



Second/Final Check

Superior Court of California
County of San Bernardino
Probate Department

Probate Notes for Calendar Date: 07/24/18

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

Destruction of Filed Documents:

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

Contacting the Probate Examiners:

Probate Examiners' email address: ProbateNotes@sb-court.org

Emails must have the case identification information and hearing time/date in the subject line. No attachments will be opened. Probate Examiners can only respond to inquiries regarding the meaning of comments in the notes. Please do not email to notify that documents have been filed, to request a confirmation whether documents have been received, or to request the clearing of notes. No legal or procedural advice may be given by examiners in response to your email.

nb0702/0718

Superior Court of Calif, County of San Bernardino

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

DATE: 07/24/18 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1400815

CASE NAME: MARIA C ACEVEDO

HEARING:

(AMENDED) FINAL Account and Report of MIGUEL BARRIOS ACEVEDO and
Petition for allowance of fees filed.

COUNSEL:

MARIA C ACEVEDO (DEC)...
MIGUEL BARRIOS ACEVEDO (PET)...J. DAVID HORSPOOL

Waiver of Court Fees and Costs filed by MIGUEL BARRIOS ACEVEDO is GRANTED **FILING FEES 2014-2016 TOTAL \$930.00**

GENERAL INFORMATION

Previous accountings continued from **05/09/16, 07/18/16, 10/17/16 and 03/15/17.**

Parties are urged to consult with counsel.

Continued from **05/18/17.** The Court orders Cesar Acevedo to deed the property back to the estate. Referred to Public Administrator.

Continued from **05/30/17.** Court orders Cesar Acevedo to bring the proof of the deed being recorded in the name of the estate. If this is not done, the court will hold Cesar Acevedo in contempt of court and sanctions \$500. Court directs the clerks' office to notify the Public Administrator of possible appointment.

Continued from **08/08/17** at request of counsel to file accounting. Walter Moore files a copy of the recorded deed with the court.

Continued from **11/14/17** at request of counsel. Oral report given by Craig Parker.

Continued from 03/06/18 at request of counsel. Court notes it is removing the referral to the public administrator- matter is returning to the 8:30am calendar.

THIS CASE IS SET FOR HEARING ON **Amended (03/13/17)** Final Account and Report by Miguel Acevedo, spouse.

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

1. Petitioner waives statutory compensation.
2. Amended accounting is not verified per Pr.C. § 1021. **Need** same.

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.**

3. Petitioner requests accountings be waived. Petitioner provides bond waivers; however, need waivers of account by all heirs: Cesar, Miguel, Yvette and Elizabeth Acevedo.
4. Petitioner appears to have distributed the real property to Cesar Acevedo, son. However, petitioner had no authority to distribute the real property to anyone without a court order. [Supp. 04/19 LFpg 4]. There also appears to be 3 other children and no assignments of interest. Court to may wish to direct petitioner to transfer the real property back to the estate. **Proof of deed recorded in the name of the estate filed 08/08/17.**
5. Proposed distribution excludes petitioner and the other 3 children. See note 4.
6. **Need** residual distribution clause.
7. No statement regarding Creditor's Claims. Seven (7) Creditor's Claims filed. **Need** same.
8. **Need** statement regarding debts being paid.
9. **Need** statement regarding character of estate property, sole and separate etc.
10. **Need** notice to Franchise Tax Board. Notice not attached to supplement.
11. **Need** Notice of Hearing as to amended accounting.
12. **Images for Second amended first and final, filed on 07/11/18, are not available for review. Clerks' Office notified.**
13. Proposed Order 10/14/16 and 1/04/17 are incomplete and do not comply with Local Rule 20-614.

RECOMMENDATION:

Need amended account with proper full report to be set on first check calendar no sooner than **09/04/18**.

(/lc/nb)

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

DATE: 07/24/18 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1700213

CASE NAME: MTR OF GEORGE PATRICK AMBURGEY

HEARING:

Final distribution & First & final acct on waiver Account and
Report of FRANCINE J DE TAR and Petition for allowance of fees
filed.

COUNSEL:

FRANCINE J DE TAR (PET)... JEFF GROTKE
GEORGE PATRICK AMBURGEY (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Final Distribution upon Waiver of
Account and for Fees by Executrix, Francine De Tar ["Petitioner"].

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

1. **Need** waivers of account by Petitioner and Christine A. Neri.
2. **Need** conformed copy of final inventory and appraisal filed on 04/23/18 with supporting bank/financial statements.
3. Total Charges and Total Credits do not match by \$1.09. Does Court wish to deem amount de minimus? **JTD.**
4. Accounting period 05/09/17 to 06/14/18. Should begin on date of death, 02/07/17.
5. Assets on Hand \$434,949.38 consisting of \$427,086.38 in cash and remaining in personal property.
6. Statutory compensation of \$11,960.20 requested. Calculated.
7. Disbursements – Exhibit "D," includes postage of \$71.41 and copies of \$84.32, which are normally not allowed unless compensation is waived. Does Court wish to reduce fee request by these amounts? **JTD.**
8. Petitioner requests authority to withhold \$2,000 as a reserve for closing costs.
9. Proposed Form Order 06/18/18 reflects incorrect accounting period.

RECOMMENDATION

Need to clear notes 1-2 then Court's discretion. If approved, set next hearing for receipts and final discharge on **08/06/19**.

(nb)

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Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT

DATE: 07/24/18 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1700403

CASE NAME: MTR OF ANN V REGNER

HEARING:

First and Final Account and Report of LINDA CABELKA and Petition
for allowance of fees filed.

COUNSEL:

ANN V REGNER

(DEC)...

LINDA CABELKA

(PET)...JOHN

GENERAL INFORMATION:

Continued from 06/26/18 for review of supplement filed 06/18/18.

THIS CASE IS SET FOR HEARING ON First and Final Account and Petition for Fees
by Executrix, Linda Cabelka ["Petitioner"].

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

1. Accounting period 12/22/16 to 03/31/18.
2. Assets on Hand \$94,363.91 consisting of cash.
3. Statutory fees of \$6,881.74 requested. Calculated.
4. Disbursements – Schedule "E" [LF, p. 18-19] includes items considered overhead and generally not allowed totaling \$455.16. Does Court wish to reduce statutory fees by this amount? **JTD.**
5. Disbursements – Schedule "E" [LF, p. 19-20] includes reimbursements to petitioner associated with real property, vehicle, utility, funeral and memorial costs (not subtotaled or totaled). Does Court wish to ratify reimbursements? **JTD.**
6. Disbursements – Schedule "E" [LF, p. 20] includes payment for creditor's claim by petitioner, filed on 01/31/18 in the amount of \$334.19. **Need** conformed copy of Allowance or Rejection of Creditor's Claim, DE-74 that includes Court's approval. **Allowance or Rejection is not filed as alleged in supp. filed 06/18/18. Need same.**
 - a. Items include those considered overhead and normally not allowed totaling \$175.60. **JTD.**

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7. Petitioner requests bond to be exonerated and discharge upon filing of receipts. However, bond is not exonerated and discharge does not occur until entry of a final discharge order.
8. ~Proposed Order 06/18/18 reflects incorrect hearing date; assets on hand differ; and discharges upon filing of receipts and proposed final discharge order.

RECOMMENDATION:

Need to clear note 6 then Court's discretion. If approved, set next hearing for receipts and final discharge for **10/01/19**.

(nb)

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

DATE: 07/24/18 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1701122

CASE NAME: ESTATE OF FERNE ROSENBALM

HEARING:

Petition for termination of proceedings & discharge of personal representative

COUNSEL:

FERNE L ROSENBALM (DEC)...
VIRGINIA WECKBACK (PET)...MOYNIHAN LYONS PC

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Termination of Proceedings and Discharge of Personal Representative by Executrix, Virginia Weckback ["Petitioner"] (Pr. C. §12251 et. seq)

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

1. Petitioner indicates there is no property belonging to the estate and subject to administration. However, Petitioner states an American Funds investment account, totaling less than \$150,000, was transferred.
2. Petitioner alleges that prior to the initiation of this proceeding, an affidavit under Pr. C. §13100 was submitted to the financial institution. Said institution refused to honor the valid California Document and required the issuance of Letters. This probate was opened for the sole purpose of effecting that transfer.
3. After marshaling the account the Petitioner was presented with a Pr. C. §13100 affidavit, executed by the Successor Trustee of the Rosenbalm Family Trust, as the will pours over in the Trust. The property was then distributed to the Successor Trustee, in accordance with Pr. C. §13100.
4. Petitioner requests an order of this court that the administration of this estate is terminated and Petitioner be discharged as personal representative.
5. No proposed order. Submit Order after Hearing.

RECOMMENDATION:

Deny. Property belonging to the estate and subject to administration was marshaled. Require proper account or waiver of account.

(nb)

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Future hearing:
02/21/19 Accounting Review

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San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT

DATE: 07/24/18 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1800332

CASE NAME: Mtr of Leona Price

HEARING:

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

COUNSEL:

CLAYTON E MCCALL

(PET)...PRO/PER

LEONA PRICE

(DEC)...

GENERAL INFORMATION:

Continued from 05/29/18 at request of petitioner. Notice to be given by Mr. McCall.

THIS CASE IS SET FOR HEARING ON **Ancillary** Petition for Letters Testamentary **w/WA** and full authority under IAEA by Arkansas Court-Appointed Counsel. Clayton E. McCall ["Petitioner"].

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

1. Decedent was a nonresident of California and left an estate in San Bernardino County.
2. Proposed Administrator is a third party, appointed by order of the Arkansas Probate Court as named executor and alternate are both deceased.
3. Will is not self-proving per Pr. C. §8220. However, Will has been admitted to Probate in the Superior Court of the State of Arkansas. Authenticated copies of the will and of the order admitting will to Arkansas Probate affixed to petition [LF, pgs. 8-10]. Does Court wish to require Proof of Subscribing Witness? **JTD.**
4. Caption is incorrect as it should request probate of will and for letters of administration with will annexed. **Need** verified supplement.
5. Section 3a(2) and 3c to petition [LF, p. 1] does not specify location permitting publication in the Hesperia Reporter or street address, city and county of decedent's residence at time of death. **Need** verified supplement.
6. Section 8 to petition [LF, p. 5] indicates issue James L. Price. Is deceased. Question date James L. Price died and whether he was survived by spouse or issues for notice purposes? **Need** verified supplement.

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7. Will waives bond. However, petitioner is a non-resident and Court has discretion to require bond per Pr. C. §8571. Estimated estate valued at less than \$20,000. The Court may for good cause require that a bond be given, either before or after issuance of letters. Pr. C. § 8481(b). **JTD.**
8. **Need** Notice of Petition to Administer Estate with proof of service to include son, Rickey L. Price; wife of Rickey L. Price, Myra Sue Price, named in the will; Co-Executrixes to James L. Price Estate, Audrey Otto and Mary E. Price; wife and issue of James L. Price, if applicable.
9. **Question** why an Affidavit re Real Property of Small Value (\$50,000 or Less), form DE-305 was not used? Court to inquire.
10. No proposed order/letters. Submit after hearing.

RECOMMENDATION:

Need to clear notes 4-6 & 8 then Court's discretion re: notes 3, 7 & 10. If approved, set future hearing for Accounting Review on **10/01/19**. Any account to be filed 30 days in advance of hearing. Note requirements of Local Rules.

