



First Check

Superior Court of California
County of San Bernardino
Probate Department

Probate Notes for Calendar Date: 10/26/17

All corrections/supplements addressing these notes should be filed by **10/19/17**. Later-filed documents might not be reviewed prior to the hearing and could result in a continuance of your case. Updates to these notes *typically* will be posted three court days prior to the hearing.

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.

Lc10/02

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT

PROBATE

DATE: 10/26/17 TIME: 8:30 DEPT: S35P

CASE#: MPR MS00902

CASE NAME: ESTATE OF LARRY K. LAYMON

HEARING:

SUPPLEMENTAL REGARDING DISTRTIBIUTION & WAIVER Account and Report of LINDA G. WAUGH and Petition for allowance of fees filed.

COUNSEL:

LARRY K. LAYMON

(DEC)...

LINDA G. WAUGH

(PET)...PRO/PER

Request for Waiver of Court Fees and Costs filed by LINDA G. WAUGH is GRANTED

GENERAL INFORMATION

Continued from 07/27/17. Larry Layon Stated he objects. Objections to be filed by 08/24/17 or will be permanently waived.

THIS CASE SET FOR HEARING ON Supplemental Regarding Distribution and Waiver of Account and Petition for Allowance of Fees by Linda Waugh.

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

1. Letters Testamentary issued **9/11/01** to Linda Waugh, roommate.
2. All heirs previously waived accountings.
3. It appears that petitioner is supplementing the already approved final distribution order with after discovered asbestos litigation funds per Pr.C. § 11642(a). Petitioner still contends that litigation is still likely to come into the estate. On **2/5/08** Court allowed the estate to remain open for new litigation. Some receipts filed in 2009.
4. Order for Waiver of Account and **Final Distribution was granted on 10/2/06, order filed 12/31/16**. The estate consisted solely of a settlement from decedent's asbestos litigation. Apportionment of Settlement from asbestos litigation is divided 60% less attorney fees to the Executory of the Estate and 40% less attorney fees to the Wrongful Death Beneficiaries.

The Final Distribution of the Estate was approved as:

(15%) to Jeffery Scott Laymon,

(15%) to Virgil Brown Jr., Bankruptcy Trustee, re Larry Laymon's share

(30%) to La Viva June Harlen per assignment by Jesse Lee Laymon

(15%) divided between Craig Laymon and Chris Laymon, issue of deceased son
Jerry Lee Laymon.

(25%) to Linda G. Waugh

5. Petitioner states bank statements prior to 2007 are unavailable by the banking institution. JTD
6. Period stated is 02/27/16 – 09/07/16; however, period shall begin after order for final distribution approval date 10/02/16. **Need** corrected period.
7. It is unclear why some heirs were paid excess funds and petitioner is short \$8,522.09. **Need** verified supplement.
8. Payments of \$1,812.31 made to Jesse Laymon in an attempt to fix what petitioner believed to be an inaccuracy in “the order”. Need verified supplement explaining which order and under what authority did petitioner have to distribute differently than the court order.
9. Petitioner was allegedly in an accident and does not recall a payment to Jose Playo in the amount of \$650; however, believes it to be costs of estate through paralegal services.
10. Need notice of hearing and proof of service.
11. No objections filed at time of review.

RECOMMENDATION

Need to clear notes 6-7 and notice. ***If estate to remain open***, set next Accounting review for **08/02/18**. ***If estate ready to close***, set hearing re final discharge for **08/02/18**.

(lc)

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

DATE: 10/26/17 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1100632
CASE NAME: ESTATE OF HENRY MARTIN YANCEY
HEARING: FIRST AND FINAL Account and Report of CATHERINA GUTIERREZ and
Petition for allowance of fees filed.

COUNSEL:

BRYAN C HARTNELL	(HARTNELL LAW GROUP
CATHERINA GUTIERREZ	(PET)...PRO/PER
ESTHER YANCEY	(OBJ/Former spouse)...PRO/PER
HENRY MARTIN YANCEY	(DEC)...
YOLANDA SANDOVAL	(PRO/PER

Request for Waiver of Court Fees and Costs filed by ESTHER YANCEY is GRANTED
Fee waiver amount due \$1185.00
\$395.00 for objection on 09/20/11
\$395.00 for petition for special on 10/12/11
\$395.00 for petition for letters of admin on 10/14/11

Request for Waiver of Court Fees and Costs filed by CATHERINA GUTIERREZ is GRANTED
Fee waiver amount due \$1996.50
\$465.00 for first and final on 07/25/17

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Final Account, Distribution and Petition for Allowance of Fees by Catherina Gutierrez, sister.

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

1. Administrator waives statutory compensation.
2. Petitioner alleges funds are held in blocked account for sole heir, minor Brittany Yancey; totaling \$788.80 CUTMA account. Minor will reach 18 in 04/2018.
3. No proposed order. Submit after hearing.

RECOMMENDATION

Court's discretion. If approved, set hearing on the filing of receipts and final discharge for **11/01/18**.

(lc)

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

DATE: 10/26/17 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1200731

CASE NAME: RICHARD WONG

HEARING:

FIRST AND FINAL Account and Report of MARGARET M OWEN and
Petition for allowance of fees filed.

COUNSEL:

MARGARET M OWEN (PET)...DIANE KAWATA WATANABE
RICHARD WONG (DEC)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Final Account, Distribution and Petition for
Allowance of Fees by Margaret Owen, sister/Trustee.

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

1. All beneficiaries waive accounting.
2. Executor and attorney seek statutory fees of \$1,535.56 each. **Need** actual schedule indicating what type of gain per Cal Rules of Ct 7.705(b).
3. Creditor's Claim filed by personal representative on 01/14/14 does not appear to have been reviewed by the court. It appears the claim is for funeral costs.
4. No proposed order. Submit after hearing.

RECOMMENDATION

Need to clear note 2. If approved, set hearing on the filing of receipts and final discharge for **11/01/18**.

(lc)

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

DATE: 10/26/17 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1300641

CASE NAME: Katherine Irene Mckee

HEARING:

Hearing Re: OSC RE SURCHARGE ON ADMINISTRATOR OF \$10,000.00

COUNSEL:

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

GENERAL INFORMATION

OSC set on 05/25/17final discharge hearing. No appearance. Administrator suspended. Citation issued to William McKee.

THIS CASE SET FOR HEARING ON OSC Re Surcharge on Administrator of \$10,000/Final Discharge.

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

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

RECOMMENDATION

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

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

DATE: 10/26/17 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1400251

CASE NAME: Rodney Rogers & Lacey Rogers Family Trust

SEE ALSO 6, 7

HEARING:

Hearing Re: ACCOUNTING BY LYNN GAETA

COUNSEL:

GARY ROGERS	(PET)...BRIAN W. SMETHURST
LYNN GAETA	(PET)...CUMMINS & WHITE
LYNN GAETA	(PET)...JAMES R WAKEFIELD
RODNEY ROGERS AND LACEY ROGERS	(TRU)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Accounting review for Lynn Gaeta.

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

1. Matter set at 06/27/17 tentative ruling and ordered an accounting to be filed by Lynn Gaeta, Trustee, by 09/26/17.
2. Objections to tentative ruling filed by Lynn Gaeta on 07/11/17 (see other matters).

RECOMMENDATION

Inquire status of accounting.

(lc)

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

DATE: 10/26/17 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1400251

CASE NAME: Rodney Rogers & Lacey Rogers Family Trust

SEE ALSO 5, 7

HEARING:

Hearing Re: ACCOUNTING BY GARY ROGERS

COUNSEL:

GARY ROGERS	(PET)...BRIAN W. SMETHURST
LYNN GAETA	(PET)...CUMMINS & WHITE
LYNN GAETA	(PET)...JAMES R WAKEFIELD
RODNEY ROGERS AND LACEY ROGERS	(TRU)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Accounting review for Gary Rogers.

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

1. Matter set at 06/27/17 tentative ruling and ordered an accounting to be filed by Gary Rogers, Trustor's son, by 09/26/17.
2. Objections to tentative ruling filed by Lynn Gaeta on 07/11/17.

RECOMMENDATION

Inquire status of accounting.

