L DUGAN (CEP)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON 6th and Final, Request for Bond Reduction and Petition for Fees by Cynthia Williams, friend for prior Conservator Margaret Dugan.

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

1. Petitioner, Cynthia Williams, seeks bond of **prior Conservator Margaret Dugan** be exonerated. Counsel appears to have provided this accounting as an account current rather than a final **for Margaret Dugan**, prior Conservator, as petitioner was appointed successor Conservator on **03/29/17**.
2. Accounting period 06/01/15 – 03/29/17 and 03/30/17 – 05/2/17.
3. Assets on hand \$88,591.27 of which \$18,521.70 is cash.
4. Petitioner defers to request fees at this time.
5. Attorney requests fees of \$17,354.32 [will accept \$15,000] for 63.7 hours at \$165/295 per hour for paralegal and attorney services. Itemized. Note paralegal rate of \$165 appears to be above the community standard [Acct. 07/31LFpg33-46].
6. Petitioner requests court confirm payments made to accountant Caroline Babott of \$900 for 2015 accounting and requests to pay additional fees of \$616 [Acct. 07/31LFpg48-54]. JTD
7. Petitioner requests current bond of \$170,000 to \$86,230.37. Appears ok. JTD
8. Need proof of service for supplement filed 08/22/17.
9. No proposed order. Submit after hearing.

RECOMMENDATION

Need to clear note 8. If approved, set hearing for final discharge for *prior Conservator Margaret Dugan* on **09/13/18** and set the next accounting review for *successor Conservator Cynthia Williams* **07/26/18** (if one year) or **07/25/19** (if two years). Accounting to be filed 30 days in advance.

(lc)

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

DATE: 09/07/17 TIME: 9:30 DEPT: S35P

CASE#: CON PS1600173
CASE NAME: MTR OF DULCE MARIA MONTES DE OCA

HEARING: Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of DULCE J MONTES DE OCA

COUNSEL:

DULCE J MONTES DE OCA (CPE)...LAYNE A BARTHOLOMEW
DULCE MARIA MONTES DE OCA (CEE)...CRAIG M PARKER
DULCE MARIA MONTES DE OCA (PRO/PER
ELIZABETH SCAFUTO (CPE)...LAYNE A BARTHOLOMEW
SURETEC INSURANCE COMPANY ()...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Compliance Review.

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

1. Dulce Montes De Oca, daughter appointed conservator of the person and estate on 02/03/17, \$20,000 bond.
2. Determination of Conservatee's Appropriate Level of Care form GC-355 and Care Plan in accord with Pr.C.§2352.5 filed 05/26/17.
3. Notification of Conservatee's rights per Pr.C.§1830(c) filed 02/10/17; however, notice must also be sent to the following grandchildren: Steven and Melissa Madrigal; Joshua, Kayla and Katrina Suchoza and Vincent Ahumada. Need corrected notice.
4. Need final Inventory & Appraisal per Pr.C.§2610.
5. Need proof of service of Inventory & Appraisal including Instructions for Objection per Pr.C.§2610.
6. If the conservatorship estate holds interest in real property, need proof of recordation of letters in each county where the real property is located or where conservatee has security interest in real property per Pr.C.§2313.

RECOMMENDATION

Need to clear notes 3-6.

(ww)

Future Hearing: 04/12/18 *Accounting Review*.

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

DATE: 09/07/17 TIME: 9:30 DEPT: S35P

CASE#: CON PS1600372

CASE NAME: MTR OF JACLYN RAE BONDS

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of HUGO J SOLTERO

COUNSEL:

HUGO J SOLTERO (CPE)...MEGAN I BRAUN
JACLYN RAE BONDS (CEP)...EDWARD B FISCHER

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Compliance Review.

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

1. Hugo Soltero, son, appointed conservator of the person and estate on 02/02/17 \$30,000 bond.
2. Notification of Conservatee's rights per Pr.C.§1830(c) filed on 03/21/17.
3. Determination of Conservatee's Appropriate Level of Care form GC-355 and Care Plan in accord with Pr.C.§2352.5 filed 03/27/17.
4. Final Inventory & Appraisal filed on 06/30/17.
5. 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 note 5.

(ww/lc)

Future Hearing: 04/12/18 *Accounting Review.*

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

DATE: 09/07/17 TIME: 9:30 DEPT: S35P

CASE#: CON PS1700282
CASE NAME: MTR OF HAYDEN JOSEF KOEPER
HEARING: Petition for Appointment of Conservator

COUNSEL:

ANDREAS KOEPER (CP)...MARIELLEN ROSS
HAYDEN JOSEF KOEPER (CTP)...
KRISTA KOEPER (CP)...MARIELLEN ROSS

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Appointment of Limited Conservator person only by Krista Koeper to appoint Krista and Andreas Koeper (parents)

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

1. Petitioners seek orders related to powers per Pr. C. §2351.5 to fix residence, access confidential records, consent/withhold consent to marriage, limit right to contract, control social/sexual contacts, and make decisions re education. . JTD
2. Petitioners seek civil rights not be limited without court order.
3. Petitioners seek medical powers. Capacity Declaration filed; however, section 1 re physician's name and address; and initials missing in section 7b.
4. Proposed conservatee is developmentally disabled. Need appointment of counsel for report.
5. Proposed conservatee is developmentally disabled. **IRC requested a 30 day continuance on 08/31/17.**
6. List of required contacts form is missing sibling, Jensen Koeper. Need completed form.
7. Need Certificates of Completion of the Conservatorship Training Class.
8. Notice filed 08/24/17; however, need full 30 days' notice to Inland Regional Center.
9. Need return of Citation.
10. Court Investigator report filed 08/24/17.
11. No proposed Order submitted.

RECOMMENDATION

Court to continue per IRC request. Need to clear notes 3-9. If approved, set hearing for Compliance Review for **04/12/18** for the filing of the following: proof of service of Order with Notification of Conservatee's rights per Pr.C.§1830(c); Level of Care and Care Plan per Pr.C.§2352.5.

(lh/lc)

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

DATE: 09/07/17 TIME: 9:30 DEPT: S35P

CASE#: CON PS1700283
CASE NAME: MTR OF ROBERT D KEEGAN III
HEARING: Petition for Appointment of Conservator

COUNSEL:

DARLEEN KEEGAN	(CP)...JOSEPH P FOLEY
ROBERT D KEEGAN JR	(CP)...JOSEPH P FOLEY
ROBERT D KEEGAN III	(CTP)...DONNASUE ORTIZ

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Appointment of Limited Conservator person only by Darleen and Robert Keegan, Jr (parents)

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

1. Petitioners seek powers re habilitation, treatment, training, medical etc per Pr.C. § 2351. JTD
2. Petitioners seek orders limiting civil rights. JTD
3. Petitioners seek medical powers. Capacity Declaration filed 08/23/17; however, is not dated at signature on page 1 or 3. Need same.
4. Proposed conservatee is developmentally disabled. Need appointment of counsel for report.
5. Proposed conservatee is developmentally disabled. Need IRC report.
6. Certificate of Completion of the Conservatorship Training Class by Darleen Keegan filed 08/07/17, Robert on 08/08/17.
7. Notice of Hearing and Proof of Service filed 08/02/17.
 - a. Court to inquire who Dean Jurgens is as he is not listed in contacts.
 - b. Need 30 days' notice to Inland Regional Center.
8. Citation returned served.
9. Court Investigator report filed 08/24/17.
10. ~Proposed Form Order: 08/25/17.

RECOMMENDATION

Need to clear notes 3-7. If approved, set hearing for Compliance Review for **04/12/18** for the filing of the following: proof of service of Order with Notification of Conservatee's rights per Pr.C.§1830(c); Level of Care and Care Plan per Pr.C.§2352.5.