(nb)

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

DATE: 07/24/18 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1800382

CASE NAME: PAULA MARIE GONZALEZ

HEARING:

Petition to determine succession to Real Property

COUNSEL:

PAULA MARIE GONZALEZ (DEC)...
SHANTLE SHIPP (PET)...JT LEGAL GROUP, APC

X-REF: SBFSS 29416

GENERAL INFORMATION:

Continued from **05/29/18** at request of counsel.

Continued from 06/26/18. Court orders that the petitioner and the counsel, Maria N. Kabayan, are to be personally present in court on July 24, 2018; court orders that special appearances are not permitted for Maria N Kabayan for any further hearing dates on this case. Notice by Judicial Assistant.

THIS CASE IS SET FOR HEARING ON Petition to Determine Succession to Real and Personal Property (Estates \$150,000 or less) by daughters, Shantle Shipp, Lacey Gonzalez and Paula Gonzalez ["Petitioners"].

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

1. Inventory & Appraisal attached to petition has the following issues:
 - a. Numbers 4 & 5 incomplete.
 - b. No signatures on the I&A by Lacey Gonzalez and Paula Gonzalez. **Need** signatures of verification.
2. Petitioners request a determination that decedent's personal property consisting of decedents 50 % interest of ex-husband's pension proceeds per Court Order entered 12/22/16 in the related case. Copy of court order, letter, plan and terms are not affixed as alleged. **Need** same.
3. A petition requesting an order concerning personal property only is not permitted under Pr. C.§13152. Where only personal property is involved, the affidavit procedure under Pr. C. §13100 is the appropriate summary procedure to use.

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RECOMMENDATION:
Deny.
(nb)

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

DATE: 07/24/18 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1800493

CASE NAME: Daisy P Soares

HEARING:

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

COUNSEL:

DAISY P SOARES (DEC)...
TIMOTHY L SOARES (PET)...PRO/PER

GENERAL INFORMATION:

Continued from 06/26/18 at request of petitioner.

THIS CASE IS SET FOR HEARING ON **Amended** (06/26/18) Petition for Probate of Will and for Letters of Administration w/WA and limited authority under IAEA by grandson, Timothy L. Soares ["Petitioner"].

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

1. Will waives bond as to this petitioner and heirs waive bond. However, petitioner is a non-resident and court has discretion to require bond per Pr. C. § 8571. Estimated estate valued at \$217,000. The Court may for good cause require that a bond be given, either before or after issuance of letters. Pr. C. § 8481(b). Suggest bond of \$217,000. **JTD.**
2. Section 5(a) (8) indicates there is no issue of a predeceased child. However, petitioner *is* the issue of a predeceased child. .
3. ~Proposed Form Order/Letters 05/18/18.

RECOMMENDATION:

Court's discretion re: bond. If approved, set future hearing for Accounting Review on **10/01/19**. Any account to be filed 30 days in advance of hearing. Note requirements of Local Rules.

(nb)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT

DATE: 07/24/18 TIME: 8:30 DEPT: S35P

CASE#: PRO PS1800572

CASE NAME: MTR OF PAMELA ELIZABETH WILLIAMS

HEARING:

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

COUNSEL:

PAMELA ELIZABETH WILLIAMS (DEC)...

WILLIAM MCGILBERRY JR (PET)...PAUL HORN LAW GROUP

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Letters Testamentary with full authority under IAEA by Executor, William McGilberry, Jr. ["Petitioner"-son].

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

1. Petitioner requests a \$270,000 bond to be fixed as he is an out-of-state resident. Appears sufficient. **JTD**.
2. ~Proposed Form Order/Letters 06/13/18.

RECOMMENDATION:

RFA then Court's discretion re: bond. If approved, set future hearing for Accounting Review on **10/10/19**. Any account to be filed 30 days in advance of hearing. Note requirements of Local Rules.

(nb)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT **CONSERVATORSHIP**

DATE: 07/24/18 TIME: 9:30 DEPT: S35P

CASE#: CON PS1800093

CASE NAME: MTR OF DORIS A TORRES

HEARING:

Petition for Appointment of Conservator

COUNSEL:

DORIS A TORRES	(CEP)...
LORRAINE BROWN	(CPE)...GARY M RUTTENBERG
RAY HERNANDEZ	(CPE)...GARY M RUTTENBERG
RYAN BROWN	(CPE)...GARY M RUTTENBERG

GENERAL INFORMATION

Continued from **04/30/18** Court appoints Craig Parker as GAL for Doris A. Torres.

Continued from 06/11/18 at request of counsel. Court sets deadline for the filing of any competing general petition for appointment of conservator and any petitions for appointment as temporary conservator for 4pm July 2, 2018; court notes if the petitions are not filed and served by that deadline, they petitions will be deemed waived permanently. Guardian ad litem, Craig Parker, makes oral request that Deanna Salerno file an accounting as to the period of time that Deanna Salerno acted as power of attorney for Doris A Torres- the accounting to be filed by 4pm August 13, 2018. Court orders that the parties are not to discuss This case with Doris A Torres and after any visitation with Doris A Torres, Doris A Torres is to be returned to her room at the facility and the person visiting is to ensure that Doris A Torres is comfortable in her room at the facility (not agitated). Pre-trial orders made.

THIS CASE SET FOR HEARING ON Petition for Appointment of Conservator, of the person and estate, by Lorraine Brown (daughter/Petitioner) and Ryan Brown (grandson/Petitioner) appointing Ray Hernandez (brother) and Lorraine Brown (daughter).

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

1. Petitioners request no bond as assets consist of limited pension, social security benefits and possible benefits from the 2014 Torres Family Trusts. **Supp. filed 04/23/18 indicates trust value may consist of at least one piece of real**

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property with estimated worth of \$690,000 and petitioners request bond of \$690,000. Need total value of estate's yearly income to determine bond amount. JTD

2. Petitioners report Deanne Salerno, daughter, is agent under various powers of attorney and has access to bank accounts of proposed conservatee. [Court to see Petition, LF p. 6]. **Declaration of Mary Jarrett, Notary indicates Deanne Salerno has been removed as agent for proposed conservatee.**
3. Nomination by proposed conservatee filed 03/22/18 via witness signature. **Declaration of Mary Jarrett, Notary re witnessing proposed conservatee's signature on nomination. JTD**
4. Citation with proof of service filed 04/23/18.
5. Petitioners seek medical powers. **Capacity Declaration filed on 06/18/18, Sections 4, 8 and 10 are incomplete. Further, signatures are not dated. Need complete capacity declaration..**
6. Petitioner seeks dementia powers. **Need** appointment of counsel for report.
7. Certificates of Completion of the Conservatorship Training Class by Lorraine Brown and Raymond Hernandez filed 05/03/18
8. **Objections and Response to Petition for Appointment of Temporary Conservatorship filed 07/17/18 by Lorraine Brown and Ryan Brown.**
9. **Need** report of Craig Parker, GAL.
10. Court Investigator report filed 04/24/18.
11. **Competing petition filed by Deanna Salerno.**
12. ~Proposed Form Order: 03/22/18

RECOMMENDATION: Trail to 08/14/18.

Need to clear notes 1 & 5 then Court's discretion re Bond. If approved, set hearing for Compliance Review for **02/25/19** for the filing of the following: proof of service of Order with Notification of Conservatee's Rights per Pr.C.§1830(c); including a Determination of Conservatee's Appropriate Level of Care per Pr.C.§2352.5 (form GC-355); Care Plan per Pr.C.§2352.5; Inventory and Appraisal, and Proof of service of I & A Instructions for Objection per Pr.C. §2610; and recordation of letters, if applicable, per Pr.C. § 2313.

Set hearing re Accounting Review for **09/30/19**. Any accounting to be filed 30 days in advance.

(cs/nb)

Future hearing:

08/14/18 Petition for appointment of conservator of the person and estate

03/25/19 Readiness calendar

04/29/19 Court trial

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

DATE: 07/24/18 TIME: 9:30 DEPT: S35P

CASE#: CON PS1800101

CASE NAME: BEVERLEY IRIS FLANDERS

HEARING:

Hearing Re: Amended Petition for appointment of conservator

COUNSEL:

BEVERLEY IRIS FLANDERS (CTP)...
SHANNON T. JUAREZ (CP)...PRO/PER

GENERAL INFORMATION

Continued from 05/21/18. Petitioner requests to amend the petition to include estate powers. The court continues this matter for petitioner to file an amended petition by 4pm on June 19, 2018, and to file completion of the conservatorship training class.

THIS CASE SET FOR HEARING ON **Amended** (06/13/18) Petition for Appointment of Conservator person **and estate** by Shannon Juarez, daughter

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

1. Petitioner requests no bond be required. However, Attachment 1c is not attached as alleged. Estimated estate valued at \$157,540.00. The Court may for good cause require that a bond be given, either before or after issuance of letters. Pr. C. §8481(b). **JTD**.
2. Petitioner seeks medical powers. Capacity Declaration filed 04/05/18 and updated Capacity Declaration filed 05/08/18 with dementia attachment GC-335A. However, **need** dementia attachment GC-313.
3. Petitioner indicates that proposed conservatee has Alzheimer's but does not seek dementia powers at Section 1K. **Need** appointment of counsel and report by same.
4. Citation with proof of service filed 05/08/18. **Need** return of amended citation.
5. **Need** Certificate of Completion of the Conservatorship Training Class.
6. CI report filed 05/08/18.
7. Proposed Form Order: 04/05/18

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RECOMMENDATION

Need to clear notes 1-5 then Court's discretion re: remaining notes. If approved, set hearing for Compliance Review for **02/25/19** 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

(ww/nb)

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Superior Court of Calif, County of San Bernardino

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

DATE: 07/24/18 TIME: 9:30 DEPT: S35P

CASE#: CON PS1800181

CASE NAME: NESA E WELLS

HEARING:

Petition for Appointment of Conservator

COUNSEL:

DEBORA A BOSTON (CP)...PRO/PER
NESA A WELLS (CTP)...PRO/PER

GENERAL INFORMATION

Ex Parte Orders granted on 07/02/18.

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Conservatorship of person, by maternal grandmother, Debora A. Boston ["Petitioner"].

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

- 1 Petitioner is the nominee of proposed conservatee.
- 2 No bond – person only.
- 3 Petitioner seeks medical powers. Medical Capacity Declaration filed.
- 4 Proposed Conservatee is developmentally disabled. **Need** appointment of counsel and report by same.
- 5 This petition is for general, and not limited, conservatorship. An IRC report is therefore optional per Pr.C. 1827.5(b). Does court wish to require? **JTD**.
- 6 Court Investigator's Report filed.
- 7 **Need** return of Citation.
- 8 **Need** Notice of Hearing with proof of service to paternal grandparents or filed Due Diligence Declarations.
- 9 Certificate of Completion re Conservatorship Class filed.
- 10 ~Proposed Order/Letters 06/14/18.

RECOMMENDATION:

Court to appoint counsel then notes 4, 7-8 need to be cleared. If approved, set hearing for Compliance Review for **02/26/19** for the filing of the following: proof of service of Order with Notification of Conservatee's Rights per Pr.C.§1830(c); including

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.**

a Determination of Conservatee's Appropriate Level of Care per Pr.C.§2352.5 (form GC-355); and Care Plan per Pr.C.§2352.5.