(lc)

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

DATE: 10/26/17 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1400251

CASE NAME: Rodney Rogers & Lacey Rogers Family Trust

SEE ALSO 5, 6

HEARING:

Hearing Re: PETITIONERS OBJECTION TO COURTS TENTATIVE RULING

COUNSEL:

GARY ROGERS	(PET)...BRIAN W. SMETHURST
LYNN GAETA	(PET)...CUMMINS & WHITE
LYNN GAETA	(PET)...JAMES R WAKEFIELD
RODNEY ROGERS AND LACEY ROGERS	(TRU)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Objection to Court's tentative Ruling.

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

1. Tentative ruling approved on 06/27/17.
2. Objections to tentative ruling filed by Lynn Gaeta on 07/11/17.

RECOMMENDATION

Court's discretion.

(lc)

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

DATE: 10/26/17 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1400492

CASE NAME: The Jack Whitey Clair Revocable Trust

HEARING:

Motion Re: ORD FOR DEPOSIT INTO A BLOCKED ACCOUNT Filed by
Petitioner HEIDI ELFSTROM, WESLEY CLAIR, JACKIE NUTTING

COUNSEL:

HEIDI ELFSTROM	(PET)...JOEL R BRYANT
HOLLY N WOOD	(PET)...PRO/PER
HOLLY WOOD	(OBJ)...PRO/PER
JACKIE NUTTING	(PET)...JOEL R BRYANT
THE JACK WHITEY CLAIR REVOCABL	(TRU)...
WESLEY CLAIR	(PET)...JOEL R BRYANT

No notes – JTD

(LR)

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

DATE: 10/26/17 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1401122

CASE NAME: Irene Helen McEllistrim

HEARING:
Accounting Review

COUNSEL:
AMY TORGERSEN (PET)...RICHARD S PRICE
IRENE HELEN MCELLISTRIM (DEC)...

GENERAL INFORMATION

Continued from 11/10/16, 02/02/17, 03/30/17 and 06/29/17. Accounting to be filed by 09/26/17.

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 Amy Torgersen, niece, on 02/05/15; full authority, no bond.
2. Previous status report approved on 04/07/16.
3. Need accounting or status report.

RECOMMENDATION

Inquire status of accounting. When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq. NO bonding company to notice.

(lc)

Future Hearing: 12/20/17 Motion re: to be relieved as counsel

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT

DATE: 10/26/17 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1500461

Vacated

CASE NAME: Deborha Thompson

SEE ALSO 11

HEARING:

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

COUNSEL:

ANTHONY DURAN

(PET)... JULIE D. WEINER

DEBORHA THOMPSON

(DEC)...

MATTHEW E SHEASBY

(PET)...CKB VIENNA, LLP

Proof blocked account filed.

Future hearing dates: 01/10/18 Final Account by Anthony Duran

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

DATE: 10/26/17 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1500461

Vacated

CASE NAME: Deborha Thompson

SEE ALSO 10

HEARING:
Accounting Review

COUNSEL:

ANTHONY DURAN	(PET)...	JULIE D. WEINER
DEBORHA THOMPSON	(DEC)...	
MATTHEW E SHEASBY	(PET)...	CKB VIENNA, LLP

Future hearing dates: 01/10/18 Final Account by Anthony Duran

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

DATE: 10/26/17 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1500493

CASE NAME: David Lee Williams

HEARING:
Hearing re Final Discharge

COUNSEL:
DAVID LEE WILLIAMS (DEC)...
KIM Y. MOSELEY (PET)...PAMELA LEGGETT COOKE

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 David and Kim Moseley, children, approved on 10/20/16.
2. No receipt required, personal representatives are sole heirs.
3. Need Ex Parte Petition for Final Discharge and Order.

RECOMMENDATION

Inquire status of discharge order.

(lc)

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

DATE: 10/26/17 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1500661

CASE NAME: HOWARD PTTTMAN

HEARING:

Hearing Re: OSC RE SUCHARGE ON MICHAEL JONES OF \$10,000.00

COUNSEL:

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

GENERAL INFORMATION

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

OSC set on 04/06/17 and further OSC on 05/25/17 when there was no appearance or documents filed.

THIS CASE SET FOR HEARING ON **OSC re Surcharge of \$10,000/Accounting review/Status.**

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

1. Letters Testamentary issued to Michael Jones, son/sole beneficiary, on 09/10/15; full authority, no bond.
2. Need final Inventory and Appraisal
3. Need accounting or status report.
4. **Service of citation on Michael Jones was unsuccessful.** For sale sign on property. Does court wish to inquire if server contacted real estate company?

RECOMMENDATION

Court's discretion re OSC. ***Court may wish to refer matter to Public Administrator.***
Inquire status of Inventory and Appraisal and accounting/status report.

(lc)

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

DATE: 10/26/17 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1700730

CASE NAME: MARK S OBERLY

HEARING:

Petition for LETTERS OF ADMINISTRATION WITH FULL IAEA

COUNSEL:

DANIEL OBERLY SR	(PET)...	R. STEVEN DERRYBERRY
MARK S OBERLY	(DEC)...	
SHANNON KELLY ORTEGA	(PET)...	KRING & CHUNG

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Letters of Administration with full authority under IAEA by Daniel Oberly, Sr., brother

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

1. All heirs waive bond. Estate value consists of \$700,000 with \$25,000 in personal property. The court may for good cause require bond; Pr.C. § §8481(c).
2. Petitioner is nominated by brother Patrick Oberly.
3. Need Notice to Petition to Administer Estate and proof of service to Patrick Oberly and any issue of Patrick may have (see next note).
4. Patrick Oberly signed a disclaimer of interest. As the disclaimer does not assign interest, question if Patrick has issue Pr.C. §282(a)? Need verified supplement.
5. Competing petition filed 08/22/17.
6. ~Proposed Form Order: 07/31/17

RECOMMENDATION

Need to clear notes 3-4. Court to trail **12/05/17** hearing. If approved, set Accounting/Status Review for **01/03/19**. Any accounting to be filed 30 days in advance local rule 20-901. Note requirements of local rule 20-908.

(cs/lc)

Future hearing dates: 12/05/17 Petition for Letters of Administration by Shannon Ortega

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT

DATE: 10/26/17 TIME: 8:30 DEPT: S35P

CASE#: RPR RS03002

CASE NAME: RICHARD WELLS

HEARING:

Accounting Review

COUNSEL:

KIYOKO WELLS

(PET)...JENNIFER L FIELD

RICHARD WELLS

(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 Testamentary issued to Kiyoko Wells, spouse/bond beneficiary, on 08/30/06; full authority, no bond.
2. Previous status report approved on 10/27/16.
3. Need accounting or status report.

RECOMMENDATION

Need status of accounting/status report.

(lc)

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

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

DATE: 10/26/17 TIME: 8:35 DEPT: S35P

CASE#: PRO PS1501191

CASE NAME: THE GERALD TURNER LIVING TRUST

HEARING:

Hearing Re: MOTION FOR RECONSIDERATION FILED BY R. CARDENAS

COUNSEL:

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

No notes – JTD

(LR)

Future Hearing:

11/15/17 Readiness calendar

11/15/17 Hearing re: Determine title & to require transfer etc.

11/15/17 Petition for cross complaint against Maria C Rosen etc.

12/04/17 *Court Trial*

12/05/17 *Court Trial*

12/06/17 *Court Trial*

12/07/17 *Court Trial*

12/08/17 *Court Trial*

01/16/18 *Motion to leave to file first amended etc.*

01/16/18 *Motion to leave to file first amended etc.*

CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT **CONSERVATORSHIP**

DATE: 10/26/17 TIME: 9:30 DEPT: S35P

CASE#: CON PS1300021

CASE NAME: JANE JOLLY

HEARING:

Hearing Re: ACCOUNTING OF JOHN JOLLY

COUNSEL:

JANE JOLLY	(CEP)...JAMES B CHURCH
JANE JOLLY	(CTP)...MARK J. ANDREW FLORY
JOHN JOLLY	(CP)...EDWARD B FISCHEL
JOHN JOLLY	(CPE)...EDWARD B FISCHEL &
MARK J ANDREW FLORY	(PET)...PRO/PER
MARK J ANDREW OSBORN	(PET)...MARK J. ANDREW FLORY
NATALIE BLICKENSTAFF	(CE)...JENNIFER M DANIEL
NATALIE BLICKENSTAFF	(CPE)...JENNIFER M DANIEL

XREF: CONPS1200265 (*William Jolly, discharged*)

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Accounting review.