(lh/lc)

Superior Court of Calif, County of San Bernardino

Page: 1 ADD ON

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

DATE: 09/07/17 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1600264

CASE NAME: ANTHONY P GAYTAN

SEE ALSO 1A, 1B

HEARING:

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

COUNSEL:

ANNA LYNNETTE GAYTAN	(PET)...	SALLY ANNE COX
ANTHONY P GAYTAN	(DEC)...	
DAVID GAYTAN	(OBJ)...	PRO/PER

GENERAL INFORMATION:

Continued from 06/19/17 and 08/21/17.

THIS CASE IS SET FOR HEARING ON Petition for Letters Testamentary with full authority under IAEA by surviving spouse, Anna Gaytan.

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

1. Petitioner requests bond of \$135,000 be fixed. Appears sufficient.
2. Holographic Will does not nominate executor. However, petitioner is surviving spouse with priority of appointment per Pr. C. § 8461.
3. Holographic Will has 2 differing years, same month and day. Proof of Holographic Instrument filed 08/21/17.
4. ~Proposed Form Order 03/23/17
5. **Objections filed 08/15/17 by David Gaytan. Need proof of service.**

RECOMMENDATION: Matter is contested.

Court's discretion, \$135,000 bond. If approved, set future hearing for Accounting/Status Review on **11/15/18**. Any account to be filed 30 days in advance of hearing. Note requirements of Local Rules.

(nb/ww/nb/lc)

Future Hearing: 09/19/17 Petition for probate of will and for letters etc.

09/19/17 Court Trial

09/19/17 Spousal property petition

Superior Court of Calif, County of San Bernardino

Page: 1A ADD ON

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

DATE: 09/07/17 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1600264

CASE NAME: ANTHONY P GAYTAN

SEE ALSO 1, 1B

HEARING:

Spousal Property Petition hearing.

COUNSEL:

ANNA LYNNETTE GAYTAN	(PET)...	SALLY ANNE COX
ANTHONY P GAYTAN	(DEC)...	
DAVID GAYTAN	(OBJ)...	PRO/PER

GENERAL INFORMATION

Continued from **05/09/16, 07/21/16, 09/29/16, 02/09/17 and 03/23/17** for petition for probate to be filed; filed 03/23/17.

Continued from 06/01/17 and 08/21/17.

THIS CASE SET FOR HEARING ON Spousal Property Petition

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

1. Petitioner, Anna Lynnette Gaytan, is seeking confirmation of her half of community property left by decedent to pass to petitioner and determination of decedent's half interest in the community property passing to petitioner.
2. Petitioner alleges that she and decedent were married on 06/27/00 and the property was quitclaimed to both petitioner and decedent on 01/29/03. However, the quitclaim deed dated 01/29/03 was recorded on 11/20/06, titled in decedent's name only. Later a deed of trust was titled in **Jean D.** Gaytan and Anthony Gaytan's name. Another quit claim deed was titled to petitioner only on 07/06/10, signed on 05/20/16 and recorded on 06/26/16; **post death. Note:** decedent died on 07/14/10. The dates and chain of title do not appear to coincide with petition. It is unclear who Jean is if petitioner and decedent were married in 2000, and as Anna is petitioning as spouse. See deeds attached to supplement filed 09/19/16. **Due to time restraints the supplement is not fully referenced. Court to clarify deed information, parties and dates. Request for Judicial notice filed 08/21/17: Anna and Anthony were married 06/24/00. Criminal records also attached.**
3. Petitioner checked Section 8 to indicate that there is a written agreement between decedent and petitioner providing for a non pro rata division of community property but then petitioner attaches a Power of Attorney that does not speak to that issue. Court to inquire.

4. **Amended Objections filed by David Gaytan, son on 07/15/16.**
5. **Petitioner alleges that objector was evicted from the real property several months ago; UDFS1602339.**
6. ~Proposed form Order: 03/23/16

RECOMMENDATION:

Matter is contested.

(dl/lc/nb/lc)

Future Hearing:

09/19/17 Petition for probate of will and for letters etc.

09/19/17 *Court Trial*

09/19/17 *Spousal property petition*

Superior Court of Calif, County of San Bernardino

Page: 1B ADD ON

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

DATE: 09/07/17 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1600264

CASE NAME: ANTHONY P GAYTAN

SEE ALSO 1, 1A

HEARING:
Readiness Calendar

COUNSEL:

ANNA LYNNETTE GAYTAN	(PET)...	SALLY ANNE COX
ANTHONY P GAYTAN	(DEC)...	
DAVID GAYTAN	(OBJ)...	PRO/PER

Readiness – No notes – JTD

Future Hearing:
09/19/17 Petition for probate of will and for letters etc.
09/19/17 *Court Trial*
09/19/17 *Spousal property petition*

Superior Court of Calif, County of San Bernardino

Page: 1C

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

DATE: 09/07/17 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1600485

CASE NAME: MTR OF LOYOLA EDITH LANCE

HEARING: Petition for LETTERS OF ADMINISTRATION

COUNSEL:

DEPARTMENT OF HEALTH CARE SERV (TP)...PRO/PER	
HOWARD JAMES LANCE III	(PET)...JT LEGAL GROUP, APC
HOWARD JAMES LANCE JR	(PET)...JT LEGAL GROUP, APC
LOYOLA EDITH LANCE	(DEC)...

GENERAL INFORMATION

Continued from 07/27/17. No appearance.

THIS CASE SET FOR HEARING ON Petition for Letters of **Successor** Administration with full authority under IAEA by Howard Lance III, nephew.

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

1. Letters of Administration issued to Howard Lance Jr, brother, on 10/20/16, no bond. Current administrator passed away.
2. All heirs waive bond. **Need** bond waiver by Daniel Lance. Net value of estate \$222,000 of which \$2,000 is personal property. However, petitioner is a non-resident and court has discretion to require bond per Pr.C. §8571.
3. **Need** Notice to Petition to Administer Estate and proof of service, including to Department of Health Services and Counsel for prior administrator.
4. ~Proposed Form Order: 05/01/17.

RECOMMENDATION

Need to clear notes 2-3, Court's discretion re bond. If approved, set Accounting/Status Review for **11/15/18**. Any accounting to be filed 30 days in advance local rule 20-901. Note requirements of local rule 20-908.

(lc/ww)

Future Hearing: 11/30/17 *Accounting Review. Howard Lance Jr., brother*

Superior Court of Calif, County of San Bernardino

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

DATE: 09/07/17 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1600914

CASE NAME: MTR OF DAVID B MENSENDIEK

HEARING:

Administration WWA Account and Report of JOHN MENSENDIEK
and Petition for allowance of fees filed.

COUNSEL:

DAVID B MENSENDIEK (DEC)...
JOHN MENSENDIEK (PET)...FERGUSON CASE ORR PATERSON LLP

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Waiver of Final Account, Distribution and Petition for Allowance of Fees by John Mensendiek, brother.

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

1. All beneficiaries waive accounting.
2. Petitioner waives statutory compensation.
3. Attorney requests statutory fees of \$25,174.07. Ok.
4. Attorney requests reimbursement of costs totaling \$665.90 [amended on 08/23]. Itemized [Acct.07/03 LFpg8-9].
5. Petitioner seeks a reserve of \$5,000.
6. Beneficiaries reached agreement regarding distribution. [Acct.07/03 LFpg15-17].
7. ~Proposed Order: 08/23/17.

RECOMMENDATION

RFA. If approved, set hearing on the filing of receipts and final discharge for **09/13/18**.