(nb)

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

Superior Court of Calif, County of San Bernardino

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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT **PA**

DATE: 07/24/18 TIME: 10:00 DEPT: S35P

CASE#: PRO PS1600436

CASE NAME: DELORES TANNER

HEARING:

FIRST AND FINAL Account and Report of PUBLIC ADMINISTRATOR and
Petition for allowance of fees filed.

COUNSEL:

DELORES TANNER	(DEC)...
KURT ANDRA BENION	(PET)...PRO/PER
PUBLIC ADMINISTRATOR	(PET)...CRAIG M PARKER
PUBLIC ADMINISTRATOR	(TA)...CRAIG M PARKER

Request for Waiver of Court Fees and Costs filed by KURT ANDRA BENION is GRANTED
Fee waiver amount due \$465.00 for petition on 05/04/16

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON First and Final Account and Petition for Fees
by Public Administrator ["Petitioner"].

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

1. Accounting period 01/26/14 to 05/06/18.
2. Assets on Hand \$51,631.16 consisting of cash.
3. Statutory fees of \$6,110.30 requested. Calculated.
4. Petitioner requests reimbursement of costs advanced of \$19,492.69 for mortgage payments, by Kurt A. Benion. Itemized.
5. Petitioner requests authority to deposit funds of this estate belonging to James Tanner, V, with the San Bernardino County Treasurer.
6. Petitioner requests authority to withhold the sum of \$1,475.00 as a reserve.
7. ~Proposed Order 06/05/18.

RECOMMENDATION:

Court's discretion. If approved, set next hearing for receipts and final discharge for

08/06/19.

(nb)

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

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District - Civil

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT

MISC

DATE: 07/24/18 TIME: 1:30 DEPT: S35P

CASE#: RCV RS51010

CASE NAME: CHINO BASIN MUNI WATER DIST -V- CITY OF CHINO

HEARING:

Hearing Re: MTN FOR COURT TO RECEIVE & FILE WATERMASTER'S 40TH

COUNSEL:

CALIFORNIA STEEL INDUSTRIES IN	(APP)...SHEPPARD MULLIN
CCG ONTARIO, LLC	(BAKER,MANOCK & JENSEN)
CHINO BASIN MUNICIPAL WATER DI	(CIHIGOYENETCHE GROSSBERG &
CHINO BASIN MUNICIPAL WATER DI	(PLA)...JC LAW FIRM
CHINO BASIN WATERMASTER	(PLA)...BROWNSTEIN HYATT
CITY OF CHINO	(DEF)...DESMOND, NOLAN, LIVAICH
CITY OF FONTANA	()...
CITY OF POMONA	(APP)...LAGERLOF SENEAL
CITY OF POMONA	(ARNOLD M ALVAREZ-GLASMAN
CITY OF POMONA	(LAGERLOF SENEAL
CUCAMONGA VALLEY WATER DISTRICT	(APP)...BEST BEST & KRIEGER LLP
MONTE VISTA IRRIGATION COMPANY	(KIDMAN GAGEN LAW LLP
MONTE VISTA WATER DISTRICT	(APP)...KIDMAN LAW LLP
NON-AGRICULTURAL (OVERLYING) P	(APP)...LOEB & LOEB LLP

The Court finds the Affidavit of Prejudice pursuant to CCP170.6 filed by CHINO BASIN MUNICIPAL WATER DISTRICT as to KEITH D DAVIS timely, Case reassigned to Judge Not FoundR9 for all purposes.

XREF: CIVDS1518945 (City of Chino-v-Cucamonga Valley Water District)
CIVDS1518055 (City of Chino-v-Monte Vista Water District)

Currently under review by Legal Research.
(LR)

Future hearing:

09/14/18 Hearing re: Motion re: to confirm stay pending appeal of, etc.

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

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JAMES MICHAEL WELCH

PROBATE

DATE: 07/24/18 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1500460

CASE NAME: CHARLES RICHARD WERNER

HEARING:

Hearing re Final Discharge

COUNSEL:

CHARLES RICHARD WERNER (DEC)...

LORRAINE WARREN (PET)...LENITA SKORETZ

SHIRLEY E WERNER (PET)...HARTNELL LAW GROUP

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Final Discharge

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

1. Order Settling First and Final Account entered 08/02/17.
2. **Need** receipt from Richard E. Nickerson for 1/8th interest in Patina Oil & Gas Corporation.
3. **Need** Ex-Parte Petition/Order for Final Discharge.

RECOMMENDATION:

Need to clear notes 2-3.

(nb)

Superior Court of Calif, County of San Bernardino

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

DATE: 07/24/18 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1600385

CASE NAME: MTR OF DALAILA BEDOLLA

HEARING:
Hearing re Final Discharge

COUNSEL:
DALAILA BEDOLLA (DEC)...
NICK BEDOLLA (PET)... MICHAEL C MADDUX

GENERAL INFORMATION:
Continued from 05/01/18 at request of counsel.

THIS CASE IS SET FOR HEARING ON Final Discharge

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

1. Order Granting First and Final Account entered 06/29/18.
2. No receipts. **Need** same.
3. Ex-Parte Petition/Order for Final Discharge returned for corrections. **Need** same.

RECOMMENDATION:
Need to clear notes 2-3.

(nb/lc/nb)

Superior Court of Calif, County of San Bernardino
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CIVPRO San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JAMES MICHAEL WELCH

DATE: 07/24/18 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1600934

CASE NAME: MTR OF RICHARD ALVIN STOCK

HEARING:

First & Final Account and Report of DAVID L STOCK and Petition
for allowance of fees filed.

COUNSEL:

DAVID L STOCK	(PET)...DALE K BETHEL
RICHARD ALVIN STOCK	(DEC)...
THEODORE A STOCK	(TP)...BRYAN C HARTNELL

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON First and Final Account and Petition for Fees
by Administrator, David L. Stock ["Petitioner"-brother].

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

1. Accounting period 06/29/16 to 03/29/18.
2. Assets on Hand \$216,203.60 consisting of \$78,450.39 in cash and remaining in
real and personal property.
3. Current bond of \$84,000.
4. Statutory fees of \$7,401.54 requested. Calculated.
5. Petitioner requests reimbursement of costs advanced of \$5,420.52. Itemized
[LF, p. 6].
6. Disbursements – Schedule B [LF, p. 9] does not include overhead associated
with the real property, ie. Insurance, utilities et seq. **Need** verified supplement.
7. Petition does not include the addresses of those receiving real property. **Need**
verified supplement.
8. Probate petition indicates there is no issue of a predeceased child. However,
proposed distribution includes Kara Henrichs, Rowdy E. Stock, Theodore A.
Stock and Su Ann Myers who were not included in the probate petition and
were not, initially, given notice. **Need** further clarification via verified
supplement.
9. Proposed distribution does not account for the assignments by Kara Henrichs,
Rowdy E. Stock, Theodore A. Stock and Su Ann Myers in favor of American
Research Bureau (ARB). **Need** verified supplement.

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.

10. Proposed Order 06/01/18 reflects incorrect distribution; does not include findings re; known creditors; findings re: all taxes have been paid or reserve made for taxes; and indicates this is a Waiver of Account.

RECOMMENDATION:

Need to clear notes then Court's discretion. If approved, set next hearing for receipts and final discharge for **08/06/19**.

(nb)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JAMES MICHAEL WELCH

DATE: 07/24/18 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1601234

CASE NAME: FRANKLIN DELANY WILSON

HEARING:

Accounting Review by ***

COUNSEL:

FRANKLIN DELANY WILSON (DEC)...

JEREMIAH WILSON (PET)...WILFRID C LEMANN

VACATE – First and Final Account filed and set for 08/21/18.
(nb/lc/nb)

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

Superior Court of Calif, County of San Bernardino

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

DATE: 07/24/18 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1700074

CASE NAME: MARY MARGURETTE HALE

HEARING:

Probate status report filed.

COUNSEL:

KEITH W HALE (PET)...RICH HARRIS, A LAW CORPORATION
MARY MARGURETTE HALE (DEC)...
PAMELA R NUNN (PET)...RICH HARRIS, A LAW CORPORATION

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Status Report by Personal Representatives, Keith W. Hale and Pamela R. Nunn ["Petitioners"].

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

1. **Need** verification signed by the personal representative.
2. Petitioner alleges the estate is not in a condition to be closed as the information needed for the Probate Referee to finalize the Final Inventory and Appraisal has finally been obtained..
3. Petitioner requests an additional 3 months to close the estate.
4. **Need** Notice of Hearing and proof of service in accord with Pr.C. § 12201. Whenever a status report is filed without an accounting, notice must indicate a right to an accounting in accord with Pr.C. § 10950. **This form of notice is mandatory.**

RECOMMENDATION:

Matter appears moot as Order Granting Status Report was entered on 06/11/18. Set next Accounting Review to **09/10/18** per subject order.

(nb)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JAMES MICHAEL WELCH

DATE: 07/24/18 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1700185

CASE NAME: ERIC KNIPPERT

HEARING:

Accounting Review by ***

COUNSEL:

CLAUDIA TOLAR

(PET)...LAUREN LAUNDIS

ERIC KNIPPERT

(DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Accounting Review

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

1. Letters of Administration issued to Claudia Tolar on 07/18/18, full authority, no bond.
2. **Need** final inventory and appraisal.
3. No accounting or status report. **Need** same.

RECOMMENDATION:

Inquire status.

(nb)

Superior Court of Calif, County of San Bernardino

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

DATE: 07/24/18 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1700215

CASE NAME: TIMOTHY ALLEN LAWRENCE

HEARING:

Accounting Review by ***

COUNSEL:

KATHLEEN ELLEN LAWRENCE (PET)... PAUL S RABER
TIMOTHY ALLEN LAWRENCE (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Accounting Review

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

1. Letters of Administration issued to Kathleen Ellen Lawrence on 06/08/17, full authority, \$130,000 bond.
2. **Need** final inventory and appraisal.
3. No accounting or status report. **Need** same.

RECOMMENDATION:

Inquire status.

(nb)

Superior Court of Calif, County of San Bernardino

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

DATE: 07/24/18 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1800086

CASE NAME: Helen Goritz

HEARING:

Hearing Re: DISMISSAL OF PTN FOR PROBATE

COUNSEL:

HELEN GORITZ (DEC)...
SPIRO GORITZ (PET)...PRO/PER

GENERAL INFORMATION:

Continued from **03/06/18** to clear notes. Court suggests that petitioner seek legal assistance, as the petition has significant amounts of omissions.

Set at **04/17/18** hearing due to non-appearance by petitioner. Notice by Judicial Assistant.

Continued from 06/05/18 for petitioner to clear notes. Court vacates dismissal.

THIS CASE IS SET FOR HEARING ON **s/b** Petition for Letters Testamentary with full authority under IAEA by son, Spiro Goritz ["Petitioner"].