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

1. John Jolly, son, was appointed successor Conservator on 08/15/16, estate only \$85,000 bond.
2. Need first account of successor Conservator beginning 08/16/16.

RECOMMENDATION

Inquire status of accounting.

(lc)

Future Hearing: 01/11/18 Hearing re: Final discharge of **Natalie Blickenstaff**, prior Conservator

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

DATE: 10/26/17 TIME: 9:30 DEPT: S35P

CASE#: CON PS1500302
CASE NAME: MURIEL ENID BRYANT
HEARING: First Account and Report of LINDA JEAN HENRY and Petition for allowance of fees filed.

COUNSEL:

LINDA HENRY (CE)...VOORHEES LAW GROUP
MURIEL ENID BRYANT (CEP)...DONNASUE ORTIZ
TERRY WAYNE ATTKISSON (CP)...BROCK, MARTIN & VOORHEES, PC

XREF: CONPS1600017 (*James William Bryant*)

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON 1st Account Current and Petition for Allowance of Fees by Linda Henry, daughter.

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

1. Accounting appears to include Terry Attkisson, son; however, Terry is Conservator of person only.
2. Accounting period 02/16/16 – 01/12/17.
3. Assets on hand \$268,504.24; cash.
4. Conservator of person Terry Attkisson waives compensation.
5. Conservator of Estate Linda Henry requests fees of \$3,930 for 131 hours at \$30 per hour. Itemized [Acct.09/18/17 LFPg21-29].
6. Attorney seeks fees of \$6,714.50 for 39 hours at \$115/300 per hour for paralegal and attorney services. Itemized [Acct.09/18/17 LFPg31-35].
7. Attorney seeks reimbursement of costs totaling \$711.50. Itemized with fees.
8. Accounting is not on mandatory judicial council forms. **Need** same.
9. Petitioner seeks a reduction in Current bond of \$395,000 to \$338,000; however, projected long term care does not appear to be an option in the calculation Cal Rules of Ct 7.207. Calculation also does not appear to include Pensions; public benefits are not required to be bonded Pr.C. § 2323. **Need** corrected calculation.
10. **Need** residential facility statements and/or written verification of rent per Pr.C. §2620(c)(5).
11. **Need** financial statements per local rule 20-1404(c) and Pr. C. § 2620(c).
12. **Need** Conservatee's list of addresses per local rule 20-1406 (a)
13. **Need** notice of hearing and proof of service; including notice to conservatee's counsel.

14. **NOTE:** Accounting review appears to have not been set for Trust that was recently created by substituted judgment on 08/24/17; Cal Rules of Ct 7.903.
15. No proposed order. Submit after hearing.

RECOMMENDATION

Need to clear notes 8-13. If approved, set hearing on the next accounting review for **04/26/18** (if one year) or **04/25/19** (if two years). Accounting to be filed 30 days in advance.

Set Accounting review re Trust for **10/25/18**.

(lc)

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

DATE: 10/26/17 TIME: 9:30 DEPT: S35P

CASE#: CON PS1700212

CASE NAME: JAKE KURTEN

HEARING:

Petition for Appointment of Conservator

COUNSEL:

JAKE KURTEN	(CTP)...
LINDA KURTEN	(CP)...ROSSANA MITCHELL
TODD KURTEN	(CP)...ROSSANA MITCHELL

GENERAL INFORMATION

Todd and Linda Kurten appointed temporary co-conservators of the person on 06/14/17.

Continued from 07/20/17.

Continued from 09/21/17 by Court, and OSC re dismissal set. Court notes that if petitioner does not appear at next hearing, or have all probate notes cleared, Court will dismiss petition at next hearing date.

THIS CASE SET FOR HEARING ON Petition for Appointment of Conservator person only by Todd and Linda Kurten (parents).

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

1. It appears a limited conservatorship is appropriate. Does Court wish to deem this petition for limited conservatorship?
2. As proposed conservatee is developmentally disabled and this is not a petition for Limited Conservatorship, Court may wish to appoint counsel and require report for proposed conservatee per Pr.C. §1470. JTD
3. 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
4. Petition does not request medical powers; however, item #9 indicates medical treatment. **Need** verified supplement as to whether medical powers are sought. If so, need Capacity Declaration.
5. Section 11 of Petition does not list petitioners/parents. **Need** verified supplement.
6. List of required contacts does not list petitioners/parents. **Need** completed form.
7. **Need** Certificates of Completion of the Conservatorship Training Class.
8. **Need** return of Citation.

9. **Need** Notice of Hearing and proof of service, including 30 days' notice to Inland Regional Center.
10. Court Investigator report filed 07/19/17.
11. No proposed order for general petition.

RECOMMENDATION

Need to clear notes 4-9. If approved, set hearing for Compliance Review for **05/31/18** 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/lh)

Superior Court of Calif, County of San Bernardino

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

DATE: 10/26/17 TIME: 9:30 DEPT: S35P

CASE#: CON PS1700221

CASE NAME: MTR OF ARTHUR PABLO GRIJALVA

HEARING:
Petition for Appointment of Conservator

COUNSEL:
ARTHUR PABLO GRIJALVA (CEP)...
CECELIA BARBA (CPE)...PRO/PER

GENERAL INFORMATION
Continued from 08/03/17.

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

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

1. Petitioner requests no bond due to limited income. Suggested bond \$105,569, or alternatively deposit funds in blocked account. JTD
2. Petitioner seeks medical powers. Capacity Declaration filed 07/21/17
3. **Need** Confidential Screening form.
4. **Need** Certificate of Completion of the Conservatorship Training Class.
5. **Need** return of Citation.
6. **Need** Notice of Hearing and Proof of Service.
7. Court Investigator report filed 07/26/17.
8. ~Proposed Form Order: 06/07/17

RECOMMENDATION

Need to clear notes 3-6. If approved, set hearing for Compliance Review for **05/31/18** for the filing of the required documents and hearing re Accounting Review for **01/02/19**. Any accounting to be filed 30 days in advance.

(lh/lc/lh)

Superior Court of Calif, County of San Bernardino

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

DATE: 10/26/17 TIME: 9:30 DEPT: S35P

CASE#: CON PS1700303

CASE NAME: MARK ALLAN MOTT JR.

HEARING:
PROBATE/CONSERVATORSHIP MANAGEMENT CONFERENCE

COUNSEL:

MARK ALAN MOTT JR (CEE)...
THERESA MOTT (PET)...PRO/PER

THIS CASE SET FOR HEARING ON Case Management Conference.

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

1. Mark and Theresa Mott, parents, appointed limited Conservator of person only on 01/06/86 in Orange County. Transferred to San Bernardino on 05/30/17.
2. Does court wish to require a Court Investigator report per Pr.C. § 2217(b)(3)? JTD
3. Does court wish to require an IRC inquiry/report? JTD
4. **Need** post move notice per CRC 7.1063(c).
5. **Need** amended letters to reflect this county.

RECOMMENDATION

Need to clear notes 4-5 then Court's discretion.
(lc)

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

DATE: 10/26/17 TIME: 9:30 DEPT: S35P

CASE#: CON PS1700331

CASE NAME: MTR OF FRANCES M THOMAS

SEE ALSO 23

HEARING:

Hearing Re: Petition for Appointment of Conservator

COUNSEL:

FRANCES M THOMAS (CEP)...BRYAN C. HARTNELL
SUSAN L THOMAS (CPE)...DAVID M GROSSMAN

GENERAL INFORMATION

Ex parte hearing held 09/11/17 and was continued. Per stipulation, 10/19/17 hearing is advanced and continued. Bryan C Hartnell is appointed for Frances M Thomas. Next hearing set for 10/26/17.

THIS CASE SET FOR HEARING ON Petition for Appointment of Conservator person and estate by Susan Thomas, daughter

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

1. Petitioner seeks bond of \$3,000,000. Suggested bond \$3,129,600.00 per bond calculation.
2. Petitioner seeks medical powers. Need Capacity Declaration.
3. Need report of appointed Counsel Bryan C. Hartnell.
4. Need Certificate of Completion of the Conservatorship Training Class.
5. Notice of Hearing filed 09/28/17; however, proof of service, item #5, does not indicate a copy of petition was served with notice. Need proper service.
6. CI Report filed 09/20/17.
7. Return of Citation filed 10/03/17.
8. **Objection by James Thomas, son, with proof of service filed 10/04/17.**
9. ~Proposed Form Order: 09/01/17

RECOMMENDATION

Matter is contested. Need to clear notes 2-5. If approved, set hearing for Compliance Review for **05/31/18** for the filing of the required documents and hearing re Accounting Review for **01/03/19**. Any accounting to be filed 30 days in advance.