(lc)

Superior Court of Calif, County of San Bernardino

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

DATE: 09/07/17 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1601140

CASE NAME: MTR OF MARY BUDISALOVICH

HEARING:

Hearing Re: Proof of Bond/Issuance of Letters

COUNSEL:

CORINNA C SCHNEPF (PET)...PRO/PER
MARY BUDISALOVICH (DEC)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Proof of Bond/Issuance of Letters.

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

1. Corinna Schnepf, daughter, appointed administrator on 08/08/17, full authority \$100,000 bond.
2. Need bond in order for letters to issue.

RECOMMENDATION

Inquire status.

(lc)

Future Hearing: 10/16/18 *Accounting Review*.

Superior Court of Calif, County of San Bernardino

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

DATE: 09/07/17 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1700385

CASE NAME: MTR OF GREGORY LAWRENCE CARDINAL

HEARING:

Petition for PROBATE WILL AND LETTERS TESTAMENTARY W/FULL IAEA

COUNSEL:

ASHLEIGH VANESSA MARTINEZ (PET)...PRO/PER
GREGORY LAWRENCE CARDINAL (DEC)...

GENERAL INFORMATION

Continued from 07/20/17.

THIS CASE SET FOR HEARING ON Petition for Probate, Letters Testamentary with Full Authority under IAEA by Ashleigh Vanessa Martinez, daughter

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

1. Will waives bond. The estate consists of \$360,000.00, of which \$140,000.00 is personal property.
2. Need proof of publication
3. Proofs of Subscribing Witness filed on 04/19/17; however, both are missing attached copy of the will. Need same.
4. ~Proposed Form Order: 4/19/17

RECOMMENDATION

Need to clear notes 2 & 3. Court's discretion re bond. If approved, set Accounting/Status Review for **11/15/18** 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: JAMES MICHAEL WELCH

DATE: 09/07/17 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1700386

CASE NAME: Terresa Cuson

HEARING:

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

COUNSEL:

CHANCE DERRICK CUSON (PET)...PRO/PER
TERRESA CUSON (DEC)...

GENERAL INFORMATION

Continued from 07/20/17 for publication to be completed.

THIS CASE SET FOR HEARING ON Petition for Letters of Administration with full
authority under IAEA by Chance Cuson, son.

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

1. Petitioner is sole heir and waives bond. Net value of estate is \$50,679 in real
property.
2. Need proof of publication.
3. ~Proposed Form Order: 04/24/17.

RECOMMENDATION

RFA subject to note 2, Court's discretion re bond. If approved, set Accounting/Status
Review for **11/15/18**. Any accounting to be filed 30 days in advance local rule 20-901.
Note requirements of local rule 20-908.

(lc/ww)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JAMES MICHAEL WELCH

DATE: 09/07/17 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1700435

Vacated

CASE NAME: MTR OF NANCY FEDEROFF

HEARING:

Hearing Re: Proof of Bond/Issuance of Letters

COUNSEL:

MISTY BAKER

(PET)...BEYER, PONGRATZ & ROSEN

NANCY FEDEROFF

(DEC)...

Bond filed and letters issued 08/22/17.

Future Hearing: 10/11/18 *Accounting Review*.

Superior Court of Calif, County of San Bernardino

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

DATE: 09/07/17 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1700444

CASE NAME: MTR OF SHERRY LYNN ESQUERRA

HEARING:

Hearing Re: Proof of Bond/Issuance of Letters

COUNSEL:

APRIL ESQUERRA (PET)...CHERI GREEN
SHERRY LYNN ESQUERRA (DEC)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Proof of Bond/Issuance of Letters.

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

1. April Esquera, daughter, appointed administrator with will annexed on 08/03/17; full authority \$750,000 bond.
2. Need bond in order for letters to issue.

RECOMMENDATION

Inquire status.

(ww/lc)

Future Hearing: 10/11/18 *Accounting Review*.

Superior Court of Calif, County of San Bernardino

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

DATE: 09/07/17 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1700450

Vacated

CASE NAME: MTR OF JANICE LYNN OLSON

HEARING:

Hearing Re: Proof of Bond/Issuance of Letters

COUNSEL:

JANICE LYNN OLSON (DEC)...

ROBERT C OLSON (PET)...GRESHAM SAVA GE NOLAN AND TIL

Bond posted, letters issued 08/24/17.

Future Hearing: 10/11/18 *Accounting Review*.

Superior Court of Calif, County of San Bernardino

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

DATE: 09/07/17 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1700544

CASE NAME: PEARL ELAINE ROGERS

HEARING:

Petition for LETTERS OF ADMINISTRATION WITH FULL IAEA

COUNSEL:

MICHAEL ROGERS (PET)...PRO/PER
PEARL ELAINE ROGERS (DEC)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Letters of Administration with Full Authority under IAEA by Michael Rogers, son.

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

1. Petitioner is sole heir and waives bond. The estate consists of \$406,049.00 of which \$43,049 is personal property.
2. Section 5a of the petition is incomplete as to whether there is no spouse due to never being married, divorce or spouse deceased. Court to clarify on record or in alternative need verified supplement.
3. Need Notice to Petition to Administer Estate and proof of service.
4. Need proof of publication
5. ~Proposed Form Order: 06/01/17

RECOMMENDATION

Need to clear notes 3 & 4 court's discretion re bond and note 2. If approved, set Accounting/Status Review for **11/15/18**. 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: JAMES MICHAEL WELCH

DATE: 09/07/17 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1700696

CASE NAME: MTR OF CARLOS MAURICE HEARON SR

HEARING:

Petition for LETTERS OF ADMINISTRATION W/FULL IAEA

COUNSEL:

CARLOS MAURICE HEARON SR (DEC)...
CELESTINE CLEMONS (PET)...PRO/PER

GENERAL INFORMATION

Letters of special administration issued to Celestine Clemons 08/08/17; no authority, no bond.

THIS CASE SET FOR HEARING ON Petition for Letters of Administration with Full Authority under IAEA by Celestine Clemons, mother

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

1. All heirs waive bond. **Need** bond waivers by Carlos Hearon Jr and Carla Hearon. Estimated estate value is marked \$0 for personal and real property. Court to inquire if estate is open for a wrongful death suit.
2. Section 8 fails to list the relationship to the decedent. Need verified supplement.
3. Need Notice to Petition to Administer Estate and proof of service.
4. Need proof of publication
5. Section 8 also fails to list the petitioner; however, it is clear that she is mother.
6. ~Proposed Form Order: 07/13/17

RECOMMENDATION

Need to clear notes 1-4. Court's discretion re bond and note 5. If approved, set Accounting/Status Review for **11/15/18**. 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: JAMES MICHAEL WELCH **TRUSTS AND MOTIONS**

DATE: 09/07/17 TIME: 8:35 DEPT: S36P

CASE#: PRO PS1400344

CASE NAME: Ruben H Marquez

HEARING:

Motion Re: ENFORCEMENT OF SETTLEMENT Filed by Petitioner AARON
MARQUEZ

AARON MARQUEZ

(PET)...RAUL M. MONTES

KEVIN MARQUEZ

(MIN)...

KIMBERLY MARQUEZ

(MIN)...

MARIA Y SAGAL

(OBJ)...HARTNELL LAW GROUP

RUBEN H MARQUEZ

(DEC)...

No notes – JTD

(LR)

Future Hearing: 01/08/18 *Accounting Review.*

Superior Court of Calif, County of San Bernardino

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

DATE: 09/07/17 TIME: 8:35 DEPT: S36P

CASE#: PRO PS1700540

CASE NAME: THE SPECIAL NEEDS TRUST OF JUDITH ARCA DUMAS

HEARING:
PROBATE/CONSERVATORSHIP MANAGEMENT CONFERENCE

COUNSEL:
INLAND COUNTIES REGIONALCENTER (PET)...LAYNE A BARTHOLOMEW
THE SPECIAL NEEDS TRUST OF JUD (TRU)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Management Conference re SNT.