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

1. Court address at caption is incorrect.
2. Section 3d to petition re character and estimated value of the property lists home at section 1-personal property and does not include total at section 3d(7).
3. Section 3e(1) to petition indicates will waives bond. However, will does not address bond. Estimated estate valued at \$200,000. **JTD.**
4. Section 3f(3) to petition indicates the original will is lost. However, a receipt for lodging of the original will is filed.
5. Section 5b to petition is blank.
6. Section 7 to petition is marked and should be blank as issue survived decedent.
7. Will is not self-proving. **Need** Proof of Subscribing Witness.
8. Beneficiaries waive bond on estimated estate valued at \$200,000. However, **Need** Mandatory Waivers of Bond by Heir, form DE-142/DE-111, Spiro Goritz.
9. The Court may for good cause require that a bond be given, either before or after issuance of letters. Pr. C. § 8481(b).
10. Proof of publication filed.
11. **Amended petition filed and set for 08/20/18.**

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.

12. ~Proposed Form Order/Letters 01/29/18

RECOMMENDATION: Trail to 08/20/18.

Need amended petition. If approved, set next hearing for Accounting Review on 10/01/19. Any account to be filed 30 days in advance of hearing. Note requirements of Local Rules.

(nb)

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

DATE: 07/24/18 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1800226

CASE NAME: MTR OF MARIANO VASQUEZ RIOS

HEARING:

Hearing re: Petition for Letters of Administration w/WA W/Full
Authority under IAEA.

COUNSEL:

GARTH RIOS (PET)...PRO/PER
MARIANO VASQUEZ RIOS (DEC)...

GENERAL INFORMATION:

Continued from **04/10/18** on courts motion to clear notes.

Continued from 06/05/18 at request of petitioner to retain counsel.

THIS CASE IS SET FOR HEARING ON Petition of Lost Will and for Letters of Administration W/WA and full authority under IAEA by son, Garth Rios ["Petitioner"].

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

1. Decedent was survived by spouse, Josie Rios, who would appear to have higher priority. However, notice was given to Ms. Rios.
2. **Need** a copy of the purported Will and state reasons why the presumption in Pr. C. §6124 does not apply via verified supplement.
3. Sections 2d and 3e to petition re: bond is incomplete. **Need** verified supplement.
4. Character and estimated value of the property of the estate reflected as "TBD." Does Court wish to require minimum bond of \$20,000 until such time as an estimated value can be determined? The Court may for good cause require that a bond be given, either before or after issuance of letters. Pr. C. §8481(b). **JTD.**
5. Section 9d is incomplete as to why other named executors will not act. **Need** verified supplement.
6. **Need** proof of publication.
7. Section 5 to Notice of Petition to Administer Estate filed on 06/13/18 is incomplete and proof of service does not include sibling, Marcos Perayda. **Need proper notice and service** or file Due Diligence as to Marcos.

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.

8. ~Proposed Form Order/Letters 03/08/18.

RECOMMENDATION:

Need to clear notes then Court's discretion re: bond. If approved, set next hearing for Accounting Review on **10/01/19**.

(nb)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JAMES MICHAEL WELCH

DATE: 07/24/18 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1800394

CASE NAME: Fred Edward Baumgartner

HEARING:

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

COUNSEL:

FRED EDWARD BAUMGARTNER

(DEC)...

KARL BAUMGARTNER

(PET)...PRO/PER

GENERAL INFORMATION:

Continued from 06/05/18 for petitioner to clear notes.

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full authority under IAEA by son, Karl Baumgartner ["Petitioner"].

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

1. All heirs waive bond. Estimated estate valued at \$10,000. The Court may for good cause require that a bond be given, either before or after issuance of letters. Pr. C. § 8481(b). **JTD**.
2. ~Proposed Form Order/Letters 04/25/18.

RECOMMENDATION:

Court's discretion re: bond. If approved, set future hearing for Accounting Review on **10/01/19**. Any account to be filed 30 days in advance of hearing. Note requirements of Local Rules.

(nb)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JAMES MICHAEL WELCH

DATE: 07/24/18 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1800545

CASE NAME: MTR OF FREDERICK W HOLTON

HEARING:

Spousal Property Petition hearing.

COUNSEL:

CHERI LAZERO-WILLIMAS (PET)...COSGROVE, CO SGROVE & HUM

FREDERICK W HOLTON (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Spousal Property Petition by Cheri Lazero-Williams ["Petitioner"].

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

1. Petitioner requests a determination of property passing to the surviving spouse as community property. Specifically, real property at Big Bear City in San Bernardino County. However, petitioner does not set forth facts sufficient to establish a community property interest in the California real property. When were petitioner and decedent married? **Supp. (07/12/18) indicates parties were married in November of 2011 and alleges though Decedent acquired the property while he was an unmarried man, the Petitioner and Decedent paid the mortgage with community funds.**
2. Section 7b to petition [LF, p. 4] is marked. **Supp. (07/12/18)** indicates petitioner also seeks confirmation of property.
3. Attachment 7 to petition [LF, p. 3] indicates the property is titled in decedent's name alone. **Copy of vesting document affixed to supplement filed 07/12/18 reflects title held in Decedent's name, only, as an unmarried man.**
4. No proposed order. Submit Order after Hearing.

RECOMMENDATION:

Deny. Although petitioner may be entitled to a Marsden-Moore Credit, the real property is the separate property of the decedent.

(nb)

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

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JAMES MICHAEL WELCH

DATE: 07/24/18 TIME: 8:30 DEPT: S36P

CASE#: PRO PS1800575

CASE NAME: MTR OF GEORGE NICHOLAS GNATOVICH

HEARING:

Hearing re: Petition for Letters of Administration w/WA W/Full
Authority under IAEA.

COUNSEL:

GEORGE NICHOLAS GNATOVICH

(DEC)...

LEEZEL K GNATOVICH

(PET)...PATRICIA L. ANDEL

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Ancillary Petition for Letters of Administration
with full authority under IAEA by ["Petitioner"].

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

1. Petitioner was a nonresident of California and left an estate in this county.
2. Will is not self-proving. **Need** Proof of Subscribing Witness.
3. Sole beneficiary waives bond. However, Petitioner is a non-resident and Court has discretion to require bond per Pr. C. §8571. Estimated estate valued at \$350,000. The Court may for good cause require that a bond be given, either before or after issuance of letters. Pr. C. § 8481(b). **JTD**.
4. **Need** proof of publication.

RECOMMENDATION:

Need to clear notes 2 & 4 then Court's discretion re: bond. If approved, set future hearing for Accounting on **10/01/19**. Any account to be filed 30 days in advance of hearing. Note requirements of Local Rules.

(nb)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JAMES MICHAEL WELCH **CONSERVATORSHIP**

DATE: 07/24/18 TIME: 9:30 DEPT: S36P

CASE#: CON DS1000244

CASE NAME: JOSE RIGOBERTO SILVA

HEARING:

Hearing Re: CI REPORT

COUNSEL:

JOSE RIGOBERTO SILVA
RIGOBERTO SILVA

(CTP)...MITCHELL I ROTH
(CP)...PRO/PER

GENERAL INFORMATION:

Continued from **04/24/18**. Notice given by Attorney Mitchell Roth.

Continued from 05/29/18 to seek placement for the conservatee.

THIS CASE IS SET FOR HEARING ON CI Report

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

1. Matter set on Courts motion upon receipt and review of CI Report filed 04/03/18.
2. Court re-appoints Attorney Mitchell I Roth as attorney for conservatee. Oral report given by Attorney Mitchell Roth on 05/29/18.
3. Notice by Judicial Assistant.

RECOMMENDATION:

Court's discretion.

(nb)

Superior Court of Calif, County of San Bernardino

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

DATE: 07/24/18 TIME: 9:30 DEPT: S36P

CASE#: CON PS1700144

CASE NAME: MTR OF CHARLIE BRANDON PARDO

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of JUAN CARLOS PARDO

COUNSEL:

AURORA TEMPLETON	(CP)...PRO/PER
CHARLIE BRANDON PARDO	(CTP)...LENITA A SKORETZ
JUAN CARLOS PARDO	(CP)...PRO/PER
KIMBERLY PARDO	(CP)...PRO/PER

GENERAL INFORMATION

Juan C. Pardo (father), Aurora Templeton (mother) and Kimberly Pardo (sister)
appointed Limited Co-Conservators of the person on 08/22/17.

Continued from **03/27/18** at request of counsel. Counsel to give notice.

**Continued from 05/15/18 on courts motion. Non-appearance by conservator; nor
has the required documents been filed. Notice by Judicial Assistant.**

THIS CASE IS SET FOR HEARING ON Compliance Review

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

- 1 **Need** proof of service of a copy of the Order for Conservatorship with
Notification of Conservatee's Rights per Pr.C. §1830(c).
- 2 **Need** Statement of Care Plan in accord with Pr.C. §2352.5.
- 3 **Need** a Determination of Conservatee's Appropriate Level of Care per Pr.C.
§2352.5 (form GC-355).

RECOMMENDATION:

Inquire status.

(nb)

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

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JAMES MICHAEL WELCH

DATE: 07/24/18 TIME: 9:30 DEPT: S36P

CASE#: CON PS1700295

CASE NAME: MTR OF BILLIE HARGROVE BROWN

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR1
CONSERVATORSHIP of GREGORY L BROWN

COUNSEL:

BILLIE HARGROVE BROWN (CEP)...JAMES B CHURCH
GREGORY L BROWN (CPE)...MCCLELLAN & WILSON

GENERAL INFORMATION

Gregory L. Brown appointed conservator of the person and estate on 09/19/17,
\$244,200 bond.

Continued from **04/24/18**. No appearances. Counsel and the conservator are ordered
to appear at the next hearing. Notice given by Judicial Assistant

Continued from 05/29/18 at request of counsel.

THIS CASE IS SET FOR HEARING ON Inventory & Appraisal/Compliance Review

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

- 1 Notification of Conservatee's Rights filed. .
- 2 Care Plan filed.
- 3 Determination of Conservatee's Appropriate Level of Care filed.
- 4 Final Inventory & Appraisal filed 05/29/18, Statement About the Bond
Section is incomplete. **Need** complete inventory.
- 5 Instructions for Objection re Inventory and Appraisal filed.

RECOMMENDATION:

Need to clear note 4.

(nb)

Future hearing:

11/27/18 Accounting review

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

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

DATE: 07/24/18 TIME: 9:30 DEPT: S36P

CASE#: CON PS1800095

CASE NAME: Mtr of Jade El Gaouny

HEARING:
Petition for Appointment of Conservator

COUNSEL:

JADE EL GAOUNY	(CTP)...DONNASUE ORTIZ
MUNTASER H EL GAOUNY	(CP)...PATRICIA A LOBELLO
NAM S LEE	(CP)...PATRICIA A LOBELLO

GENERAL INFORMATION:

Continued from 05/22/18. Attorney Donnasue Ortiz appointed.

THIS CASE IS SET FOR HEARING ON Petition for Limited Conservatorship, person only, by parents Nam S. Lee and Muntaser H El Gaouny ["Petitioners"].