(lh)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT

DATE: 10/26/17 TIME: 9:30 DEPT: S35P

CASE#: CON PS1700331

CASE NAME: MTR OF FRANCES M THOMAS

SEE ALSO 22

HEARING:

Petition for Appointment of Temporary Conservator

COUNSEL:

FRANCES M THOMAS (CEP)...BRYAN C. HARTNELL

SUSAN L THOMAS (CPE)...DAVID M GROSSMAN

See notes on previous matter #22.

(lh)

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

DATE: 10/26/17 TIME: 9:30 DEPT: S35P

CASE#: SC SS02083

CASE NAME: MATTER OF GREGORY M OCHOA

HEARING:
Accounting Review

COUNSEL:

GREGORY M OCHOA	(BEN)...DUANE P BOOTH
GREGORY M OCHOA	(CEP)...DUANE P BOOTH
GREGORY M OCHOA	(TRU)...
INLAND COUNTIES REGIONAL CENTE	(CE)...STEVEN K BECKETT
INLAND COUNTIES REGIONAL CENTE	(CPE)...STEVEN K BECKETT
INLAND COUNTIES REGIONAL CENTE	(TEE)...STEVEN K BECKETT

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Accounting review.

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

1. Previous IRC Master Trust accounting waived per C.R.C § 7.903(d) on 10/13/16.
2. Need next accounting/waiver.

RECOMMENDATION

Inquire status.
(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: 10/26/17 TIME: 8:30 DEPT: S36P

CASE#: CON PS1300060

CASE NAME: DORIS M. CARROLL

SEE ALSO 2

HEARING:

FIRST Account and Report of LOWETA CARROLL and Petition for allowance of fees filed.

COUNSEL:

DORIS M CARROLL	(CEP)...
DORIS M CARROLL	(PET)...MARK J. ANDREW FLORY
LOWETA CARROLL	(CPE)...PRO/PER
LOWETA CARROLL	(PET)...KEITH S WALKER

GENERAL INFORMATION:

Continued from **6/17/15, 09/02/15, 10/29/15, 01/05/16, and 02/23/16**. At hearing on 02/23/16 Court appointed Walter Moore as Guardian Ad Litem for Doris M. Carroll. Clerk's office to notify of appointment.

Continued from **04/25/16, 07/12/16 and 09/20/16**. Notice to be given by Attorney Keith Walker.

Continued from 11/29/16. Court orders an account to be filed on the trust by 12/31/16. Matter is contested and set for trial. No account filed.

Continued from 02/21/17, 03/23/17 (accounting not filed as ordered) and 03/30/17 and 04/06/17. Notice given by Judicial Assistant to bonding company. All documents to be filed by 04/26/17. Mediation date requested.

Continued from **06/15/17** at request of Counsel. Matter set for voluntary mediation.

Continued from 07/05/17. Counsel is informed 2 separate accountings must be submitted to the court by the next hearing on 8-1-17: the accounting for the trust from 8-15-12 to present and the conservatorship accounting from 5-30-13 to present.

Continued from 08/01/17. Matter is contested.

THIS CASE IS SET FOR HEARING ON **Amendment [05/02/17]**^{1st} Account Current and Petition for fees by Loweta Carroll, daughter.

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

1. Daughter, Loweta Carroll, was appointed conservator, person/estate, on 4/16/13. Recent amendment filed did not appear to have many changes.

2. Account period covers **05/30/13 to 05/29/14** and begins as of date letters were issued instead of as of date of appointment. As petitioner did not have authority until bond was posted, Assets may not have been marshaled on date of appointment.
3. Assets on hand \$4,291.33 in cash.
4. Accounting shows conservatee's estate was considerably spent down; the beginning balance was \$52,456.75 in cash. The only income is from SS benefits; Court may wish to inquire as to the **current** care plan.
5. Conservatee and conservator reside together in conservatee's home and is her full time caregiver with no alleged respite. Petitioner has not sought compensation for her services or reimbursement of funds advanced.
6. Attorney does not seek fees; however, reserves the right for a later date.
7. The \$11,918.80 paid to Keith Walker, of which \$7,465 was for services performed prior to the conservatorship and was allegedly due prior to issuance of letters.
 - a. **Declaration with itemization filed on 08/01/17. Counsel stands prepared to refund Conservator all of part of \$12,085 in fees taken out of client trust account.**
8. The \$2,500.00 paid to Ben Selters was for services rendered prior to conservatorship and were paid per Pr.C. § 2430(a)(1).
9. The \$3,000.00 paid to Margaret Arter for "attorney fees were related to creation of conservatorship per Pr.C. § 2430(a)(1).
10. Disbursements show a total of \$85.00 paid for overdraft fees [05/02 Accounting LF p.26]. Petitioner previously suggests fees are de minimis given fees are currently waived.
11. Original Report states: "Conservatee was the victim of financial and physical elder abuse perpetrated by her son, Davey Eugene Carroll and his wife and other persons. This abuse has been reported to the San Bernardino County Sheriff and Wells Fargo Bank and investigations are pending with both the Sheriff and the Bank."
 - a. Disbursements show many payments totaling \$897.58 to various payees "to locate brother and his wife."
12. Disbursements show many payments totaling \$776.03 for forms "to begin civil suit against Lillie Norton or for "access to legal website". As Conservatee is represented, question the need of these expenditures. **Supp. (11/10/15) indicates use of Conservatee's counsel for these endeavors would have cost the conservatorship attorney fees far in excess of the funds expended. JTD.**
13. Disbursements show several payments for auto supplies and AAA membership renewal. **Supp. (11/10/15) indicates Petitioner uses her own vehicle to provide all transportation for the Conservatee. JTD.**
14. Disbursements show several payments for Nico-derm beginning 11/18/13. As prior to this date there are no entries for tobacco purchases, question if these purchases were for the conservatee's benefit. **Supp. (11/10/15) indicates these purchases were for Petitioner who did not want to smoke around Conservatee; has successfully stopped smoking; and benefits Conservatee as residence remains smoke-free. JTD.**
15. Disbursements show many payments for repairs: supplies and labor. Does Court wish to require further explanation for these payments as no petition for authority to

expend funds for repairs filed. **Supp. (11/10/15) indicates Conservator is not required to obtain authority to expend funds for repairs to Conservatee's home. However, as home is held in trust, question why trust should not be liable for cost of repairs? JTD.**

16. Disbursements show several payments noted as "unknown" payee. Does Court wish to require further explanation for these payments **[05/02 LF, p. 74-75]**.
17. Disbursements show 2 payments to psychiatrist of \$115.00 each. Court may wish to inquire as to conservatee's care plan. **Supp. (11/10/15) indicates these payments were for fees incurred by Petitioner, personally, in her efforts to cope with caring for Conservatee full-time. JTD.**
18. Bond was set at \$21,000. Petitioner requests bond exonerated as the estate now qualifies for bond waiver under Pr.C."§2323, 2628. Ok.
19. Waiver of Objections to First Account Current filed 01/05/16 by counsel, Margaret Helen Arter, on behalf of conservatee.
20. **Objections filed 09/20/16 by GAL, Walter Moore, for Conservatee.**
 - a. **Need proof of service.**
 - b. **No objections to amendment filed at time of review.**
21. **Supplement filed 03/30/17 by Loweta Carrol, Conservator, which appears to be a reply to objections.**

RECOMMENDATION:

Matter is contested. If approved, set next Accounting Review in **60 days** as second account is overdue. Account to be filed 30 days' in advance of hearing date. Note requirements of Local Rules.