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

1. SNT created in Los Angeles County on 11/12/15 through KP005939 in a settlement creating case 17ST9B00297. Matter transferred to San Bernardino County on 05/08/17.
2. First Account Current was approved on 04/07/17 indicating assets of \$268,861.25. Does court wish to require bond of \$290,000? JTD

RECOMMENDATION

Court's discretion. Set Accounting Review for **02/22/18**. 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: JAMES MICHAEL WELCH **CONSERVATORSHIP**

DATE: 09/07/17 TIME: 9:30 DEPT: S36P

CASE#: CON PS1600226

CASE NAME: MTR OF SHARON STEPHANIE RODRIGUEZ

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of GILBERT STEPHEN RODRIGUEZ

COUNSEL:

GILBERT STEPHEN RODRIGUEZ	(PET)...PRO/PER
MARTHA ELISA RODRIGUEZ	(PET)...PRO/PER
SHARON STEPHANIE RODRIGUEZ	(PCE)...JENNIFER DANIEL

GENERAL INFORMATION

Continued from 07/13/17 to submit amended orders and re-serve.

THIS CASE SET FOR HEARING ON Compliance Review.

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

1. Gilbert and Martha Rodriguez, parents appointed **limited** conservators of the person only on 12/08/16. Order and letters appear to be missing information. Court to require amended order/letters. See highlights in LF.
2. Notification of Conservatee's rights per Pr.C.§1830(c) filed 12/16/16; however, section 4 is incomplete as to date mailed. Need corrected proof of service.
3. Determination of Conservatee's Appropriate Level of Care form GC-355 and Care Plan in accord with Pr.C.§2352.5 filed 01/04/17.

RECOMMENDATION

Need to clear notes 1 & 2.

(lc/ww)

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

DATE: 09/07/17 TIME: 9:30 DEPT: S36P

CASE#: CON PS1700124

CASE NAME: MTR OF CHARLES RAYMOND SMITH

HEARING:

Petition for Appointment of Conservator

COUNSEL:

CHARLES RAYMOND SMITH (CEP)...WALTER T. MOORE
TIFFANY ANN SMITH (CPE)...PRO/PER

GENERAL INFORMATION

Ex parte orders entered 04/13/17. Tiffany Smith appointed temporary conservator of person. Walter Moore appointed as GAL.

Continued from 05/18/17. Court clears probate note as to CI report. Petitioner represents concern regarding third parties having access to joint accounts. The Court orders all bank accounts with temporary conservatee's name be frozen. Temporary Letters remain in full force and effect.

Continued from 07/13/17. Petitioner authorized to file amended letters.

THIS CASE SET FOR HEARING ON Petition for Appointment of Conservator person and estate by Tiffany Smith (granddaughter-in-law)

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

1. Petitioner requests no bond but did not include Attachment 1c stating reasons. Suggested bond \$69,300.
2. Petitioner seeks medical powers. Need Capacity Declaration.
3. Petitioner does not seek dementia powers. However, alleges proposed conservatee has dementia and requires medication. Need verified supplement clarifying whether dementia powers are requested. If so, so need appointment of counsel for report.
4. Petition is incomplete at item #5e as to confidential Supplement Information; 5(f) as to whether proposed conservatee is developmentally disabled, and item 9 as to medical treatment of conservatee. Need verified supplement.
5. Need report of Walter Moore, GAL.
6. Need Notice of Hearing and Proof of Service.
7. Certificate of Completion of the Conservatorship Training Class filed 07/06/17.
8. Citation returned served.
9. CI Report filed 05/15/17.

10. ~Proposed Form Order: 04/07/17

RECOMMENDATION

Need to clear notes 2-6. If approved, set hearing for Compliance Review for **04/12/18** for the filing of the required documents and hearing re Accounting Review for **11/15/18**. Any accounting to be filed 30 days in advance.

(lh/lc)

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

DATE: 09/07/17 TIME: 9:30 DEPT: S36P

CASE#: CON PS1700184

CASE NAME: KEVIN MAJID LOPEZ
HEARING: Petition for Appointment of Conservator

COUNSEL:

ANA B RODRIGUEZ (PET)...PRO/PER
KEVIN MAJID LOPEZ (CTP)...MITCHELL I ROTH

GENERAL INFORMATION

Continued from 06/29/17. *Interpreter*. Attorney Roth will notice IRC that report is needed.

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

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

1. Proposed conservatee is developmentally disabled. IRC report filed 07/11/17.
2. Petitioner seeks orders related to powers under Pr. C. §2351.5 to fix residence, access confidential records, control right to contract, and to make and consent to all medical decisions.
3. Petitioner seeks powers re habilitation, treatment, training, medical etc. JTD
4. Petitioner seeks civil rights not be limited without court order. JTD
5. Petitioner seeks medical powers. Capacity Declaration filed 06/02/17.
6. Proposed conservatee is developmentally disabled. Report of Counsel Roth.
7. Certificate of Completion of the Conservatorship Training Class filed 06/15/17.
8. Request to excuse notice with due diligence filed for paternal grandfather on 06/02/17. JTD
9. Citation returned served.
10. Court Investigator report filed 06/07/17.
11. ~Proposed Form Order:05/17/17.

RECOMMENDATION

Court's discretion. If approved, set hearing for Compliance Review for **04/12/18** for the filing of the following: proof of service of Order with Notification of Conservatee's rights per Pr.C.§1830(c); Level of Care and Care Plan per Pr.C.§2352.5.
(lh/lc)

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

DATE: 09/07/17 TIME: 9:30 DEPT: S36P

CASE#: RC RS00466

CASE NAME: FRANCIS BARBUSH

HEARING:

Eighth and Final Account and Report of ARTHUR A CAPPILLA
and Petition for allowance of fees filed.

COUNSEL:

ARTHUR A CAPPILLA	(CE)...BARBARA E BOWERSOCK
ARTHUR A CAPPILLA	(CE)...JOHN D MICKUS
ARTHUR A CAPPILLA	(PET)...JOHN D MICKUS
FRANCIS BARBUSH	(CEP)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON 8th Account Current and Petition for Allowance of Fees by Arthur Cappilla, PPF.

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

1. Accounting period 02/25/15 – 02/06/17 and post death 02/07/17 – 06/30/17.
2. Assets on hand \$299,162.14 of which \$54,162.14 is cash.
3. Petitioner requests fees of \$7,896, of which \$6,000 has been paid, for 67 hours at \$85/120 per hour. Itemized [Acct. 07/25 LFpg 40-42]. JTD
4. Attorney requests fees of \$5,603.50 for 20.7 hours at \$105/350 per hour for paralegal and attorney fees. Itemized [Acct. 07/25 LFpg 45-46]. JTD
5. Petitioner seeks balance to be paid to administrator of Estate of Francis Barbush; however, there is no current administrator at this time.
6. Public Administrator has been noticed.
7. No proposed order. Submit after hearing.

RECOMMENDATION

Court's discretion re fees. If approved, set hearing on the filing of receipts and final discharge for **09/13/18**.

(lc)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

Readiness Calendar

DATE: 09/07/17 TIME: 8:29 DEPT: S37P

CASE#: GAR PS1700098

CASE NAME: TYSEN ROBERT LEGEND SAUNDERS

SEE ALSO 2

HEARING: Hearing Re: PTN FOR GUARDIANSHIP

COUNSEL:

KENOSHA SAUNDERS

(FAT)...PRO/PER

SHERYL R FREEMAN

(GP)...ROBERT J FALKENTHAL

TYSEN ROBERT LEGEND SAUNDERS (MIN)...