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

1. No bond – person only.
2. Proposed conservatee is developmentally disabled. **Need** report by court-appointed counsel, Attorney Donnasue Ortiz.
3. Petitioners request medical powers. Medical Capacity Declaration filed.
4. Petitioners request Pr. C. § 2351.5 powers to secure habilitation or treatment, training, education, medical, psychological services, social and vocational opportunities, authority to fix the residence/dwelling of the proposed limited conservatee; authority to access all confidential records, paper, documents, reports and other information regarding the proposed limited conservatee, including those in the possession of the Regional Center, authority to control the right of the proposed limited conservatee to contract, authority to make and consent to all medical decisions for the proposed limited conservatee.
5. Petitioner requests to limit civil and legal rights of proposed conservatee to consent or withhold consent to marriage of, or entrance into a registered domestic partnership by limited conservatorship; to exercise limited conservatee's right to control his or her social and sexual contacts and relationships.
6. Citation returned SERVED.
7. Court Investigator Report filed.

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.**

8. Inland Regional Center Report filed.
9. **Need** Certificate of Completion re Conservatorship Class by Muntaser.
10. ~Proposed Form Order/Letters 03/28/18.

RECOMMENDATION:

Need to clear notes 2 & 9. If approved, set hearing for Compliance Review for **02/26/19** for the filing of the following: proof of service of Order with Notification of Conservatee's Rights per Pr.C. §1830(c); including a Determination of Conservatee's Appropriate Level of Care per Pr.C. §2352.5 (form GC-355); and Care Plan per Pr.C. §2352.5.

(nb)

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

DATE: 07/24/18 TIME: 9:30 DEPT: S36P

CASE#: CON PS1800185

CASE NAME: Sergio Valdivia

HEARING:
Petition for Appointment of Conservator

COUNSEL:

AMPARO VALDIVIA	(CP)...
HERIBERTO VALDIVIA	(CP)...
SERGIO VALDIVIA	(CTP)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Limited Conservatorship, person only, by parents, Sergio and Ampara Valdivia ["Petitioners"].

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

1. No bond – person only.
2. Proposed conservatee is developmentally disabled. **Need** report of court-appointed counsel, Janet La Tourelle..
3. **Need** Medical Capacity Declaration.
4. Petitioners request Pr. C. § 2351.5 powers to secure habilitation or treatment, training, education, medical, psychological services, social and vocational opportunities, authority to fix the residence/dwelling of the proposed limited conservatee; authority to access all confidential records, paper, documents, reports and other information regarding the proposed limited conservatee, including those in the possession of the Regional Center, authority to control the right of the proposed limited conservatee to contract, authority to make and consent to all medical decisions for the proposed limited conservatee.
5. Petitioner requests to limit civil and legal rights of proposed conservatee to consent or withhold consent to marriage of, or entrance into a registered domestic partnership by limited conservatorship; to exercise limited conservatee's right to control his or her social and sexual contacts and relationships.
6. Proposed limited conservatee's civil and legal rights are not to be limited without a court order.
7. Citation returned SERVED 07/02/18 [affixed to notice of hearing].

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.**

8. Confidential Conservator Screening Forms do not include driver's license numbers and #16 re: adverse interest is incomplete. **Need** verified supplement.
9. Court Investigator Report filed.
10. **Need** Inland Regional Center Report.
11. **Need** Certificate of Completion re Conservatorship Class by Sergio.
12. Notice filed on 07/02/18 does not include Inland Regional Center. **Need** proper service.
13. ~Proposed Form Order/Letters 06/18/18.

RECOMMENDATION:

Need to clear notes. If approved, set hearing for Compliance Review for **02/26/19** for the filing of the following: proof of service of Order with Notification of Conservatee's rights per Pr.C.§1830(c); including a Determination of Conservatee's Appropriate Level of Care per Pr.C.§2352.5 (form GC-355); and Care Plan per Pr.C.§2352.5.

(nb)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JAMES MICHAEL WELCH

DATE: 07/24/18 TIME: 9:30 DEPT: S36P

CASE#: SC SS01984

CASE NAME: MTR OF ROBERTA L. GLASS

SEE ALSO 19, 20

HEARING:

Hearing Re: Possible Appointment of the PG (person only)

COUNSEL:

CHRISTOPHER NIEVES	(CPE)...
LAWRENCE A. DEAN II	(CPE)...SHERRI L KASTILAHN
MARY CYNTHIA GLASS	(PET)...JENNIFER M DANIEL
MARY NIEVES	(PET)...PRO/PER
MELODIE Z SCOTT	(TP)...PRO/PER
ROBERTA L. GLASS	(CEP)... SCOT D STIRLING
ROBERTA L. GLASS	(PET)...J BENJAMIN SELTERS III

GENERAL INFORMATION

Mary Glass, sister, was appointed temporary Conservator of the estate on 04/18/18, no bond.

Mary Nieves, non-relative was appointed successor conservator of the person only on 01/09/14.

It appears that the Court previously terminated conservatorship of estate Nunc Pro Tunc to 10/24/13 and discharged conservator Lawrence Dean, II.

Continued from **04/23/18**. Matter is continued for the Public Guardian to complete their investigation and report.

Continued from 05/21/18 and 06/05/18.

THIS CASE SET FOR HEARING ON Possible Appointment of the PG

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

1. Matter set on 04/17/18 for possible appointment of Public Guardian as successor conservator of the person.
2. Court orders Public Guardian to be present, Roberta Glass and Mary Nieves.

RECOMMENDATION:

Court's discretion.

(cs/ww/nb)

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.**

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

DATE: 07/24/18 TIME: 9:30 DEPT: S36P

CASE#: SC SS01984

CASE NAME: MTR OF ROBERTA L. GLASS

SEE ALSO 18, 20

HEARING:

Petition for appointment of successor conservator of the estate

COUNSEL:

CHRISTOPHER NIEVES	(CPE)...
LAWRENCE A. DEAN II	(CPE)...SHERRI L KASTILAHN
MARY CYNTHIA GLASS	(PET)...JENNIFER M DANIEL
MARY NIEVES	(PET)...PRO/PER
MELODIE Z SCOTT	(TP)...PRO/PER
ROBERTA L. GLASS	(CEP)... SCOT D STIRLING
ROBERTA L. GLASS	(PET)...J BENJAMIN SELTERS III

GENERAL INFORMATION

Mary Glass, sister, was appointed temporary Conservator of the estate on 04/18/18, no bond.

Mary Nieves, non-relative was appointed successor conservator of the person only on 01/09/14.

It appears that the Court previously terminated conservatorship of estate Nunc Pro Tunc to 10/24/13 and discharges conservator Lawrence Dean, II.

Continued from 05/21/18. Court appoints Attorney Melvin Friedland as Guardian ad Litem. Public Guardian to be present at next hearing.

Continued from 06/05/18.

THIS CASE SET FOR HEARING ON

Petition #1 Petition for Appointment of **Successor** Conservator, of the estate only, by **sister, Mary Glass**, [Petitioner]

Petitioner #2 Petition for Appointment of **Successor** Conservator, of the person & estate, by proposed conservatee, **Roberta L. Glass** for Christopher Nieves, friend

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.

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

Petitioner #1, Mary Glass, sister

1. Conservatorship of the estate was terminated on 04/04/16.
2. Petitioner requests bond be determined. Conservatee owns partial interest in real property located in Redlands; however, the property is in disrepair and value is unknown. **JTD**
3. Petitioner seeks estate powers under Pr.C. §2590 to sell the real property conservatee owns partial interest in.
4. Petitioner is not dated by Attorney Daniel. **JTD**
5. Section 5(c)(2) re reason the proposed conservatee requires conservator is incomplete. **Need** verified supplement.
6. Confidential Supplemental Information filed.
7. Citation returned SERVED.
8. **Need** Certificate of Completion of the Conservatorship Training Class.
9. **Need** Notice of Hearing and proof of service.
10. **Need** Court Investigator report.
11. ~Proposed Form Order: 04/09/18.

Petitioner #2 Roberta L. Glass (proposed conservatee) for Christopher Nieves, friend

12. Petitioner requests that no bond be required as the only asset is an interest in real property that is currently in litigation. [LF pg. 10] **JTD**
13. Petitioner seeks medical powers under Pr.C. § 2355.
 - a. **Need** Capacity Declaration.
 - b. Report by court-appointed counsel, Melvin Friedland.
14. Petition is marked as to estate also; however, 2590 powers are not being requested. Court to inquire. **JTD**
15. Petition indicates that Mary Glass will resign upon appointment of successor. [LF pg. 5]
 - a. Resignation by Mary Nieves is attached. [LF pg. 13]
 - b. Consent to serve by Christopher Nieves is attached. [LF pg. 15]
16. Petitioner indicates in section 5d that she voluntarily requests the appointment. Attachment 5d is not attached, however, Nomination of Christopher Nieves appears to explain her request. [LF pgs. 11-12] **JTD**
17. Certificate of Completion of the Conservatorship Training Class filed.
18. Confidential Conservator Screening form by Christopher filed 04/23/18; however, attachment 8 is missing. **Court to review** supplement filed 06/11/18.
19. Notice given.
20. **Need** Court Investigator report.
21. ~Proposed order: 04/23/18

RECOMMENDATION

Need CI reports for both petitioners and to clear notes 5-10, 13a & 20. Court's discretion re: bond. If approved, set hearing for Compliance Review for **02/25/19** 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; Inventory

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.**

and Appraisal; Proof of service of Instructions for Objection per Pr.C. §2610; and recordation of letters, if applicable, per Pr.C. § 2313.

Set hearing re Accounting Review for **09/30/19**. Any accounting to be filed 30 days in advance.

(cs/ww/nb)

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.**

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

DATE: 07/24/18 TIME: 9:30 DEPT: S36P

CASE#: SC SS01984

CASE NAME: MTR OF ROBERTA L. GLASS

SEE ALSO 18, 19

HEARING:

Petition for appointment of successor conservator of the person
and estate

COUNSEL:

CHRISTOPHER NIEVES	(CPE)...
LAWRENCE A. DEAN II	(CPE)...SHERRI L KASTILAHN
MARY CYNTHIA GLASS	(PET)...JENNIFER M DANIEL
MARY NIEVES	(PET)...PRO/PER
MELODIE Z SCOTT	(TP)...PRO/PER
ROBERTA L. GLASS	(CEP)... SCOT D STIRLING
ROBERTA L. GLASS	(PET)...J BENJAMIN SELTERS III

See matter #19.

(nb)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

PROBATE

DATE: 07/24/18 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1500198

CASE NAME: MTR OF FELIX GALLEGOS

SEE ALSO 2, 3

HEARING:

Hearing re Final Discharge

COUNSEL:

FELIX GALLEGOS

(DEC)...

JAMES GUTIERREZ

(PET)...PRO/PER

See notes on next matter #3.

(lh/nb)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

DATE: 07/24/18 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1500198

CASE NAME: MTR OF FELIX GALLEGOS

SEE ALSO 1, 3

HEARING:

Hearing Re: RECEIPT OF BOND

COUNSEL:

FELIX GALLEGOS

(DEC)...

JAMES GUTIERREZ

(PET)...PRO/PER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Receipt of Bond.

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

1. Matter set at 05/01/18 hearing at request of Court, for bond to be paid/exonerated; order of 01/13/16 hearing to be filed; and final discharge and order to be filed. Nothing new filed as of the review of this matter (except notice of continuance).

RECOMMENDATION:

Court's discretion

(nb)

CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

DATE: 07/24/18 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1500198

CASE NAME: MTR OF FELIX GALLEGOS

SEE ALSO 1, 2

HEARING:

Hearing Re: OSC RE SURCHARGE/RECEIPTS FOR DISTRIBUTION

COUNSEL:

FELIX GALLEGOS (DEC)...