(kra/cbr/nb/dl/nb/lc/lh/nb/lc)

Future Hearing:

11/06/17 *Court Trial*

11/06/17 *First account and report*

Superior Court of Calif, County of San Bernardino

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

DATE: 10/26/17 TIME: 8:30 DEPT: S36P

CASE#: CON PS1300060

CASE NAME: DORIS M. CARROLL

SEE ALSO 1

HEARING:
Readiness Calendar

COUNSEL:

DORIS M CARROLL	(CEP)...
DORIS M CARROLL	(PET)...MARK J. ANDREW FLORY
LOWETA CARROLL	(CPE)...PRO/PER
LOWETA CARROLL	(PET)...KEITH S WALKER

Readiness – No notes – JTD

Future Hearing:
11/06/17 *Court Trial*
11/06/17 *First account and report*

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JAMES MICHAEL WELCH

PROBATE

DATE: 10/26/17 TIME: 8:30 DEPT: S36P

CASE#: PRO PS0600065

CASE NAME: MTR OF ANGEL WHEELER SPECIAL NEEDS TRUST

HEARING:

Accounting Review

COUNSEL:

ANGEL WHEELER SPECIAL NEEDS TR	(TRU)...
RANDALL RIVERA	(PET)...GREGORY J. LEDERMAN
RANDALL RIVERA	(PET)... DIANA C BOLEY
RANDALL RIVERA	(PET)...RICH PORTER
RANDALL RIVERA	(TEE)...RICH PORTER

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Accounting review.

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

1. 5th SNT Account for Randall Rivera, Trustee, approved on 02/04/16.
2. Need 6th Account beginning with 08/25/15.

RECOMMENDATION

Inquire status of accounting.

(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: 10/26/17 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1600094

See matter 4A

CASE NAME: RANDY KIMBALL

HEARING:
Accounting Review

COUNSEL:
DONNA LAIRD (PET)...FARHAT LAW FIRM, APC
RANDY KIMBALL (DEC)...

XREF: PROPS1600097 (*John Charles Kimball*), **GARPS1600363** (*Diane Lynn Stover etal*)

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 Donna Laird, sister, on 08/23/16; full authority, \$20,000 bond.
2. Final Inventory and Appraisal filed 10/18/16. Need bank statement per local rule 20-908.
3. Need accounting or status report.

RECOMMENDATION

Need to clear notes 2 & 3.

(lc)

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

DATE: 10/26/17 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1600094

See matter 4

CASE NAME: RANDY KIMBALL

HEARING: Petition for APPROVAL OF CLAIM OF PERSONAL REPRESENTATIVE
AGAINST ESTATE

COUNSEL:

DONNA LAIRD

(PET)...FARHAT LAW FIRM, APC

RANDY KIMBALL

(DEC)...

XREF: PROPS1600097 (*John Charles Kimball*), **GARPS1600363** (*Diane Lynn Stover etal*)

GENERAL INFORMATION:

Continued from **06/26/17**. Court will approve the amount of \$8,963.74 with the understanding that statutory fees will be waived if necessary. Court will reserve on the remaining issues. Court will reserve on the remaining issues.

Continued from 08/22/17. The creditors claim is accepted in the amount of \$8,963.74 and the remainder of the fees will administrator fees, addressed in the accounting.

Continued from 10/03/17 to trail Accounting review.

THIS CASE IS SET FOR HEARING ON Petition for Approval of Claim of Personal Representative, Donna Laird against Estate.

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

1. Personal representative Donna Laird is a creditor of Decedent.
2. Petitioner requests a court order approving and establishing her claim against the decedent's estate in the amount of \$15,763.34, in connection with maintaining, licensing and protecting the decedent's property, including the claim with other established claims to be paid in the course of administration of the decedent's estate. Itemized [see declaration filed 06/07/17, LF, pgs. 11-42].
3. Inventory and Appraisal indicates estate assets of \$32,870.12.
4. Proposed Order 06/27/17. Need corrected order submitted after hearing.

RECOMMENDATION:

Court's discretion.

(nb/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: 10/26/17 TIME: 9:30 DEPT: S36P

CASE#: CON PS1600360

CASE NAME: Luke R. Eagleton

HEARING: Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of KATHLEEN M. EAGLETON

COUNSEL:

JONATHAN T. EAGLETON	(CP)...HOWARD R HAWKINS
KATHLEEN M. EAGLETON	(CP)...HOWARD R HAWKINS
LUKE R. EAGLETON	(CTP)...CANDICE A GARCIA-RODRIGO

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Compliance Review.

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

1. Kathleen & Jonathan Eagleton, parents appointed conservators of the person only on 03/23/17.
2. Notification of Conservatee's rights per Pr.C.§1830(c) filed 03/28/17.
3. Determination of Conservatee's Appropriate Level of Care form GC-355 and Care Plan in accord with Pr.C.§2352.5 filed 05/04/17.

RECOMMENDATION

None.

(lc)

Superior Court of Calif, County of San Bernardino

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

DATE: 10/26/17 TIME: 8:29 DEPT: S37P

CASE#: CIF DS1700058

CASE NAME: LEE VS MOSELEY

HEARING:
Readiness Calendar

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

EX PARTE HEARING REGARDING ELDER OR DEPENDENT ADULT ABUSE

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

Readiness Calendar

DATE: 10/26/17 TIME: 8:29 DEPT: S37P

CASE#: PRO DS1000818

CASE NAME: MTR OF JOAN A TORBETT

SEE ALSO 3, 4

HEARING: Hearing re Final Discharge

COUNSEL:

JOAN A TORBETT

(DEC)...

LINDA S GAXIOLA

(PET)...HARTNELL LAW GROUP

X-REF: PROPS 1700021 (*Scott Torbett*)

GENERAL INFORMATION:

Continued from 4/14/14, 5/19/14, 7/7/14, 8/18/14, 9/29/14, 11/20/14, 12/17/14, 2/2/15, 4/6/1, 5/7/15, 07/08/15, 09/08/15, 10/13/15 and 11/17/15. Court orders that the beneficiaries that have received disbursements from this estate are to be present in court on 11/17/15 if receipts have not been turned over to counsel. Court orders that Linda Gaxiola is to be personally present in court on 11/17/15 if probate notes are not cleared. Court indicates there will be no further continuances.

Continued from **1/11/16**. Court ordered Linda Gaxiola to be present at next hearing.

Continued from **01/25/16**. The Court Orders this case to trail and advises that the surcharge shall be ordered in effect if the Petitioner/Administrator Linda S Gaxiola is not present at the next hearing.

Continued from **02/02/16** at request of counsel. Matter is continued to 04/05/16; court orders Linda Gaxiola to be present at next hearing date. Counsel to file accounting as to "Scott's share."

Continued from **06/14/16**. Linda Gaxiola to be personally present.

Continued from 08/22/16, 10/31/16, 11/07/16, 02/06/17, 04/10/17 and 07/31/17. Reset for readiness.

THIS CASE IS SET FOR HEARING ON Final Discharge

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

1. Final Distribution approved 4/11/13.
2. Petitioner alleges that the heirs, Scott Torbett and Lindy Torbett, disclaimed their interest in the discovered and probated assets. The proposed Amended Order was returned on 4/21/14 for disclaimers. **(Request for amended order withdrawn at 11/20/14 hearing.)**

3. The 4/11/13 Order for Final Distribution indicates 50/50% distribution to Lindy Torbett and Scott Torbett. Receipt filed 11/18/15 indicates Lindy has received her 50%, that Scott is deceased, and that Lindy has collected Scott's 50% per a 13100 declaration. It is unclear how the Pr.C. §13100 collection is valid when the Order for Final Distribution indicates \$505,181.91 to be distributed, which would be \$468,058.10 after approved statutory fees, making Scott's 50% share total \$234,029.05, or well over the \$150,000 limit for Pr.C. §13100. And this would be in addition to any other real or personal property held by Scott in this state.
4. Need Ex-parte petition for final discharge order re-submitted. **Rejected for lack of receipts on 3/24/15 and 12/09/15.**
5. Declaration filed by Lindy Torbett on 02/01/16.
6. **Supplement filed 02/01/16** indicates there was an error in the Petition and subsequent Judgment in that personal property was marshaled; properties were sold, cash distributions were made; a home was purchased and the remainder was expended for the benefit of Lindy Torbett as Scott Torbett is now deceased. Petition states petitioner undertook the actions she did in the best interest of the heirs of the Decedent without the knowledge or participation of counsel. Petitioner indicates she will undertake any remedial action required by the court. JTD.
7. **Supplement filed 08/22/16 with attachments, ie...copy of will [LF, p. 7]; and cash disbursement schedules [LF, p.14]; alleges that at the time of death of Scott Torbet, the only asset not "distributed" by a recorded document was the Amanda Street property and should the Court want that asset distributed by a Court proceeding, Lindy Torbett will execute a new receipt specifically acknowledging receipt of his half of the property; assign his interest in the Estate to Petitioner; and a new Inventory would be filed alleging the ½ interest to be distributed by a Petition to Determine Succession. Petitioner states that on the other hand, the Court could, given all of the facts, accept this Declaration and the Declaration of Lindy Torbett and grant the Ex-Parte Petition for Final Discharge and Order. JTD.**

RECOMMENDATION:

Suggest Judgment entered on 04/11/13 be vacated and amended inventory and account be filed.