XREF: FAMSS1203082 (*Brandi Freeman n Kenosha Saunders*), **CSWS1701143** (*San Bernardino v Brandi Freeman*), **CSKS1609392** (*San Bernardino v Kenosha Saunders*)

GENERAL INFORMATION:

On **03/09/17** Court orders minor to be interviewed; referred to FCS and visitation order made. Temporary orders continued to 04/10/17 pending receipt of DCFS report On **03/10/17** Court orders case FAMSS1203082 to trail matter pending DCFS report. Continued from **04/10/17**, court's tentative decision is to deny guardianship giving liberal visitation to maternal grandmother and giving mother professionally supervised visitation. Father to have sole physical and legal custody of minor. Referred to CI for home assessment and report; both homes. No weapons to be in father's home, any guns to be removed by midnight 04/10/17. Minor to be enrolled in Ju-jitsu; however, not to attend MMA events.

Continued from 07/20/17. Paternal grandmother has passed away and father will not have a residence nor access to a vehicle. Father to have visitation as follows: On alternate weekends beginning 7/28/17. Father is to provide address of where he and minor are staying. Upon proof to temporary guardian of full time address, father may have minor every weekend. Temporary guardian to enroll minor in a school near her.

THIS CASE SET FOR HEARING ON Petition for Appointment of Guardian, of the person only, by Sheryl Freeman (maternal grandmother), minor: Tysen, 5

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

1. Sheryl Freeman, maternal grandmother, appointed as temporary guardian of the person only on Mother signed Consent and Waiver filed on 03/07/17.
2. Father, Kenosha Saunders, deemed served as he appeared on 04/10/17.
3. Court to review attachment 9 of petition, [LF pg. 12, 13 & 14].
4. Court to review Guardianship Questionnaire. [LF pg 9].

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

5. FCS reports filed on 03/09/17 and 04/04/17.
6. Court Investigator report filed 06/30/17.
7. ~Proposed form Order: 03/02/17

RECOMMENDATION:

Court's discretion.

(cs/lc/ww)

Superior Court of Calif, County of San Bernardino

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

DATE: 09/07/17 TIME: 8:29 DEPT: S37P

CASE#: GAR PS1700098

CASE NAME: TYSEN ROBERT LEGEND SAUNDERS

SEE ALSO 1

HEARING:
Readiness Calendar

COUNSEL:

KENOSHA SAUNDERS	(FAT)...PRO/PER
SHERYL R FREEMAN	(GP)...ROBERT J FALKENTHAL
TYSEN ROBERT LEGEND SAUNDERS	(MIN)...

XREF: FAMSS1203082 (*Brandi Freeman n Kenosha Saunders*), **CSWS1701143** (*San Bernardino v Brandi Freeman*), **CSKS1609392** (*San Bernardino v Kenosha Saunders*)

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

DATE: 09/07/17 TIME: 8:30 DEPT: S37P

CASE#: PRO PS0900607

CASE NAME: ETHEL J GROSS

SEE ALSO 4

HEARING: Hearing Re: RECEIPT OF BOND

COUNSEL:

CHRISTOPHER R. O'LEARY SR	(PET)...DAVID L NAPLES
ETHEL . GROSS TRUST	(TRU)...
ETHEL J GROSS	(DEC)...
MARY LEMOS	(PET)...JERRY LA CUES
SHARON L. VOLLA	(PET)...RICHARD A HIGBIE
WILLIAM SEEFELDT	(PET)...DAVID HIERSEKORN

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Receipt of Bond

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

1. Hearing was set by Court on 06/22/17 as a notice of non-payment of bond premium was filed. Court ordered that the premium be paid and proof of payment be given. If not paid on 06/22/17 the Court would order that the letters be suspended.
2. Transaction receipt showing that the bond premium **paid in full** filed on 06/22/17.

RECOMMENDATION

None.

(ww)

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

DATE: 09/07/17 TIME: 8:30 DEPT: S37P

CASE#: PRO PS0900607
CASE NAME: ETHEL J GROSS

SEE ALSO 3

HEARING: AMENDED FIRST Account and Report of CHRISTOPHER R. O'LEARY SR and Petition for allowance of fees filed.

COUNSEL:

CHRISTOPHER R. O'LEARY SR	(PET)...DAVID L NAPLES
ETHEL . GROSS TRUST	(TRU)...
ETHEL J GROSS	(DEC)...
MARY LEMOS	(PET)...JERRY LA CUES
SHARON L. VOLLA	(PET)...RICHARD A HIGBIE
WILLIAM SEEFELDT	(PET)...DAVID HIERSEKORN

GENERAL INFORMATION

Continued from 04/06/17 and 06/22/17. Final Inventory and Appraisal to be filed. Bond premium to be paid by 4pm or letters will be suspended.

THIS CASE SET FOR HEARING ON **Amended (01/30/17)** First Account Current and Petition for Allowance of Fees by Christopher O'Leary Sr.

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

1. Accounting period 12/12/13 to 12/31/16. **Accounting for special administration does not appear to have been approved; Accounting needs to start at date of death 08/14/09.**
2. **Email confirmation receipt re bond payment filed 06/22/17.**
3. Assets on hand \$54,269.54.
4. Partial Inventory and Appraisal filed on 08/16/15.
 - a. Need Final Inventory and Appraisal.
 - b. Attachment 1 lists "claims" against Mary Lemos re Trust. As these are not marshalled assets, question how these assets may be inventoried per Pr.C.§8800. Need corrected/final Inventory and Appraisal.
5. Petitioner requests \$10,000 for his services. However, this is an account current and probate is statutory per Pr.C. § 10800.
6. Beginning account balance does not match the Inventory and Appraisal. Need an amended accounting.
7. Estate is not ready to close due to delay in marshalling assets with the California Secretary of State.

8. Letter filed on 07/18/17 by William Seefeldt which appears to be objections. Court may wish to require Mr. Seefeldt to file objections and proof of service.
9. Proposed order submitted on 11/28/16; however, does not have sufficient information. Orders must be complete in themselves. Petitioner to see local rules 20-614
10. **NOTE:** a Request for Stay of Actions was filed by William Seefeldt on 08/28/17 seeking appointment of Public Administrator; not verified or noticed. It appears William is seeking removal; however, no petition filed.

RECOMMENDATION:

Need amended accounting. If approved, set Accounting/Status Review for **06/28/18**. 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: TARA REILLY

DATE: 09/07/17 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1100389

CASE NAME: Robert patane

HEARING: FIFTH Account and Report of INLAND COUNTIES REGIONAL CENTER
INC and Petition for allowance of fees filed.

COUNSEL:

INLAND COUNTIES REGIONAL CENTE (TEE)...LAYNE A BARTHOLOMEW
ROBERT PATANE (DEC)...
ROBERT PATANE (TRU)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON 5th Account and Report of IRC and Petition to
Amend Medi-Cal Language, for Approval of Trustee's Fees and for Attorney's Fees.

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

1. Accounting covers period: 05/01/15 – 04/30/17.
2. Assets on hand: \$298,405.78; cash.
3. Petitioner seeks to revise trust to amend Medi-Cal language so beneficiary does not lose benefits. [Acct. 06/21LFpg6]. JTD
4. Petitioner requests approval of trustee fees already taken by Master Trust of California in the amount of \$11,814.17. Billed at \$1,250 for the first \$50,000; 2% of the next \$250,000; 1.65% of the next \$450,000 and 1.50% of the next \$250,000.
5. Petitioner requests authority to allow Master Trust to continue taking its annual fee according to its fee schedule. JTD
6. Attorney requests fees of \$810 for 5.42 hours of paralegal and attorney services at \$100/250 per hour. Itemized [LFpgs42-44].
7. There currently is no bond. Court may wish to require bond of \$327,000. JTD
8. ~Proposed Order: 06/21/17.