JAMES GUTIERREZ (PET)...PRO/PER

GENERAL INFORMATION

Continued from 01/18/17, 04/05/17, 06/07/17 and 07/19/17. No appearances.

James Gutierrez to appear if receipts/discharge not filed.

Continued from 09/13/17 and 11/08/17at request of Court for petitioner to be present.

Court notes that James Gutierrez was ordered to reimburse estate for \$4,848.78 in the Order approving final accounting. Court set OSC re surcharge.

Continued from **02/21/18** on Courts motion. James Gutierrez states he has not reimbursed the estate the \$4,848.75 as previously ordered, but is working on it.

Court grants Mr. Gutierrez's request to appear by court call for next hearing.

Counsel for Suretec Insurance Company gave notice.

Continued from 05/01/18 on courts motion to trail other hearing set.

THIS CASE SET FOR HEARING ON **OSC Re Surcharge/** Final Discharge.

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

1. Final account/distribution of James Gutierrez approved on 01/13/16. Proposed order does not match minute order. **Need order.**
2. Return of Citation with proof of personal service as to James Gutierrez filed 01/23/18.
3. **Need** Ex Parte Petition for Final Discharge and Order **once note 1 is cleared.**
4. **Response to OSC re: Failure to file final discharge and receipts filed by Suretec Insurance Company.**

RECOMMENDATION

When a final discharge order is not filed as ordered, court may set a hearing in accord with C.C.P. §§128 & 1209.

(lc/lh/nb)

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.**

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

DATE: 07/24/18 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1500738

CASE NAME: MTR OF DORIS ANNE SUNDEEN

HEARING:

First and Final Account and Report of MARJORIE SUNDEEN HUMPSTEAD
and Petition for allowance of fees filed.

COUNSEL:

DONALD HEMPSTEAD	(PET)...KATHRYN A FLANIGAN
DORIS ANNE SUNDEEN	(DEC)...
MARJORIE SUNDEEN HUMPSTEAD	(PET)...H. BROOKS TRAVIS

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON First and Final Account and Petition for Fees by Attorney Travis, for deceased Administrator, Marjorie Sundeen Hempstead ["Petitioner"].

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

1. Petition indicates decedent was a resident of LA County [LF, p.4].
2. Accounting period 06/20/15 to 04/30/18.
3. Assets on Hand \$320,117.62 consisting of real property and stocks.
4. Statutory fees of \$9,402.35 requested. However, as a Successor Administrator has been appointed, statutory fees will be apportioned at the closing of this estate per Pr. C. §10814.
5. Attorney requests extraordinary fees of \$2,347.50 for services rendered in connection with efforts made to assist in collecting insurance premiums from other investments or assets which were not subject to probate but substantially increased the value of the Administrator's estate. Billed at rates not exceeding \$150/hour for attorney time. Itemized [LF, pgs. 24-28]. Compensation to be addressed at the closing of this estate.
6. Attorney requests reimbursement of costs advanced of \$435.00. Itemized. Reimbursements to be addressed at the closing of this estate.
7. No proposed order. Submit Order after Hearing.

RECOMMENDATION:

Court's discretion. If approved, set next hearing for final discharge for **10/01/19**.

(nb)

Future hearing:

09/25/18 Accounting review for Donald Hempstead

Superior Court of Calif, County of San Bernardino

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

DATE: 07/24/18 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1600990

CASE NAME: MTR OF MARY L HICKS

HEARING:

FIRST AND FINAL Account and Report of SHARON LEE HIGHLAND and
Petition for allowance of fees filed.

COUNSEL:

MARY L HICKS (DEC)...
SHARON LEE HIGHLAND (PET)... RICHARD SAMUEL

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON First and Final Account and Petition for Fees
by Executrix, Sharon Lee Highland ["Petitioner"].

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

1. Accounting period 10/15/15 to 05/24/18.
2. Assets on Hand \$867,851.44 consisting of \$623,968.56 in cash and remaining
in real and personal property.
3. Current bond of \$508,000.
4. Petitioner waives compensation.
Petitioner requests reimbursement of costs advanced of \$12,516.17. Itemized
[LF, pgs., 27-50].
5. Statutory fees of \$20,682.12 requested. Calculated.
6. Attorney requests extraordinary fees of \$1,154.50 for services rendered in
connection with the sale of real property. Billed at \$275/hour for 2.3 hours'
attorney time and \$145/hour for 3.6 hours' paralegal time. Itemized [LF, pgs. 24-
25]. JTD.
7. Receipts – Schedule B does not reflect rental income or payments for loans.
Need further clarification via verified supplement.
8. Disbursements – Schedule D does not reflect overhead such as insurance,
utilities, etc. as to real properties. **Need** further clarification via verified
supplement.
9. **Need** address for Janet Garnsey Hicks via verified supplement, per Local Rule
20-612.

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.**

10. **Need** copy of escrow closing statement for sale of real property per Local Rule 20-910.
11. **Need** proof of service to Notice of Proposed Sale re: sale of real property.
12. **Need** Notice of Hearing with proof of service.
13. Discharge will not occur upon filing of receipts, but, upon entry of a final discharge order.
14. Proposed Order 06/07/18 does not include address for Janet Garnsey Hicks; assets on hand differ from Exhibit F; and does not include description of any property affected, including legal description of the real property, including common address, if any, and assessor's parcel number.

RECOMMENDATION:

Need to clear notes 7-12 then Court's discretion. If approved, set next hearing for receipts and final discharge for **10/01/19**.

(nb)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

DATE: 07/24/18 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1700538

CASE NAME: MTR OF DOROTHY ANN ST. JOHN

HEARING:

First and Final Account and Report of JEFFREY E PAPCIAK and
Petition for allowance of fees filed.

COUNSEL:

DOROTHY ANN ST JOHN

(DEC)...

JEFFREY E PAPCIAK

(PET)...J BENJAMIN SELTERS III

JOSEPH T BLAUM

(PET)...J BENJAMIN SELTERS III

XREF: PROPS1501040 (Robert St. John)

GENERAL INFORMATION:

Co-Administrator Joseph T. Blaum died on 01/19/18.

THIS CASE IS SET FOR HEARING ON First and Final Account and Petition for Fees
by surviving Co-Administrator, Jeffrey E, Papciak ["Petitioner"].

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

1. Accounting period 10/01/15 to 04/24/18.
2. Assets on Hand \$799,206.57 consisting of cash.
3. Current bond of \$902,000.
4. Petition indicates all estate funds are currently held in the estate's bank account at Citizens Bank, Checking Account No. XXX0930. Appears account exceeds FDIC limits.
5. Petitioner proposes and the heirs of Joseph T. Blaum (post-deceased husband to decedent) agree to allocate 25% (\$4,758.85) of the Administrators commission to Joseph T. Blaum's Estate and 75% (14,276.56) to Petitioner. Petitioner requests authority to pay and retain these sums as statutory commissions. **JTD.**
6. Attorney requests statutory fees of \$19,035.41. Calculated.
7. Attorney requests reimbursement of costs advanced of \$\$2,383.76. Itemized.
8. Petitioner requests authority to withhold the sum of \$6,000 as a reserve. **JTD.**
9. ~Proposed Order 06/11/18.

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.**

RECOMMENDATION:

Court's discretion. If approved, set next hearing for receipts and final discharge for **08/06/19**.

(nb)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

DATE: 07/24/18 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1800229

CASE NAME: MTR OF MONTE HOWARD LEE

HEARING:

Spousal Property Petition hearing.

COUNSEL:

MONTE HOWARD LEE

(DEC)...

TERESITA LEE

(PET)...MICHAEL C MADDUX

GENERAL INFORMATION:

Continued from 04/24/18 on courts motion for verified supplement regarding Section 7b

THIS CASE IS SET FOR HEARING ON Spousal Property Petition by Teresita Lee ["Petitioner"].

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

1. Petitioner requests a determination of property passing to the surviving spouse as community property. Specifically, real property at Hesperia in San Bernardino County. However, petitioner confirms in her declaration, filed on 03/09/18 that the subject property was purchased by decedent before their marriage on 04/10/89.
2. Petitioner indicates decedent was an only child; there are no known next of kin; and alleges property taxes were paid through community funds. However, while the property is the decedent's separate property, Pr. C.§6401(c)(1) indicates that the entire intestate share goes to the surviving spouse if the decedent did not leave any issue, parent, brother, sister or issue of a deceased brother or sister.
3. ~Proposed Form Order 03/09/18.

RECOMMENDATION:

Court's discretion.

(nb)

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

Superior Court of Calif, County of San Bernardino

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

DATE: 07/24/18 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1800548

CASE NAME: BOBBY VANCE LINDEY SR.

HEARING:

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

COUNSEL:

BOBBY V. LINDSEY JR. (PET)...ALBREKTSON & SHUMATE, LLP
BOBBY VANCE LINDSEY SR. (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Letters Testamentary with full
authority under IAEA by named Executor, Bobby V. Lindsey, Jr. ["Petitioner"-son].

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

1. Will waives bond. Estimated estate valued at \$169,000. The Court may for
good cause require that a bond be given, either before or after issuance of
letters. Pr. C. § 8481(b). JTD.
2. ~Proposed Form Order/Letters 06/08/18.

]
RECOMMENDATION:

Court's discretion re: bond. If approved, set future hearing for Accounting Review on
10/01/19. Any account to be filed 30 days in advance of hearing. Note requirements of
Local Rules.

(nb)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

DATE: 07/24/18 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1800569

CASE NAME: MTR OF NOELLE DORRIS BOOK

HEARING:

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

COUNSEL:

GREGORY ALAN BOOK (PET)...LESLIE E RILEY
NOELLE DORRIS BOOK (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full authority under IAEA by father, Gregory A. Book ["Petitioner"].

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

1. The only potential asset of the Decedent's estate is a class action claim concerning the Decedent's prescribed use of the drug Depakote in which no allocation of settlement funds has been made as of this date.
2. Heirs waive bond.
3. Petitioner is a non-resident and Court has discretion to require bond per Pr. C. §8571. Estimated estate valued at \$0.00. The Court may for good cause require that a bond be given, either before or after issuance of letters. Pr. C. § 8481(b). **JTD.**
4. Proposed Form Order/Letters 06/12/18.

RECOMMENDATION:

Court's discretion re: bond. If approved, set future hearing for Accounting Review on **10/01/19**. Any account to be filed 30 days in advance of hearing. Note requirements of Local Rules.

(nb)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

DATE: 07/24/18 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1800587

CASE NAME: Virginia Lee Pitts

HEARING:

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

COUNSEL:

DAVID MICHAEL PITTS III (PET)...FULLERTON LEMANN SCHAEFER & DO
VIRGINIA LEE PITTS (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full authority under IAEA by son, David M. Pitts, III ["Petitioner"].

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

1. Petitioner requests a bond of \$250,000 be fixed. Appears sufficient.
2. ~Proposed Form Order/Letters 06/18/18.

RECOMMENDATION:

RFA, \$250,000 bond. If approved, set future hearing for Accounting Review on **10/01/18**. Any account to be filed 30 days in advance of hearing. Note requirements of Local Rules.

(nb)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

DATE: 07/24/18 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1800588

CASE NAME: ERASMO GALAN

HEARING:

Spousal Property Petition hearing.