(sa/nb/ds/sa/gls/lc/sa/nb/lc/ds/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: 10/26/17 TIME: 8:29 DEPT: S37P

CASE#: PRO DS1000818

CASE NAME: MTR OF JOAN A TORBETT

SEE ALSO 2, 4

HEARING:

Hearing Re: SURCHARGE OF ADMINISTRATOR OF \$505,181

COUNSEL:

JOAN A TORBETT (DEC)...
LINDA S GAXIOLA (PET)...HARTNELL LAW GROUP

X-REF: PROPS 1700021 (Scott Torbett)

GENERAL INFORMATION

Continued from **1/11/16, 01/25/16 and 02/02/16**. Petitioner/Administrator Linda S Gaxiola is ordered to submit a statement under oath regarding the decedent's heirs. The Court advises that the surcharge shall go in effect if the Administrator LINDA S GAXIOLA is not present at hearing.

Continued from **04/05/16, 06/14/16, 08/22/16, 10/31/16, 11/07/16 and 02/06/17**. Court orders Bryan Hartnell to appear.

Continued from 04/10/17 and 07/31/17. Reset for readiness.

THIS CASE SET FOR HEARING ON Surcharge on Administrator of \$505,181.50.

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

1. Matter set on 11/17/15 when receipts were not all filed/correct. See prior matter.

RECOMMENDATION

Court's discretion.

(lc/ds//nb/lc/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: 10/26/17 TIME: 8:29 DEPT: S37P

CASE#: PRO DS1000818

CASE NAME: MTR OF JOAN A TORBETT

SEE ALSO 2, 3

HEARING:
Readiness Calendar

COUNSEL:
JOAN A TORBETT (DEC)...
LINDA S GAXIOLA (PET)...HARTNELL LAW GROUP

X-REF: PROPS 1700021 (Scott Torbett)

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

DATE: 10/26/17 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1300080

CASE NAME: GLENNON ZEHRT LIVING TRUST

SEE ALSO 6

HEARING:

Hearing Re: RECEIPT OF SETTLEMENT/TRIAL SETTING CONF

COUNSEL:

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

No notes – JTD

Superior Court of Calif, County of San Bernardino

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

DATE: 10/26/17 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1300080

CASE NAME: GLENNON ZEHRT LIVING TRUST

SEE ALSO 5

HEARING:

Hearing Re: Petition for DETERMINING THE EXISTENCE OF TRUST

COUNSEL:

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

GENERAL INFORMATION

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

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

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

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

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

Continued from 3/1/16, 5/18/16, 08/01/16, 10/13/16, 12/15/16, 03/09/17, 05/25/17 and 07/27/17 to file settlement agreement.

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

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

1. Petitioner, Geri Zehrt McCann, is a beneficiary under the Glennon Zehrt Living Trust dated 9/26/12. Petitioner believes that the principal administration of the Trust was

Riverside County, California. The trustor died on 10/27/12 and since no Notice of Trust Administration was ever sent to petitioner after trustor's death as required under Pr.C. 16061, this petition is timely.

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

4. Petitioner alleges Glennon's mobile home located in Yucaipa, CA has been sold and escrow scheduled to close 2/4/13, with the gross proceeds to be distributed (approx.. \$22,000) to the trustee/respondent. Petitioner requests an injunctive order to prevent the sale proceeds from being distributed, wasted, and absconded with or being otherwise controlled by the trustee/respondent. Petitioner believes that she will suffer irreparable harm should the court not impose the requested mandatory injunction. Petitioner requests that the escrow company either be ordered to hold the funds or that such funds be held in trust by petitioner's attorney.
5. Petitioner requests that Carla Zehrt be removed as trustee of the Trust and that petitioner be substituted in her place and to provide an accounting.
6. Petitioner seeks damages for any breach of the Trustee's breach of fiduciary duty.
7. **Objections files by Carla Zehrt stating it's unnecessary and wasteful to change control of the estate at this time. Substitution of Attorney filed 4/3/14 making objector in pro per.**
8. Order Directing Linda Roberts to Transfer Sale Proceeds of Mobile Home to Ralph Hekman, to be placed in Ralph Hekman's trust account entered 3/1/16.

RECOMMENDATION:

Need settlement agreement.

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

Superior Court of Calif, County of San Bernardino

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

DATE: 10/26/17 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1400258
CASE NAME: JUDY ANN REITZ

SEE ALSO 8

HEARING:

Hearing Re: SANCTIONS FOR FAILURE TO FILE ACCTG TIMELY

COUNSEL:

JUDY ANN REITZ (DEC)...
KEVIN W WALK (PET)...JACK B OSBORN

GENERAL INFORMATION

Continued from 06/16/16, 08/25/16, 11/03/16, 01/19/17, 04/13/17 and 06/15/17.

OSC set on 06/15/17. Last continuance. Kevin Walk ordered to be present (may appear by CourtCall).

Continued from 08/24/17 to file accounting.

THIS CASE SET FOR HEARING ON **OSC re Sanctions for FTF/Accounting** review/Status.

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

1. Letters of Administration issued to Kevin Walk, nephew, on 06/25/14; full authority, no bond.
2. Previous status report approved on 12/24/15.
3. Need accounting or next status report.

RECOMMENDATION

Court's discretion re OSC. Inquire status of accounting. No bonding company to notice. (lc/ww/lc)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

DATE: 10/26/17 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1400258

CASE NAME: JUDY ANN REITZ

SEE ALSO 7

HEARING:

Accounting Review

COUNSEL:

JUDY ANN REITZ

(DEC)...

KEVIN W WALK

(PET)...JACK B OSBORN

See notes on matter 7.

Superior Court of Calif, County of San Bernardino

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

DATE: 10/26/17 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1500197

CASE NAME: CHRISTOPHER E. JONES

SEE ALSO 10

HEARING:

Motion Re: SET ASIDE/VACATE ORDER APPROVING FIRST AND FINAL
ACCOUNT AND REPORT Filed by Defendant PATRICIA VAN OSTERHOUDT

COUNSEL:

ROBIN E. ROBLE	(PET)...DAVID S PAWLOWSKI, ESQ
CHRISTOPHER E JONES	(DEC)...
PATRICIA VAN OSTERHOUDT	(PET)... DANIEL HANOUM

No notes – JTD

(LR)

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

DATE: 10/26/17 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1500197

CASE NAME: CHRISTOPHER E. JONES

SEE ALSO 9

HEARING:

Petition for REMOVAL OF PERSONAL REPRESENTATIVE FOR CAUSE; AND
OBJECTION TO FIRST AND FINAL ACCOUNT ETC

COUNSEL:

ROBIN E. ROBLE (PET)...DAVID S PAWLOWSKI, ESQ
CHRISTOPHER E JONES (DEC)...
PATRICIA VAN OSTERHOUDT (PET)... DANIEL HANOUM

GENERAL INFORMATION

Continued from 08/08/17 to trail motion.

THIS CASE SET FOR HEARING ON Petition for Removal of Personal representative for Cause and Objection to Final Account by Patricia Van Osterboudt, beneficiary Pr.C. § 8500.

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

1. Petitioner Patricia Van Osterboudt, seeks removal of personal representative Robin Roble. Petitioner objected to the final accounting on 04/03/17.
2. Petitioner alleges that personal representative has failed to fully inventory all assets, account, reimburse or treat beneficiaries impartially. Personal representative has allegedly breached her fiduciary duty owed to all beneficiaries. The decedent's Chase bank account and Bank of America Safety Deposit Box were reportedly not included, which total alleged approximate total of \$103,600.
3. Petitioner further alleges she advanced substantial personal funds on behalf of the estate in order to pay creditors and to maintain status quo of assets.
4. Need return of citation per Pr.C. § 8500(b).
5. Need notice of hearing and proof of service to all beneficiaries.

RECOMMENDATION

Need notice. Court may wish to set for evidentiary hearing.