RECOMMENDATION

Court's discretion. If approved, set hearing on the next accounting review for **08/09/18** (if one year) or **08/08/19** (if two years). Accounting to be filed 30 days in advance.

(lc)

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

DATE: 09/07/17 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1200027

CASE NAME: ** MF** RAY JACKSON REVOCABLE TRUST

HEARING:
Accounting Review

COUNSEL:

DIANE HADDOCK	(GRESHAM SAVAGE NOLAN & TILDEN
JAMES W BROWN SR	(PRO/PER
JOHN SCARLATELLA	(PET)...MICHAEL D FINLEY
KARL H GRIESBAUM	(PET)...FRAZIER LAW FIRM
LAWRENCE A DEAN II	(PET)...SHERRI L KASTILAHN
LINDA MAXWELL	(PET)...ELISABETH KEMPE-OLINGER
RAY JACKSON REVOCABLE TRUST (TRU)...	
SALLY SMITH DOYLE	(PET)...THE GROSSMAN LAW FIRM
WESLEY SPERRY	(OBJ)...DIANA J CARLONI

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Accounting review.

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

1. 2nd Account for successor trustee Lawrence Dean, II approved on 12/10/15.
2. Need 3rd trust account beginning with 07/01/15.

RECOMMENDATION

Inquire status of accounting.

(ww)

Superior Court of Calif, County of San Bernardino

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

DATE: 09/07/17 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1200479

Vacated

CASE NAME: CHARLES STERLING RAY

SEE ALSO 8

HEARING:
Accounting Review

COUNSEL:

CHARLES STERLING RAY (DEC)...
SHERYL HART-RAY (PET)...DANIEL C SEVER
SHERYL HART-RAY (PET)...SEVER LAW OFFICE

Future hearing dates: 11/27/17 Final Accounting and Distribution

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

DATE: 09/07/17 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1200479

CASE NAME: CHARLES STERLING RAY

SEE ALSO 7

HEARING:

Spousal Property Petition hearing.

COUNSEL:

CHARLES STERLING RAY (DEC)...
SHERYL HART-RAY (PET)...DANIEL C SEVER
SHERYL HART-RAY (PET)...SEVER LAW OFFICE

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Spousal Property Petition by Sheryl Hart-Ray

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

1. Petitioner, Sheryl/surviving spouse, seeks court to confirm her half of community property and determine that community property, specifically personal injury settlement, left by decedent passes to petitioner without administration.
2. Petitioner and decedent were married on 04/28/98. Decedent contracted mesothelioma which attributed to his death.
3. Section 6 is incomplete as to surviving parent or siblings. Need verified supplement.
4. ~Proposed Form Order: 06/15/17.

RECOMMENDATION

Need to clear note 3.

(lc)

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

DATE: 09/07/17 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1300487
CASE NAME: LESLIE ALAN BUTLER
HEARING: FIRST AND FINAL Account and Report of DAYNA BUTLER and Petition
for allowance of fees filed.

COUNSEL:

DAYNA BUTLER (PET)...KAYSER LAW GROUP
LESLEY BUTLER (MIN)...PRO/PER
LESLIE ALAN BUTLER (DEC)...

GENERAL INFORMATION

Continued from 04/20/17 and 06/29/17. Donnasue Smith Ortiz appointed GAL for minor Lesley Butler.

THIS CASE SET FOR HEARING ON Final Account, Distribution and Petition for Allowance of Fees and Exoneration of Bond by Dayna Butler, spouse.

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

1. Petitioner waives statutory compensation.
2. Attorney requests statutory fees of \$7,900. Ok.
3. Attorney requests reimbursement of costs advanced totaling \$2,239.70. Itemized [Acct.02/10LFpg8].
4. Petitioner proposed distribution to herself as spouse. However, the estate consisted of separate property; therefore, daughter Lesley Butler, ***minor at time of filing***, is an heir of the estate [50%] per Pr.C. § 6401. Need verified supplement with proper distribution or points and authorities to how Lesley is not entitled.
 - a. **Supp 08/25/17: Petitioner alleges the property is community; however, petitioner appears to have chosen to probate as separate property. An election must be filed within four months after the issuance of letters or within further time that the court may allow before entry of any order determining passing to surviving spouse (Pr. C.13650 § 13656). However, no election was filed per per Pr. C. § 13502.**
5. Creditor's Claim filed by Franchise Tax Board on 04/25/17. Need disposition of claim.
6. Need report of GAL Donnasue Smith Ortiz.
7. Need notice of hearing and proof of service for Franchise Tax Board, who requested special notice on 04/25/17.

8. Petitioner alleges they became aware of a cloud in the title to real property as there was a civil judgment in case CIVDS1512221 [Acct.02/10LFpg16-20]. Court may wish to inquire.
9. No proposed order; submit after hearing.

RECOMMENDATION

Need to clear notes 4-7. If approved, set hearing on the filing of receipts and final discharge for **09/13/18**.

(lc)

Superior Court of Calif, County of San Bernardino

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

DATE: 09/07/17 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1500390

CASE NAME: JEREMY LEE OLSON

SEE ALSO 11

HEARING:

Hearing Re: SUSPENSION OF LETTERS

COUNSEL:

JEREMY LEE OLSON (DEC) ...
THOMAS EDWIN SHINTON (PET)...PRO/PER

See notes on matter 10.

Superior Court of Calif, County of San Bernardino

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

DATE: 09/07/17 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1500390

CASE NAME: JEREMY LEE OLSON

SEE ALSO 10

HEARING:

Accounting Review

COUNSEL:

JEREMY LEE OLSON (DEC)...
THOMAS EDWIN SHINTON (PET)...PRO/PER

GENERAL INFORMATION

Continued from 04/27/17 and 06/29/17. No appearances, Thomas Shinton ordered to appear. Should he fail to appear the Court may suspend letters of administration.

THIS CASE SET FOR HEARING ON Accounting review/Status/**Suspension of Letters.**

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

1. Letters of Administration issued to Thomas Shinton, brother, on 02/18/16; limited authority, no bond.
2. Need final Inventory and Appraisal
3. Need accounting or status report.
4. Court may wish to notify Public Administrator.

RECOMMENDATION

Court's discretion re suspension. Need to clear notes 2 & 3. When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq.

(lc/ww/lc)

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

DATE: 09/07/17 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1500487

CASE NAME: LUNA 1994 FAMILY TRUST

HEARING:
Hearing re Final Discharge

COUNSEL:

CHRISTINE KOTULA	(DAVID D WERNER
CHRISTINE KOTULA	(PET)...JOSEPH M. MONA
GWENDOLYN M. ANDRADE	(PRO/PER
LINDA CALLAWAY	(PET)...JOANN JACKSON KALAMA
LUNA 1994 FAMILY TRUST	(TRU)...PRO/PER
STEVIE ANDRADE	(PET)...DIANE E ROBBINS
SURETEC INSURANCE COMPANY	(PRO/PER
TINA ROSCO	(PET)...JOSEPH M. MONA
TINA ROSCO	(TEE)...JOSEPH M. MONA

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 Christine Kotula aka Tina Kotula, former trustee, approved on 06/30/16.
2. Court may wish to waive receipt from Linda Callaway as successor as Ken Blickenstaff is now successor and filed receipt with accounting filed on 05/11/17.
JTD
3. Need Ex Parte Petition for Final Discharge and Order.

RECOMMENDATION

Inquire status of discharge order.

(lc)

Future Hearing: 02/05/18 Final Discharge 02/05/18 Final Discharge (Ms. Callaway)

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

DATE: 09/07/17 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1500590

CASE NAME: LINDA GAIL WASHINGTON

HEARING:

FIRST AND FINAL Account and Report of AARON J. WASHINGTON and
Petition for allowance of fees filed.