COUNSEL:

ERASMO GALAN (DEC)...

MIRIAM RAMOS-SANCHEZ (PET)...SELTERS & SELTERS

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Spousal Property Petition by Miriam Ramos-Sanchez ["Petitioner"].

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

1. Petitioner requests a determination and confirmation of the community property interest in real property located at Ontario, in San Bernardino County.
2. Petition indicates the parties were married in Mexico on 12/25/97 and in 1999; they purchased the residence which included decedent's brother who later deeded off the title. Petitioner alleges she was forced to sign a Grant Deed [LF, p. 11] and claims this transfer was the product of coercion and duress. In 2013 for refinancing, Petitioner purportedly signed an Interspousal Grant Deed [LF, p.13] under the same conditions.
3. Petitioner proffers California Family Code 721(b), alleging these circumstances raise a presumption of undue influence to invalidate these conveyances to separate property and supports a finding of community property. In re Marriage of Haines (1995) 33 CA 4th 277, 301; 39 CR2nd 673, the court did not find the spouse's quit claim deed was a transmutation when the presumption has not been rebutted. Here likewise, the deed purporting to establish separate property or transmute this house when the presumption has not been rebutted.
4. ~Proposed Form Order 06/18/18.

RECOMMENDATION:

Court's discretion.

(nb)

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

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

DATE: 07/24/18 TIME: 8:30 DEPT: S37P

CASE#: PRO PS1800589

CASE NAME: JOAN MORGAN

HEARING:

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

COUNSEL:

DONNA BRANNEN

(PET)...GALEN

JOAN MORGAN

(DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with limited authority under IAEA by daughter, Donna Brannen ["Petitioner"].

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

1. Petitioner requests no bond as she will be requesting that sale proceeds of the real property be placed into a blocked account.
2. Estimated estate valued at \$170,000. The Court may for good cause require that a bond be given, either before or after issuance of letters. Pr. C. § 8481(b). **JTD.**
3. Question whether granddaughter, Angela Hembo is an adult. If not, does Court wish to appoint GAL or guardian of the estate? **JTD.**
4. **Need** proof of publication.

RECOMMENDATION:

Need to clear note 3 then Court's discretion. If approved, set future hearing for Accounting Review on **10/01/19**. Any account to be filed 30 days in advance of hearing. Note requirements of Local Rules.

(nb)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY **TRUSTS AND MOTION**

DATE: 07/24/18 TIME: 8:35 DEPT: S37P

CASE#: PRO PS1700217

CASE NAME: MTR OF LIVING TRUST OF MARIE LEMMONS

SEE ALSO 14, 15

HEARING:

Hearing Re: RECEIPT OF SETTLEMENT AGREEMENT

COUNSEL:

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

XREF: PROPS1700631 (Marie Lemmons living trust, dated Jun 2012)

GENERAL INFORMATION:

Continued from **02/27/18** at request of counsel. Refining settlement terms/settlement agreement to be filed.

Continued from 05/01/18 for settlement agreement or notice of settlement agreement to be filed. Counsel reports written settlement agreement has been drafted but further documents need to be prepared.

THIS CASE IS SET FOR HEARING ON Receipt of Settlement Agreement

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

1. Matter set at 02/05/18 hearing, wherein, Counsel reported matters have settled and written settlement agreement being prepared. The Court orders if all parties have not signed settlement agreement prior to next hearing, they need to be present in court. (May appear via Court Call.)
2. **Need** settlement agreement.

RECOMMENDATION:

Court's discretion

(nb)

FUTURE HEARING DATES:

08/07/18 Petition for (STIPULATED) an order to confirm title

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

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

DATE: 07/24/18 TIME: 8:35 DEPT: S37P

CASE#: PRO PS1700217

CASE NAME: MTR OF LIVING TRUST OF MARIE LEMMONS

SEE ALSO 13, 15

HEARING:

Motion Re: motion for summary adjudication of petitioner's first cause of action
Filed by Petitioner HOLDEN BOEHM, SHAANA
BOEHM, NICOLAS BOEHM

COUNSEL:

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

XREF: PROPS1700631 (Marie Lemmons living trust, dated Jun 2012)

Currently under review by Legal Research.
(LR)

FUTURE HEARING DATES:

08/07/18 Petition for (STIPULATED) an order to confirm title

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

DATE: 07/24/18 TIME: 8:35 DEPT: S37P

CASE#: PRO PS1700217

CASE NAME: MTR OF LIVING TRUST OF MARIE LEMMONS

SEE ALSO 13, 14

HEARING:

Petition for TO DETERMINE THE VALIDITY OF THE PURPORTED LIVING TRUST OF MARIE LEMMONS ETC

COUNSEL:

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

XREF: PROPS1700631 (Marie Lemmons living trust, dated Jun 2012)

Currently under review by Legal Research.
(LR)

Continued matter – notice not re-reviewed.
(nb)

FUTURE HEARING DATES:

08/07/18 Petition for (STIPULATED) an order to confirm title

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

DATE: 07/24/18 TIME: 8:35 DEPT: S37P

CASE#: PRO PS1700631

CASE NAME: MARIE LEMMONS LIVING TRUST, DATED JUNE 2012

HEARING:

Hearing Re: PETITION TO APPOINT CHRISTIE DAVIDSON ADAMS

COUNSEL:

HOLDEN BOEHM	(PET)...KEYSTONE LAW GROUP
MARIE LEMMONS LIVING TRUST, DAT	(TRU)...
NICOLAS BOEHM	(PET)...KEYSTONE LAW GROUP
SHAANA BOEHM	(PET)...KEYSTONE LAW GROUP
WILLIAM BOEHM	(OBJ)...HORSPPOOL & H ORSPOOL

XREF: PROPS1700217 (Living trust of Marie Lemmons)

Currently under review by Legal Research.
(LR)

Continued matter – notice not re-reviewed.
(nb)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY **CONSERVATORSHIP**

DATE: 07/24/18 TIME: 9:30 DEPT: S37P

CASE#: CON PS1700047

CASE NAME: MTR OF GLADYS LAMRIA DIASMARA HUTAGAOL

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of HENDRICK HUTAGAOL

COUNSEL:

DIAN HUTAGAOL	(CP)...PRO/PER
GLADYS LAMRIA DIASM HUTAGAOL	(CTP)...JAMES B CHURCH
GRACE HUTAGAOL	(CP)...PRO/PER
HENDRICK HUTAGAOL	(CP)...PRO/PER

GENERAL INFORMATION

Hendrick Hutagaol (father), Dian Hutagaol (mother) and Grace Hutagaol (sister)
appointed Limited Conservators of the Person on 09/12/17.

**Continued from 04/17/18 on courts motion. Counsel will assist conservator in
completion of the documents or he will refer petitioner to legal aid.**

THIS CASE IS SET FOR HEARING ON Compliance Review

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

1. **Need** proof of service of a copy of the Order for Conservatorship with
Notification of Conservatee's Rights per Pr.C. §1830(c).
2. **Need** Statement of Care Plan in accord with Pr.C. §2352.5.
3. **Need** a Determination of Conservatee's Appropriate Level of Care per
Pr.C. §2352.5 (form GC-355).

RECOMMENDATION:

Inquire status.

(nb)

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

DATE: 07/24/18 TIME: 9:30 DEPT: S37P

CASE#: CON PS1700057

CASE NAME: LESSIE THOMAS PHILPOT

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of ALICE FAYE PHILPOT

COUNSEL:

ALICE FAYE PHILPOT	(PET)...PRO/PER
EARNEST BURNES SR	(OBJ)...PRO/PER
LESSIE THOMAS PHILPOT	(CTP)...WALTER T. MOORE

GENERAL INFORMATION

Order Appointing Alice F. Philpot, Conservator of the Person and Estate, entered 07/18/17, no bond.

Continued from 02/20/18 and 04/24/18. Counsel reports conservator requests that the Court not supervise conservatorship of the estate. Verified supplement to be filed what property is community property and what property is the separate property and an assets under the conservatorship. Declaration and order regarding the conservatorship to be filed. The court waives parties' presence at the next hearing.

THIS CASE IS SET FOR HEARING ON Inventory & Appraisal/Compliance Review

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

- 1 Notification of Conservatee's Rights filed.
- 2 Care Plan filed.
- 3 Appropriate Level of Care filed.
- 4 **Final Inventory & Appraisal filed 04/24/18 reflects \$0.00 assets. Court to confirm all assets are community property.**
- 5 Instructions for Objection filed.
- 6 **If the conservatorship estate holds interest in real property, need proof of recordation of letters in each county where the real property is located or where conservatee has security interest in real property per Pr.C.§2313.**

RECOMMENDATION:

Inquire status.

(nb)

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.**

Future hearing:
09/25/18 Accounting Review

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

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

DATE: 07/24/18 TIME: 9:30 DEPT: S37P

CASE#: CON PS1800068

CASE NAME: Margaret Scott Smith (Master File).

SEE ALSO 25

HEARING:

Hearing Re: PTN FOR CONSERVATORSHIP OF THE PERSON AND ESTATE

COUNSEL:

KIM MOORE	(CPE)...	FULLERTON LEMANN SCHAEFER & DO
MARGARET SCOTT SMITH	(CEP)...	SHERRI L KASTILAHN
ROSE C ROSADO	(TP)...	ROSE C ROSADO
SHERI KASTILAHN	(PET)...	SHERRI L KASTILAHN
TIMOTHY J SMITH	(CP)...	NANCY W. ANDRUS

GENERAL INFORMATION

Ex parte orders denied on 3/19/18. *Court orders all assets taken from trust within past 12 months to be returned to Trust by close of business on 3/21/18. Court notes conservatee is currently residing at 20478 Kinna Rock Road, Apple Valley, 92307. Referred to Court Investigator for investigation and report. Attorney Sherri K. Kastilahn appointed for Margaret Scott Smith. Action physically consolidated with CONPS1800079; case number CONPS1800068 deemed master file. Court made visitation orders.*

At hearing on 04/13/18, matter was advanced from 04/17/18 and 04/25/18 to be heard this date. Written report received from Attorney Sherri Kastilahn. Court will suspend any Power of Attorney held by Timothy Smith. Court orders that the hospice orders that are in place be vacated and that Margaret Smith is to be taken to seek medical attention forthwith to be evaluated. Court orders Timothy Smith not to interfere with her medical care. KIM MOORE is appointed Temporary Conservator of the person and estate. No bond is required.

Continued from 04/17/18 for notes to be cleared and CI Report. The petition by Timothy Smith has been withdrawn. Ms. Kastilahn reports that the conservatee has been taken for medical evaluation and is currently being treated at LLUMC. Ms. Kastilahn objects to Ms. Andrus as counsel for Tim Smith as conflict. The Court orders Ms. Andrus recused and to return the estate planning of Margaret Scott Smith returned by close of business 04/30/18. Court orders trustee's powers suspended until further order of the Court. If parties come to agreement to appoint Larry Hoover as a neutral temporary conservator, the Court would accept if agreed upon.

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.