(lc)

Future Hearing: 04/09/18 Final Discharge

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

DATE: 10/26/17 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1500799

CASE NAME: NONA JUNE KELLY

HEARING:
Accounting Review

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

GENERAL INFORMATION

Continued from 01/05/17 no appearance, **03/16/17 and 06/01/17** to retain counsel/file accounting. Petitioner informed that the declaration filed is not a waiver of accounting. **Continued from 07/27/17.**

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 Ronald Kelly, son, on 11/09/15; full authority, \$20,000 bond.
2. Final Inventory and Appraisal filed 05/09/16.
3. Waivers of account filed.
 - a. However, petitioner must file a final report of administration per CRC 7.550, Pr. C. §1064 and Pr. C. §10954(c)(1).
 - b. Will need waiver by Kimberly Krockner when filed.
4. Creditor's Claim rejections filed 07/10/17, 90 days' (10/09/17) claim response period must pass prior to actual accounting being filed.

RECOMMENDATION

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

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

DATE: 10/26/17 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1600025

CASE NAME: MTR LOREN L KIRK

SEE ALSO 13, 14, 15, 16

HEARING:

Hearing Re: COMPLAINT FOR FRUAD, MISREPRESENTATION, ECT

COUNSEL:

CAROL MARSHALL	(PET)...EMISON HULLVERSON LLP
DANIEL BROWN	(PET)...LURIE, ZEPED A, SCHMALZ, HOGAN
DENNIS SHOGREN	(PET)...E JOAN NELMS
JOAN CUNNINGHMAN	(PET)...EMISON HULLVERSON LLP
LOREN L KIRK	(DEC)...
RAYMOND J LOPEZ	()...
WILLIAM N CARTER	(OBJ)...EMISON HULLVERSON LLP

Currently under review by legal research

(LR)

Continued matter. Notice not re-reviewed.

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

DATE: 10/26/17 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1600025

CASE NAME: MTR LOREN L KIRK

SEE ALSO 12, 14, 15, 16

HEARING:

Motion Re: Bifurcation of trial and Status report Filed by
Petitioner DANIEL BROWN

COUNSEL:

CAROL MARSHALL	(PET)...EMISON HULLVERSON LLP
DANIEL BROWN	(PET)...LURIE, ZEPED A, SCHMALZ, HOGAN
DENNIS SHOGREN	(PET)...E JOAN NELMS
JOAN CUNNINGHMAN	(PET)...EMISON HULLVERSON LLP
LOREN L KIRK	(DEC)...
RAYMOND J LOPEZ	()...
WILLIAM N CARTER	(OBJ)...EMISON HULLVERSON LLP

No notes – JTD

(LR)

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

DATE: 10/26/17 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1600025

CASE NAME: MTR LOREN L KIRK

SEE ALSO 12, 13, 15, 16

HEARING: Petition for LETTERS OF ADMINISTRATION W/FULL IAEA

COUNSEL:

CAROL MARSHALL	(PET)...EMISON HULLVERSON LLP
DANIEL BROWN	(PET)...LURIE, ZEPED A, SCHMALZ, HOGAN
DENNIS SHOGREN	(PET)...E JOAN NELMS
JOAN CUNNINGHAM	(PET)...EMISON HULLVERSON LLP
LOREN L KIRK	(DEC)...
RAYMOND J LOPEZ	()...
WILLIAM N CARTER	(OBJ)...EMISON HULLVERSON LLP

CCP170.6 filed as to Judge CYNTHIA A LUDVIGSEN

GENERAL INFORMATION:

Continued from **03/01/16**. Attorney Mark Bridges states that he will be filing a will contest. Attorney David Philipson can file an ex parte for letters of special administration to address the issue with the red tagged property & funds that are not able to be deposited w/o letters. Continued from **05/03/16**. Dennis Shogren appointed special administrator, \$4,000,000 bond.

Continued from **05/19/16, 06/30/16, 09/15/16, 01/10/17 and 05/04/17**. Counsel reported private mediation will be heard in late July or August. Counsel Church to lodge a copy of report with court. Judge Reilly will inform parties where they will be assigned and when their trial readiness hearing will be heard.

Continued from 08/03/17. Matter assigned for a long-cause trial to S26 with Judge **Cohn**. **Counsel reported that standing is an issue. Trial readiness taken off calendar pending next hearing.**

THIS CASE IS SET FOR HEARING ON

- Petition 1- for Letters Testamentary with full authority under IAEA by named executor, Daniel Brown.
- Petition 2- for Letters of Administration with full authority under IAEA by Dennis Shogren CPA.

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

Petitioner 1 Daniel Brown, executor

1. Petitioner requests \$43,200,000.00 bond be posted. Appears adequate.
2. Proof of Subscribing Witness filed 02/23/16.
3. Need Notice of Petition to Administer Estate with proof of service.
4. Lengthy Declaration filed by petitioner on 03/13/17 indicating personal property held. It appears that remaining items are minimal, keys, laptop, 2 motorcycles in disrepair and pennies.
5. **Objections filed by William Carter, Joan Cunningham and Carol Marshall on 02/26/16. Objections and will contest also filed by same parties on 05/03/16. Proof of summons filed 06/29/16 per Pr.C. § 8250.**
6. **First amended Contest and Grounds of Objection to Probate filed 11/10/16 by William N. Carter, Joan Cunningham and Carol Marshall. Proof of service filed 11/10/16. However, need proof of summons of amended Contest per Pr. C. § 8250.**
7. **Reply and Objections to First Amended Contest filed 01/03/17 by Daniel Brown.**
8. **Supp with joinder filed 07/20/17. Barbara Sagehorn, paternal aunt of decedent joins in petition for probate and does not object. Court to clarify if Barbara is merely approving petition by Daniel or is seeking to be co-administrator.**
9. ~Proposed Form Order/Letters 01/11/16.

Petitioner 2 Dennis Shogren, CPA

10. Petitioner requests bond of \$1,000,000. Estate is valued at \$43,200,000.
11. Petitioner attaches will; however, is not probating the will.
12. Petitioner is nominee by cousins; the only heirs at law William Carter, Joan Cunningham and Carol Marshall.
13. List of firearms filed on 05/23/17.
14. ~Proposed Form Order: 05/4/16.

RECOMMENDATION:

Matter is contested, need to clear note 3 & 6. Petitioner 1 appears to have higher priority. If approved, set future hearing for Accounting/Status Review on **01/02/19**. Any account to be filed 30 days in advance. Note requirements of Local Rules.
(nb/lc/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: 10/26/17 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1600025

CASE NAME: MTR LOREN L KIRK

SEE ALSO 12, 13, 14, 16

HEARING:

Petition for PROBATE OF WILL AND FOR LETTERS TESTAMENTARY WITH
FULL AUTHORIZATION TO ADMINISTER UNDER IAEA

COUNSEL:

CAROL MARSHALL	(PET)...EMISON HULLVERSON LLP
DANIEL BROWN	(PET)...LURIE, ZEPED A, SCHMALZ, HOGAN
DENNIS SHOGREN	(PET)...E JOAN NELMS
JOAN CUNNINGHMAN	(PET)...EMISON HULLVERSON LLP
LOREN L KIRK	(DEC)...
RAYMOND J LOPEZ	()...
WILLIAM N CARTER	(OBJ)...EMISON HULLVERSON LLP

See notes on matter 14.

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

DATE: 10/26/17 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1600025

CASE NAME: MTR LOREN L KIRK

SEE ALSO 12, 13, 14, 15

HEARING:

Trial Setting Conference

COUNSEL:

CAROL MARSHALL	(PET)...EMISON HULLVERSON LLP
DANIEL BROWN	(PET)...LURIE, ZEPED A, SCHMALZ, HOGAN
DENNIS SHOGREN	(PET)...E JOAN NELMS
JOAN CUNNINGHMAN	(PET)...EMISON HULLVERSON LLP
LOREN L KIRK	(DEC)...
RAYMOND J LOPEZ	()...
WILLIAM N CARTER	(OBJ)...EMISON HULLVERSON LLP

TSC – No notes – JTD

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

DATE: 10/26/17 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1600189

CASE NAME: SHIRLEY J. LENT

HEARING:

FIRST AND FINAL Account and Report of KAREN KAY LENT and
Petition for allowance of fees filed.

COUNSEL:

KAREN KAY LENT (PET)...JOSEPHINE A. RICH
SHIRLEY J LENT (DEC)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Waiver of Final Account, Distribution and Petition for Allowance of Fees by Karen Lent, daughter.