COUNSEL:

AARON J. WASHINGTON (PET)...FULLERTON LEMANN SCHAEFER &
LINDA GAIL WASHINGTON (DEC)...

GENERAL INFORMATION

Continued from 06/29/17 to file final tax return.

THIS CASE SET FOR HEARING ON Final Account, Distribution and Petition for
Allowance of Fees by Aaron Washington, son.

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

1. Petitioner waives statutory compensation.
2. Attorney requests statutory fees of \$9,760. Ok
3. Attorney requests extraordinary fees of \$3,832 for 12.8 hours at \$110/350 per hour for paralegal and attorney services. Itemized [Acct. 04/14 LFpg30-35].
4. Daughter Dana assigned her interest to her father, surviving spouse, Bernard Washington Sr. Therefore, it appears that any after discovered property would go to Aaron 34% and Bernard Sr 66%. Supplement cured defect
5. Petitioner requests a reserve of \$2,000.
6. ~Proposed Order: 06/15/17.

RECOMMENDATION

RFA. If approved, set hearing on the filing of receipts and final discharge for **09/13/18**.

(lc)

Superior Court of Calif, County of San Bernardino

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

DATE: 09/07/17 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1600209

CASE NAME: JAMES GILBERT FURIOS

HEARING:
Accounting Review

COUNSEL:

JAMES GILBERT FURIOS	(DEC)...
ONEWEST BANK N.A	(TP)...ANDERSON, MCPHARLIN &
SHARON M ROSENBERG	(PET)...JEFF W. LEBLANC
SUZANNE M GRAVES	(SUZANNE M GRAVES

GENERAL INFORMATION

Continued from 06/29/17.

THIS CASE SET FOR HEARING ON Accounting review/Status.

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

1. Letters Testamentary issued to Sharon Rosenberg, executor, on 05/03/16; full authority, \$210,000 bond.
2. Need accounting or status report.

RECOMMENDATION

Inquire status of accounting.

(lc/ww)

Future hearing dates: 12/18/17 Motion to be relieved as Counsel by Counsel Jeff Leblanc

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

DATE: 09/07/17 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1600309

CASE NAME: MTR OF DEBORAH ANN MAESTAS

SEE ALSO 16, 17

HEARING:

Hearing Re: OSC RE: DISMISSAL

COUNSEL:

DEBORAH ANN MAESTAS	(DEC)...
DENNIS TORRES	(PET)...PRO/PER
GARRISON T MAESTAS	(PET)...HARTNELL LAW GROUP
MICHAEL G CANELARIA	(OBJ)...ERIC J RECHSTEINER

XREF:PROPS1400482 (*Jessie Torres Living Trust*)

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON OSC re Dismissal

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

1. OSC set on 07/27/17 when petition for Garrison Maestas was ordered dismissed.
See notes on matter 17.

RECOMMENDATION

Court's discretion re OSC. See matter 17.

(lc)

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

DATE: 09/07/17 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1600309

CASE NAME: MTR OF DEBORAH ANN MAESTAS

SEE ALSO 15, 17

HEARING:

Hearing Re: PETITION FOR LETTERS OF ADMINISTRATION

COUNSEL:

DEBORAH ANN MAESTAS	(DEC)...
DENNIS TORRES	(PET)...PRO/PER
GARRISON T MAESTAS	(PET)...HARTNELL LAW GROUP
MICHAEL G CANELARIA	(OBJ)...ERIC J RECHSTEINER

XREF:PROPS1400482 (*Jessie Torres Living Trust*)

GENERAL INFORMATION:

Ex Parte hearing held 04/13/16.

Continued from 05/31/16. **Letters of special administration issue to Garrison Maestas on 11/23/16 on; \$20,000 bond.**

Continued from 12/08/16, 03/16/17, 06/01/17 and 07/27/17. Petition re Garrison Maestas dismissed as to entire action.

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full authority under IAEA by brother, **Dennis Torres**.

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

1. Petition does not include an estimated value of the property of the estate and indicates *Litigation purposes only.* Does Court wish to require a minimum bond of \$20,000 until such time an estimated value of the estate is ascertained? JTD.
2. ~Proposed Form Order/Letters 04/01/16.

RECOMMENDATION:

Matter appears moot. See matter **17**. If approved, set future hearing for Accounting/Status Review on **11/15/18**. Any account to be filed 30 days' in advance. Note requirements of Local Rules.

(nb/lc)

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

DATE: 09/07/17 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1600309

CASE NAME: MTR OF DEBORAH ANN MAESTAS

SEE ALSO 15, 16

HEARING:

Petition for Termination of Proceedings and for discharge of personal rep etc

COUNSEL:

DEBORAH ANN MAESTAS	(DEC)...
DENNIS TORRES	(PET)...PRO/PER
GARRISON T MAESTAS	(PET)...HARTNELL LAW GROUP
MICHAEL G CANELARIA	(OBJ)...ERIC J RECHSTEINER

XREF:PROPS1400482 (*Jessie Torres Living Trust*)

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Termination of Proceedings and for Discharge of personal representative Garrison Maestas, son.

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

1. Letters of special administration issue to Garrison Maestas on 11/23/16 on; \$20,000 bond.
2. Petitioner, Garrison, seeks termination as there does not appear to be any assets in the estate. The assets appear to be in the Trust.
3. ~Proposed Order: 06/22/17.

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: TARA REILLY

DATE: 09/07/17 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1700609

CASE NAME: MTR OF RONALD V HEUERMAN

HEARING:

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

COUNSEL:

KATHLEEN MARIE VAN SICKLE (PET)...MARIVEL M ZIALCITA
RONALD V HEUERMAN (DEC)...

GENERAL INFORMATION

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

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

1. Will waives bond. The Net value of the estate consists of \$570,000 in real property.
2. Need due diligence declaration re son Kevin Heuerman.
3. ~Proposed Form Order: 06/20/17

RECOMMENDATION

RFA subject to note 2, and Court's discretion re bond. If approved, set Accounting/Status Review for **11/15/18**. Any accounting to be filed 30 days in advance local rule 20-901. Note requirements of local rule 20-908.

(ww/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: 09/07/17 TIME: 8:35 DEPT: S37P

CASE#: PRO PS1600490

CASE NAME: MTR OF ANDREW AND GLADYS MORROW TRUST

SEE ALSO 20, 21, 22, 23

HEARING:

Hearing Re: TSC/FAIR MARKET RENT

COUNSEL:

ANDREW MORROW SR AND GLADYS MO

(TRU)...

EDWARD MORROW

(PET)...SANBORN LAW

HOWARD MORROW

(PET)...PRO/PER

LINDA F WRIGHT-SANDERS

(OBJ)...MARK STEPHEN

XREF: UDFS1501472 (*Morrow v Morrow*)

TSC – Fair Market Rent – No notes – JTD

Future Hearing: 09/28/17 Petition for Heggstad

Superior Court of Calif, County of San Bernardino

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

DATE: 09/07/17 TIME: 8:35 DEPT: S37P

CASE#: PRO PS1600490

CASE NAME: MTR OF ANDREW AND GLADYS MORROW TRUST

SEE ALSO 19, 21, 22, 23

HEARING:

Hearing Re: APPLICATION FOR ORDER STAYING ENFORCEMENT

COUNSEL:

ANDREW MORROW SR AND GLADYS MO	(TRU)...
EDWARD MORROW	(PET)...SANBORN LAW
HOWARD MORROW	(PET)...PRO/PER
LINDA F WRIGHT-SANDERS	(OBJ)...MARK STEPHEN

XREF: UDFS1501472 (*Morrow v Morrow*)

