1A In the Matter of the Verni Family Trust

Case No. 10CEPR00639

- Atty Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)
- Atty Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole; of McCormick Barstow (for Co-Trustees Antonietta "Rosa" Verni, daughter, and Nicola "Nick" Verni, son)
- Atty Phillips, John, of Wild, Carter & Tipton (for Leonard "Dino" Verni, son)
- Atty Childs, Jerry; Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)

sialus realing			
Leonarda DOD:	CARMELA DeSANTIS, daughter and Trust	NEEDS/PROBLEMS/COMMENTS:	
7/31/2000	Beneficiary, filed the following pleadings in this		
Saverio DOD:	matter:	Page 1B is the Petition to Remove	
5/25/2009	Detition to Demove Trustees: Appoint	Trustees, etc.	
	 Petition to Remove Trustees; Appoint Receiver; Surcharge Trustees; Deny Trustees 		
	Compensation; Impose Constructive Trust on	Page 1C is the Petition to Construe	
Cont. from 032114	Assets; and Cause Proceedings to Trace and	Trust Provision.	
Aff.Sub.Wit.	Recover Assets on 7/26/2012.		
	 Amended Objections to First Account Current 	Page 1D is the Petition to Establish	
Verified	of Trustee, and Objections to Second	Claim of Ownership in Favor of Trust	
Inventory	Account Current of Trustee on 7/26/2012.	to Property, etc.	
PTC	Petition to Construe Trust Provision on	Page 1E is the Petition for Review of	
Status Rep.	7/26/2012.	Accounts and Acts of Trustees.	
Notice of Hrg	Petition to Establish Claim of Ownership, in		
Aff.Mail	Favor of Trust, to Property and for Order	Continued from 3/21/2014.	
	 Directing its Transfer to the Trustees to Hold in 		
Aff.Pub.	Trust on 8/14/2012.	Notes:	
Sp.Ntc.	NICOLA "NICK" VERNI, son and Successor Trustee	Petitioner Carmela DeSantis'	
Pers.Serv.	of the SURVIVOR'S TRUST, and ANTONIETTA	Status Report filed 5/12/2014	
Conf. Screen	"ROSA" VERNI, daughter and Trustee of the	states that on 4/29/2014 the	
Letters	MERGED FAMILY SUB-TRUST, filed the following	Court issued its Tentative and	
Duties/Supp	pleadings in this matter:	Proposed Statement of Decision;	
Objections	• Response to Petition to Remove Trustees, etc.	Petitioner filed and served her	
Video	on 9/27/2012.	request for a supplemental	
Receipt	Response to Petition to Construe Trust	statement of decision on 5/9/2014.	
CI Report	Provision on 9/27/2012.	 Direction for Preparation of 	
	Response to Petition to Establish Claim of	Proposed Statement of Decision	
9202	Ownership on 9/27/2012.	filed 5/15/2014 finds the Court	
Order	Court Trial Minutes – 2 nd Day dated 1/27/2014	orders counsel for Trustees Nicola	
	directed counsel to submit a list setting forth the	Verni and Rosa Verni to prepare	
	depositions they wish the Court to review and	a Statement of Decision for	
	consider, including objections thereto, and	consideration by the Court and	
	counsel is to submit their closing briefs [by the	Petitioner pursuant specifically to	
	dates indicated, which were subsequently	California Rule of Court 3.1590.	
Aff. Posting	changed to later dates (now passed) by filed	Reviewed by: LEG	
Status Rpt	stipulation and signed order.] Court set a Status	Reviewed on: 5/28/14	
UCCJEA	Hearing on 3/21/2014. Minute Order dated	Updates:	
Citation	3/21/2014 continues all matters to 5/30/2014.	Recommendation:	
FTB Notice		File 1A – Verni	

Status Hearina

1B In the Matter of the Verni Family Trust (Trust)

- Atty Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)
- Atty Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole; of McCormick Barstow (for Co-Trustees Antonietta "Rosa" Verni, daughter, and Nicola "Nick" Verni, son)
- Atty Armo, Lance, sole practitioner (for Leonard "Dino" Verni, son)
- Atty Childs, Jerry; Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)

Petition to: (1) Remove Trustees; (2) Appoint Receiver; (3) Surcharge Trustees; (4) Deny Trustees Compensation; (5) Impose Constructive Trust on Assets; and (6) Cause Proceedings to Trace and Recover Assets [Prob. C. 15642, 16420 & 17200]