THIS CASE SET FOR HEARING ON

- **Petition #1** [filed 3/9/18] for Appointment of Conservator of person and estate by *Kim Moore (daughter)*

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

Petition #1 by Kim Moore

1. Petitioner alleges bond is not required as proposed conservatee has an estate plan which names Kim Moore as successor trustee to serve without bond. Alternatively, suggest bond of \$61,000 per bond calculation. **JTD**
2. Petitioner seeks additional orders under Pr. C. §2351-§2355 to restrict access of persons to conservatee; change residence of conservatee; exclusive authority to make medical decisions and to suspend all prior powers of attorney and advance healthcare directives. **JTD**
3. **See Confidential Screening Form filed 3/9/18 re allegations in support of petition, Trust dated 3/15/04, Advance Health Care Directive, physician letter at LFpgs6-90]. JTD**
4. Petitioner seeks medical powers. **Need** Capacity Declaration.
5. Petitioner seeks dementia powers. Sherri Kastilahn appointed as counsel. **Need** report of Counsel Kastilahn.
6. **Need** Court Investigator report.
7. **Need** Certificate of Completion of the Conservatorship Training Class.
8. **Need** return of Citation.
9. Notice of hearing filed 3/15/18 has incorrect hearing date of 4/23/18. **Need** notice of hearing and proof of service with proper hearing date and to include notice to Rosa Rosado as she filed a Request for Special Notice.
10. Post-Move Notice of Change of Residence filed on 06/21/18 indicates Conservatee now resides at Corona in Riverside County. Suggest transfer to Riverside County. If so, Court to set control date. **JTD.**
11. ~Proposed Form Order: 3/9/18
12. **Note: Request for dismissal by Timothy Smith received on 04/12/18 to dismiss this competing petition for conservatorship. Court may wish to dismiss this petition and have the Clerk's Office process the form.**
13. Order after Hearing filed on 06/26/18 appoints Larry Hoover as Successor Trustee with a \$500,000 bond.

RECOMMENDATION

Need CI report and to clear notes #4-9 & 12 then Court's discretion re: note 10. If approved, set hearing for Compliance Review for **02/27/18** for the filing of the required documents and hearing re Accounting Review for **10/02/19**. Any accounting to be filed 30 days in advance.

(lh/ww/nb)

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

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

DATE: 07/24/18 TIME: 9:30 DEPT: S37P

CASE#: CON PS1800069

CASE NAME: MTR OF GILDARDO ALVAREZ

HEARING:

Petition for Appointment of Conservator

COUNSEL:

GILDARDO ALVAREZ (CEP)...CRAIG M PARKER
SARA CORTE (CPE)...PRO/PER

GENERAL INFORMATION

Sara Corte appointed temporary conservator of the person and estate on 03/15/18. Attorney Craig M. Parker appointed for conservatee. Notice by Judicial Assistant.

Continued from 04/17/18. Conservatee is still in Mexico. Conservator has recently traveled to visit with conservator and reports that he is not in good health and it is not an appropriate time to bring him back.

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Conservatorship of person and estate by daughter, Sara Corte ["Petitioner"].

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

1. Section 1 c (2) to petition re bond is incomplete. Estimated estate valued at \$110,000 consisting of personal property and real and rental property whose value is unclear. Suggest minimum bond of \$110,000 until real properties' value can be confirmed. **JTD.**
2. Petition, Section 3 b (7) is incomplete as to relationship of petitioner. However, section 3 c (4) indicates petitioner is conservatee's daughter.
3. Section 11 b (2) to petition does not include a complete address for sibling Martha Alvarez. **Need** same via verified supplement.
4. Petition [LF, p. 13] indicates Conservatee has a POA in Mexico that he purportedly wanted to cancel upon discovering the attorney-in-fact, had been stealing money and taking advantage of Conservatee before Conservatee suffered a stroke.
5. Screening Form, section 1c is incomplete as to state driver's license was issued from. **Need** verified supplement.
6. **Need** List of Required Contacts Form.
7. Court to review Supplemental Information form [LF, p. 4].

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.**

8. Petitioner seeks Pr. C. § 2590 powers to sell real and/or personal property, including conservatee's primary residence and proceeds to be used for Conservatee's care and personal needs. Suggest Court require a separate petition after appointment with required showing per Pr. C. 2540 et seq. JTD
9. Petitioner seeks medical powers. **Need** Medical Capacity Declaration.
10. **Need** report of court appointed counsel, Craig Parker.
11. Court to review Court Investigator's Report of No Report.
12. **Need** return of Citation
13. **Need** Notice of Hearing and proof of service of Due Diligence Declarations.
14. ~Proposed Form Order/Letters 03/09/18.

RECOMMENDATION:

Need to clear notes 1-3, 5-6, 9-10, & 12 -13 then Court's discretion re: bond. If approved, set hearing for Compliance Review for **02/26/18** for the filing of the following: proof of service of Order with Notification of Conservatee's Rights per Pr.C.§1830(c); including a Determination of Conservatee's Appropriate Level of Care per Pr.C.§2352.5 (form GC-355); Care Plan per Pr.C.§2352.5; Inventory & Appraisal, and proof of service of I&A and Instructions for Objection per Pr.C.§2610; recordation of letters if applicable per Pr.C.§2313.

Set hearing re: Accounting Review for **10/01/19**. Any account to be filed 30 days' in advance of hearing. Note requirements of Local Rules.

(nb)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

DATE: 07/24/18 TIME: 9:30 DEPT: S37P

CASE#: CON PS1800070

CASE NAME: NAPOLEON BELENO BANEZ

SEE ALSO 23

HEARING:

Hearing Re: PTN FOR INSTRUCTIONS/TO ANNUL MARRIAGE

COUNSEL:

HELEN BANEZ

(PET)...EDWARD B FISCHER &

NAPOLEON BELENO BANEZ

(CEP)... MITCHELL I ROTH

RICHARD WOOD

(TP)...LEVITON LAW GROUP APC

YOLANDA LEE

(CPE)...

Currently under review by Legal Research.

(LR)

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

DATE: 07/24/18 TIME: 9:30 DEPT: S37P

CASE#: CON PS1800070

CASE NAME: NAPOLEON BELENO BANEZ

SEE ALSO 22

HEARING:

Petition for Appointment of Conservator

COUNSEL:

HELEN BANEZ	(PET)...EDWARD B FISCHER &
NAPOLEON BELENO BANEZ	(CEP)... MITCHELL I ROTH
RICHARD WOOD	(TP)...LEVITON LAW GROUP APC
YOLANDA LEE	(CPE)...

GENERAL INFORMATION

Helen Banez appointed temporary conservator of the person and estate on 03/16/18, \$30,000 bond.

Continued from 04/24/18. Richard Wood's weekend visits are extended to include overnights at this time. The Court orders information regarding Conservatee's well-being be communicated to all parties. The Court orders that Mr. Leviton be provided medical records including care plan. Information to be accessible only to counsel, his staff and Richard Wood. The Court re-refers matter to the Court Investigator for Richard Wood to be interviewed. Referred to Court Investigator for investigation and report. Attorney Mitchell I Roth is appointed The Court advances and continues hearing set 5/14/18 for it to be heard with this matter.

THIS CASE IS SET FOR HEARING ON

Petition #1: Petition for Appointment of Conservatorship of person and estate by sisters, Helen Banez and Yolanda Lee ["Petitioners"].

Petition #2: Petition for Appointment of Conservatorship of person and estate by purported husband, Richard A. Wood ["Petitioner"].

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.

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

Petition #1:

- 1 Petitioner requests bond be fixed at \$30,000 and monies over \$30,000 to be placed in a blocked account. If approved, **need** bond as to general conservatorship. **JTD.**
- 2 Petitioner seeks medical powers. Medical Capacity Declaration filed.
- 3 Citation returned served.
- 4 CI Report filed 04/19/18. **Need** CI Report.
- 5 **Need** report by court-appointed counsel, Mitchell I. Roth.
- 6 Certificates of Completion re Conservatorship Class filed.
- 7 **Objections by husband, Richard Wood, filed 04/10/18.**
- 8 ~Proposed Form Order 04/24/18

Petition #2:

- 9 Petitioner requests no bond be set. **JTD.**
- 10 Section 3e to petition re: character and estimated value of the property of the estate reflects “unknown.”
- 11 Petitioner seeks Pr. C. § 2590 powers to sell real and/or personal property, including conservatee’s primary residence and proceeds to be used for Conservatee’s care and personal needs. Suggest Court require a separate petition after appointment with required showing per Pr. C. 2540 et seq. **JTD**
- 12 **Need** Duties of Conservator form.
- 13 **Need** Confidential Supplemental Information form.
- 14 Petitioner seeks medical powers. **Need** Medical Capacity declaration.
- 15 **Need** Court Investigator Report.
- 16 **Need** return of Citation.
- 17 **Need** Certificate of Completion re Conservatorship Class.
- 18 **Need** Notice of Hearing with proof of service.
- 19 No proposed order. Submit Order after Hearing.

RECOMMENDATION: Matter is contested.

Need to clear notes then Court’s discretion re: bond and blocked account.

If approved, set hearing for Compliance Review for **02/26/19** for the filing of the following: proof of service of Order with Notification of Conservatee’s Rights per Pr.C.§1830(c); a Determination of Conservatee’s Appropriate Level of Care per Pr.C.§2352.5 (form GC-355); Care Plan per Pr.C.§2352.5; Inventory & Appraisal, and proof of service of I&A and Instructions for Objection per Pr.C.§2610; recordation of letters if applicable per Pr.C.§2313.

Set hearing re Accounting Review for **10/01/19**. Any account to be filed 30 days’ in advance of hearing. Note requirements of Local Rule.

(nb)

Superior Court of Calif, County of San Bernardino

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San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

DATE: 07/24/18 TIME: 9:30 DEPT: S37P

CASE#: CON PS1800070

CASE NAME: NAPOLEON BELENO BANEZ

SEE ALSO 22, 23

HEARING:

Petition for Appointment of Probate Conservator Of The Person
And Estate

COUNSEL:

HELEN BANEZ	(PET)...EDWARD B FISCHER &
HELEN BANEZ	(TC)...EDWARD B FISCHER &
NAPOLEON BELENO BANEZ	(CEP)...MITCHELL I ROTH
RICHARD WOOD	(CPE)...LEVITON LAW GROUP APC
RICHARD WOOD	(TP)...LEVITON LAW GROUP APC
YOLANDA LEE	(CPE)...

Request for Waiver of Court Fees and Costs filed by NAPOLEON BELENO BANEZ is GRANTED

See prior matter #23.

(nb)

Superior Court of Calif, County of San Bernardino

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San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY **TRUSTS AND MOTIONS**

DATE: 07/24/18 TIME: 9:35 DEPT: S37P

CASE#: CON PS1800068

CASE NAME: Margaret Scott Smith (Master File).

SEE ALSO 20

HEARING:

Petition for Instructions re: Revocation of Second Amendment;
Complete restatement etc

COUNSEL:

KIM MOORE	(CPE)...FULLERTON LEMANN SCHAEFER & DO
MARGARET SCOTT SMITH	(CEP)...SHERRI L KASTILAHN
ROSE C ROSADO	(TP)...ROSE C ROSADO
SHERI KASTILAHN	(PET)...SHERRI L KASTILAHN
TIMOTHY J SMITH	(CP)...NANCY W. ANDRUS

Currently under review by Legal Research.
(LR)

Notice:

Need notice to Rose C. Rosado.

(cs/nb)