No notes – JTD

Future Hearing: 09/28/17 Petition for Heggstad

Superior Court of Calif, County of San Bernardino

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

DATE: 09/07/17 TIME: 8:35 DEPT: S37P

CASE#: PRO PS1600490

CASE NAME: MTR OF ANDREW AND GLADYS MORROW TRUST

SEE ALSO 19, 20, 22, 23

HEARING:

Motion Re: TO QUASH SUBPOENA AND FOR PROTECTIVE ORDER Filed by
Petitioner LINDA F WRIGHT-SANDERS

COUNSEL:

ANDREW MORROW SR AND GLADYS MO	(TRU)...
EDWARD MORROW	(PET)...SANBORN LAW
HOWARD MORROW	(PET)...PRO/PER
LINDA F WRIGHT-SANDERS	(OBJ)...MARK STEPHEN

XREF: UDFS1501472 (*Morrow v Morrow*)

No notes – JTD

(LR)

Future Hearing: 09/28/17 Petition for Heggstad

Superior Court of Calif, County of San Bernardino

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

DATE: 09/07/17 TIME: 8:35 DEPT: S37P

CASE#: PRO PS1600490

CASE NAME: MTR OF ANDREW AND GLADYS MORROW TRUST

SEE ALSO 19, 20, 21, 23

HEARING:

Motion Re: DEMURRER TO HEGGSTAD PETITION

COUNSEL:

ANDREW MORROW SR AND GLADYS MO	(TRU)...
EDWARD MORROW	(PET)...SANBORN LAW
HOWARD MORROW	(PET)...PRO/PER
LINDA F WRIGHT-SANDERS	(OBJ)...MARK STEPHEN

XREF: UDFS1501472 (*Morrow v Morrow*)

No notes – JTD

(LR)

Future Hearing: 09/28/17 Petition for Heggstad

Superior Court of Calif, County of San Bernardino

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

DATE: 09/07/17 TIME: 8:35 DEPT: S37P

CASE#: PRO PS1600490

CASE NAME: MTR OF ANDREW AND GLADYS MORROW TRUST

SEE ALSO 19, 20, 21, 22

HEARING:

Motion Re: DEEM ADMITTED MATTERS SET FORTH IN REQUEST FOR ADM

COUNSEL:

ANDREW MORROW SR AND GLADYS MO	(TRU)...
EDWARD MORROW	(PET)...SANBORN LAW
HOWARD MORROW	(PET)...PRO/PER
LINDA F WRIGHT-SANDERS	(OBJ)...MARK STEPHEN

XREF: UDFS1501472 (*Morrow v Morrow*)

No notes – JTD

(LR)

Future Hearing: 09/28/17 Petition for Heggstad

CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY **CONSERVATORSHIP**

DATE: 09/07/17 TIME: 9:30 DEPT: S37P

CASE#: CON PS1400167

CASE NAME: MTR BRIAN MCGINNIS

SEE ALSO 25

HEARING: Conservatorship Compliance Review Hearing on SUPPLEMENTAL PETITION FOR CONSERVATORSHIP of GLORIA DYANN THOMAS

COUNSEL:

BRIAN MCGINNIS	(CEP)...LENITA A SKORETZ
BRIAN MCGINNIS	(PCE)...PRO/PER
G. DYANN THOMAS	(OBJ)...PRO/PER
GLORIA DYANN THOMAS	(PCR)...BRIAN G THORNE
PETER MCGINNIS	(CPE)...SAMUEL CROWE & ASSOCIATES
THERESA MCGINNIS	(CPE)...SAMUEL CROWE & ASSOCIATES

GENERAL INFORMATION

Continued from 03/10/16, 10/13/16, 01/12/17, 04/20/17, and 06/29/17. Gloria Thomas ordered to be present.

THIS CASE SET FOR HEARING ON Compliance Review/Accounting review.

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

1. Gloria Tomas, sister, appointed conservator of the person and estate on 09/10/15, \$0 bond. Notice of Withdrawal of attorney filed 01/13/16.
2. Determination of Conservatee's Appropriate Level of Care form GC-355 and Care Plan filed 01/20/15.
3. Need proof of service of a copy of the Order for Conservatorship with Notification of Conservatee's rights per Pr.C.§1830(c). **(filed prematurely on 06/10/14 prior to appointment, need post notice).**
4. Need final Inventory & Appraisal per Pr.C.§2610.
5. Need proof of service of Inventory & Appraisal including Instructions for Objection per Pr.C.§2610.
6. Petition to dispense accounting returned for corrections by examiner on 04/27/17. Need accounting/waiver.
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 3-7. When documents are not filed as ordered, court may set a hearing in accord with Pr.C. §2655.

(lc/ww)

Superior Court of Calif, County of San Bernardino

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

DATE: 09/07/17 TIME: 9:30 DEPT: S37P

CASE#: CON PS1400167

CASE NAME: MTR BRIAN MCGINNIS

SEE ALSO 24

HEARING:
Accounting Review

COUNSEL:

BRIAN MCGINNIS	(CEP)...LENITA A SKORETZ
BRIAN MCGINNIS	(PCE)...PRO/PER
G. DYANN THOMAS	(OBJ)...PRO/PER
GLORIA DYANN THOMAS	(PCR)...BRIAN G THORNE
PETER MCGINNIS	(CPE)...SAMUEL CROWE & ASSOCIATES
THERESA MCGINNIS	(CPE)...SAMUEL CROWE & ASSOCIATES

See notes on matter 24.

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

DATE: 09/07/17 TIME: 9:30 DEPT: S37P

CASE#: CON PS1400307

CASE NAME: DORIS KATHLEEN BARNES

HEARING:
Accounting Review

COUNSEL:

CRAIG M PARKER	(PET)...CRAIG M PARKER
DORIS KATHLEEN BARNES	(CEP)...CRAIG M PARKER
GARY LEE BARNES	(CPE)...CHRISTOPHER A SCHUMATE
MARK A BARNES	(CPE)...CHRISTOPHER A SCHUMATE

GENERAL INFORMATION

Continued from 06/29/17

THIS CASE SET FOR HEARING ON Accounting review.

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

1. 1st Account of Mark Barnes, son, approved on 10/27/16.
2. Need 2nd Account beginning with 04/11/16.

RECOMMENDATION

Inquire status of accounting.

(lc/ww)

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

DATE: 09/07/17 TIME: 9:30 DEPT: S37P

CASE#: CON PS1700177

CASE NAME: MTR OF JAMES CURTIS CUNNINGHAM JR

HEARING:

Petition for Appointment of Conservator

COUNSEL:

JAMES C CUNNINGHAM III

(CPE)...PRO/PER

JAMES CURTIS CUNNINGHAM JR

(CEP)...

GENERAL INFORMATION

James Cunningham, III, appointed temporary conservator of the person and estate on 05/18/17.

Continued from 06/29/17. David Horspool appointed GAL for James Cunningham Jr.

THIS CASE SET FOR HEARING ON Petition for Appointment of Conservator person and estate by James Cunningham, III (son)

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

1. Petitioner requests no bond but did not include attachment 1c as to reasons. **Need same.** Estate assets appear to consist of annual wages of \$36,000. Suggest bond of \$39,600.
2. Petitioner does not seek medical powers in section 1(g); however, indicates medical treatment in section 9. Capacity Declaration filed 05/11/17. Court to clarify or require a verified supplement.
3. Need Certificate of Completion of the Conservatorship Training Class.
4. Need return of Citation.
5. Need Notice of Hearing and Proof of Service.
6. Court Investigator report filed 06/28/17.
7. No proposed form Order submitted.

RECOMMENDATION

Need to clear notes 1-5. If approved, set hearing for Compliance Review for **04/12/18** for the filing of the required documents and hearing re Accounting Review for **11/15/18**. Note requirements of Local Rules 20.901 and 20.908.

(lh/lc)