Case No. 10CEPR00639

Leonarda DOD: 7/31/2000	CARMELA DeSANTIS, daughter and Trust Beneficiary, is Petitioner. Petitioner states:	NEEDS/PROBLEMS/ COMMENTS:
Saverio DOD: 5/25/2009	• The VERNI FAMILY TRUST of 1999 was created by SAVERIO VERNI and LEONARDA VERNI on 6/10/1999, and was amended once by Settlors on the following day, 6/11/1999; Leonarda died on 7/31/2000, thereby causing the Trust to be divided into three sub-	<u>Continued from</u> <u>3/21/2014</u> .
Cont. from 091112, 100212, 120512, 010313, 022113, 032213, 052413, 062813, 062813, 083013, 092713, 103013, 120613, 012714, 032114 Aff.Sub.W	trusts: the VERNI MARITAL TRUST, the VERNI FAMILY TRUST, (which was amended once during both Trustors' lifetimes), and the VERNI SURVIVOR'S TRUST (copies of Trusts attached as Exhibit A); following Leonarda's death, Saverio amended the SURVIVOR'S TRUST seven times, with the Eighth Amendment (the final) amending the	Note: Additional notes pages originally prepared with
✓ Verified Inventory PTC	 SURVIVOR'S TRUST in its entirety; Saverio served as sole trustee of the three sub-trusts until his death on 5/25/2009, and upon his death the Marital Sub-Trust terminated and its principal was added to the Family sub-trust, which became 	respect to this petition have been omitted.
Notice of X Hrg Aff.Mail	 the MERGED FAMILY SUB-TRUST; Pursuant to the Trust terms, ANTONIETTA ROSA VERNI, daughter, is first appointed and currently serves as Successor Trustee of the Merged Family Sub-Trust; pursuant to the Eighth Amendment to 	
Aff.Pub. Sp.Ntc. ✓ Pers.Serv.	 Trust, NICOLA VERNI, son, is first appointed and currently serves as Successor Trustee of the SURVIVOR'S TRUST; The beneficiaries of each of the Sub-Trusts are the Settlor's five 	
Conf. Screen	children: ANTONIETTA ROSA VERNI (Rosa), NICOLA VERNI (Nick), LEONARD VERNI (Dino), MARIA STANZIALE, and CARMELA DeSANTIS (Petitioner); and specific distributions from the Survivor's Sub-Trust	
Duties/S Objection	 are to ERLINDA MARCIANO VERNI (\$200,000.00) and ST. ANTHONY OF PADUA CATHOLIC CHURCH (\$200,000.00); Following the death of Saverio and Leonarda, the Merged Family 	
Video Receipt CI Report	Sub-Trust names Rosa as First Successor Appointee, and Maria as Second Successor Appointee; Eighth Amendment provides that upon Saverio's ceasing to act as trustee, Nick will serve as trustee of the Survivor's Sub-Trust;	
9202 ✓ Order Aff. Post	 Petitioner seeks a Court order pursuant to Probate Code § 15642 removing Rosa as trustee of the Merged Family Sub-Trust, and removing Nick as trustee of the Survivor's Sub-Trust; Petitioner also 	Reviewed by: LEG
Status Rpt	seeks a determination by the Court that <u>Dino is not qualified</u> to serve as next successor trustee of the Survivor's Sub-Trust.	Reviewed on: 5/28/14
UCCJEA Citation FTB Notice	•	Updates: Recommendation File 1B - Verni

1C In the Matter of the Verni Family Trust (Trust)

- Atty Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)
- Atty Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole; of McCormick Barstow (for Co-Trustees Antonietta "Rosa" Verni, daughter, and Nicola "Nick" Verni, son)
- Atty Phillips, John, of Wild, Carter & Tipton (for Leonard "Dino" Verni, son)
- Atty Childs, Jerry; Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)