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

1. All beneficiaries waive accounting.
2. Executor waives statutory compensation.
3. Attorney seeks statutory fees of \$9,428.64. Fees will be paid outside of the estate as there are not sufficient liquid assets.
4. ~Proposed Order: 08/01/17.

RECOMMENDATION

RFA. If approved, set hearing on the filing of receipts and final discharge for **11/01/18**.

(lc)

Superior Court of Calif, County of San Bernardino

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

DATE: 10/26/17 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1600628

CASE NAME: MTR OF AMANDA LOUISE GONZALEZ

HEARING:
Accounting Review

COUNSEL:
AMANDA LOUISE GONZALEZ (DEC)...
MICAILA RIVARD (PET)...JIMMY PHILIP METTIAS

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 Micaila Rivard, mother on 09/02/16; full authority, \$88,510 bond.
2. Final Inventory and Appraisal filed 01/09/17.
3. Need accounting or status report.

RECOMMENDATION

Inquire status of accounting.

(lc)

Superior Court of Calif, County of San Bernardino

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

DATE: 10/26/17 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1700778

CASE NAME: THE JIMMY LEO HOUSLEY LIVING TRUST

HEARING:

Petition for ORDER CONFIRMING TRUST ASSETS

COUNSEL:

JAMES BENSON HOUSLEY (PET)...MAUREEN MURATORE
THE JIMMY LEO HOUSLEY LIVING T (TRU)...

Currently under review by legal research

(LR)

NOTICE:

Petitioner is sole beneficiary of trust. However, notice was filed to deceased trustors siblings. Notice does not indicate a copy of petition was served in section 5.

CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

CONSERVATORSHIP

DATE: 10/26/17 TIME: 9:30 DEPT: S37P

CASE#: CON PS1400317

CASE NAME: MTR OF KNUD ANDERSEN

HEARING:

FIRST Account and Report of JENS ANDERSEN and Petition for allowance of fees filed.

COUNSEL:

JENS ANDERSEN	(CPE)...MATTHEW E SHEASBY
KNUD ANDERSEN	(CEP)...E JOAN NELMS
KNUD ANDERSEN	(PET)...JAMES B CHURCH

GENERAL INFORMATION

Continued from 02/23/17, 05/11/17 and 08/24/17.

THIS CASE SET FOR HEARING ON 1st Account Current and Petition for Allowance of Fees by Jens Andersen, son.

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

1. **Conservatee passed away on 08/15/17.**
2. Accounting period 11/20/14 – 05/31/16.
3. Assets on hand \$753,882.74 of which \$150,228.65 is cash.
4. Attorney requests fees of \$16,101.85 at \$300 an hour. Itemized [Sup.12/12 LFpg4-31]. **Need** hours totaled.
5. Beginning balance does not match Inventory and Appraisal values. **Need** corrected accounting or Inventory and Appraisals.
6. Inventory and Appraisals filed do not have full legal descriptions. **Need** same.
7. Need bank statement that covers 05/31/16. Last statement appears to be 05/23/16 [Con.12/12 LFpg215].
8. Disbursements indicate \$315 in overdraft charges [Acct.12/12 LFpg16-17]. Question why the overdraft fees and why petitioner should not be liable? **Need** verified supplement.
9. Disbursements indicate several credit card payments, one of which is \$8,715.81 to Bank of America [Acct.12/12 LFpg16-17]. Question if these credit cards were paid and closed or are they a continuing liability? **Need** verified supplement.
10. Question the reimbursement of \$945 to Anelise Andersen? **Need** verified supplement.

11. Petitioner paid Arnie Muderspach, Teresa McKinney, Elsie Muderspach, Anelise Andersen, Jorgen Anderson and American Companion Care for caregiver services. **Need** verified declaration that payment was received for the dates services were provided per local rule 20-1406(c).
12. Conservator completed the Saticoy Property transaction whereby a 1st Deed of Trust was secured for \$450,000, which conservatee received monthly interest. Conservatee was also paid a lump sum of \$208,794.88.
13. Current bond is \$507,000.
14. ~Proposed Order: 12/12/16.

RECOMMENDATION

Need to clear notes 4-11. If approved, set hearing on the next accounting review for final pre and post death accounting **01/18/18**. Accounting to be filed 30 days in advance.

(lc)

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

DATE: 10/26/17 TIME: 9:30 DEPT: S37P

CASE#: CON PS1700159

CASE NAME: MTR OF PERISHA T JOHNSON

HEARING:
Petition for Appointment of Conservator

COUNSEL:

PERISHA T JOHNSON (CTP)...JAMES B CHURCH
SYLVIA E JOHNSON (CP)...PRO/PER

GENERAL INFORMATION

Continued from 06/15/17. Return of Citation waived by Perisha Johnson's appearance. Court orders IRC to prepare report for the Court. Attorney James B Church is appointed Counsel.

Continued from 08/24/17. Court orders IRC to prepare a report for the Court.

THIS CASE SET FOR HEARING ON Petition for Appointment of Limited Conservator person only by Sylvia Johnson (mother)

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

1. Petitioner seeks orders relating to powers under Pr. C. §2351.5 to fix residence, access confidential records, right to consent/withhold consent to marriage, control right to contract, authority to give consent/withhold consent to medical treatment, right to control social and sexual contacts, make decisions reeducation;. JTD
2. Petitioner seeks civil rights not be limited without court order. JTD
3. Petitioner seeks Orders relating to estate powers under Pr. C. §1830(b); however, this petition is for conservatorship of the person only, and proposed conservatee's assets consist solely of public benefits of \$854/month. JTD
4. Proposed conservatee is developmentally disabled. Report of Counsel filed 08/24/17.
5. Petitioner seeks medical powers. Capacity Declaration filed 05/23/17.
6. Certificate of Completion of the Conservatorship Training Class filed 08/03/17.
7. CI report filed 06/15/17.
8. **Need** IRC report.
9. **Need** List of Required Contact Information (Local form SB-12224).
10. **Need** 30 days' notice and proof of service as to Inland Regional Center.
11. ~Proposed Form Order: 05/01/17

RECOMMENDATION

Need to clear notes 8-10. If approved, set hearing for Compliance Review for **05/31/18** 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/lh/lc/lh)

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

DATE: 10/26/17 TIME: 9:30 DEPT: S37P

CASE#: CON PS1700338

CASE NAME: MTR OF VICTOR OLIVARES, JR

HEARING:

Petition for Appointment of Conservator

COUNSEL:

ORFELINDA OLIVARES (CPE)...LAW OFFICE OF JOHN R RAMOS
VICTOR OLIVARES JR (CEP)...CANDICE A GARCIA-RODRIGO

GENERAL INFORMATION

Ex parte orders denied on 09/11/17. Attorney Candice Garcia-Rodrigo appointed for Victor Olivares, Jr. Referred to Court Investigator for investigation and report. Notice given by Judicial Assistant.

THIS CASE SET FOR HEARING ON Petition for Appointment of Conservator person and estate by Orfelinda Olivares, mother

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

1. Petitioner seeks bond of \$50,000. Suggested bond \$65,000 per bond calculation.
2. Petitioner seeks medical powers. Need Capacity Declaration.
3. Need report from appointed Counsel Candice Garcia-Rodrigo.
4. Need Court Investigator report.
5. List of Required Contact Information is missing Ofrelinda Olivares, mother/petitioner. Need completed form.
6. Need Certificate of Completion of the Conservatorship Training Class.
7. Need Notice of Hearing and Proof of Service.
8. Return of Citation filed 09/15/17 is an improper form. Need return of Citation using mandatory form GC-320.
9. ~Proposed Form Order: 09/11/17

RECOMMENDATION

Need to clear notes 2-8. If approved, set hearing for Compliance Review for **05/31/18** for the filing of the required documents and hearing re Accounting Review for **01/03/19**. Any accounting to be filed 30 days in advance.

(lh)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

MISC.

DATE: 10/26/17 TIME: 1:30 DEPT: S37P

CASE#: SLC SS3195

CASE NAME: IN THE MATTER OF BENITO MARTINEZ

HEARING:

Hearing Re: TSC/MSC

COUNSEL:

BENITO M MARTINEZ

(CEP)...HARTNELL LAW GROUP

PUBLIC GUARDIAN

(CPE)...COUNTY COUNSEL

REGLA M NARANJO

(CPE)...PRO/PER

TSC/M.S.C. – No notes – JTD