Leonarda DOD: **CARMELA DeSANTIS**, daughter and Trust Beneficiary, is Petitioner. **NEEDS/PROBLEMS/** 7/31/2000 Petitioner states: COMMENTS: Saverio DOD: The VERNI FAMILY TRUST of 1999 was created by SAVERIO VERNI • 5/25/2009 and LEONARDA VERNI on 6/10/1999, and was amended once by Continued from Settlors on the following day, 6/11/1999; Leonarda died on <u>3/21/2014</u>. 7/31/2000, thereby causing the Trust to be divided into three sub-Cont. from trusts: the VERNI MARITAL TRUST, the VERNI FAMILY TRUST, (which 100212, 120512, was amended once during both Trustors' lifetimes), and the 010313, 022113, **Note:** Additional 032213, 052413, **VERNI SURVIVOR'S TRUST** (copies of Trusts attached as Exhibit A); notes pages 062113, 062813, The instant petition relates to a provision contained in the • originally prepared 083013, 092713, SURVIVOR'S SUB-TRUST; over Petitioner's objections, Trustees Nick 103013, 120613, with respect to this and Rosa have provided a commingled accounting for the 012714, 032114 petition have been Merged Family and Survivor's Sub-Trusts, which fails to segregate Aff.Sub.W each Sub-Trust's assets, liabilities, receipts and disbursements; omitted. • The failure to appropriately segregate assets, liabilities, receipts ~ Verified and disbursements among the Sub-Trusts prevents the Court, Inventory trustee and beneficiaries from determining the size and holdings PTC of the SURVIVOR'S SUB-TRUST; because the SURVIVOR'S SUB-TRUST Not.Cred. will be used to fund the above-referenced equalization provision, Notice of any appropriate increase in size to that particular Sub-Trust will Hrg allow greater realization of the Trustor's intent and will provide a means for effectuating the equalization of prior distributions; Aff.Mail conversely, any inappropriate decrease in the size of the Aff.Pub. SURVIVOR'S SUB-TRUST will undermine the Trustor's intent and Sp.Ntc. deny the Trustee the ability to effectuate an equalization; \checkmark Pers.Serv. • The Trustee of the SURVIVOR'S SUB-TRUST believes that distributions Conf. made during Saverio's lifetime should not be considered for Screen purposes of the equalization process; Petitioner believes this to be contrary to the language of the provision and intent of the Letters Trustor. Duties/S Objectn Petitioner requests a judicial declaration from the Court concerning Video the proper construction of Subsection1, of Section B, or Article IV of Receipt the SURVIVOR'S SUB-TRUST (refer to copy of Trust or Paragraph 11 of CI Report Petition for exact language requiring apportionment of the residue of the trust estate into equal shares for Trustor's living children.] 9202 \checkmark Order Reviewed by: LEG Aff. Post **Reviewed on:** 5/28/14 Status Rpt UCCJEA Updates: Citation **Recommendation:** File 1C – Verni FTB Notc

Petition to Construe Trust Provision [Prob. C. 17200]

1D Atty	y Marchin DeSantis	i, Jo , da	ter of the Verni Family Trust (Trust) Seph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Caughter and Trust Beneficiary)	ırmela
Atty			neth A.; Thompson, Timothy; Cunningham, Nikole; of McCormick	Barstow (for
			Antonietta "Rosa" Verni, daughter, and Nicola "Nick" Verni, son)	
Atty	/ Phillips, .	John	, of Wild, Carter & Tipton (for Leonard "Dino" Verni, son)	
Atty	/ Childs, J	erry	Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving s	pouse)
	Peti	tion	to Establish Claim of Ownership, in Favor of Trust, to Property and	for Order
			g its Transfer to the Trustees to Hold in Trust (Prob. C. 850, 17200.1)	
	onarda DOD: 31/2000	0	RMELA DeSANTIS, daughter and Trust Beneficiary, is Petitioner.	NEEDS/PROBLEMS/ COMMENTS:
So	verio DOD:	Su	mmary of Petitioner's requests for specific relief:	
5/	25/2009	1.	Determining that the following is property of the Trust estate:	Continued from
			(a) Almond crops: (i) The almond meat inventory on hand at the	3/21/2014.
C	ont. from		date of Saverio's death; (ii) all almond crops grown on Trust land	
	0212, 120512,		since Saverio's death; and (iii) proceeds from the sale of the	Note: Additional
	0313, 022113,		almond inventory and crops; (b) Olive crops : (i) The olive oil, olive crop and olive inventory on	notes pages
	2213, 062113, 2813, 083013,		hand at the date of Saverio's death; (ii) all olive crops grown on	originally
	2713, 103013,		Trust land since Saverio's death; and (iii) proceeds from the sale	prepared with
12	0613, 012714,		of the olive oil, inventory and crops;	respect to this
03	2114	_	(c) Other crops (Stone Fruit, Grapes, Etc.): (i) The inventory of other	petition have
	Aff.Sub.W		crop grown on Trust land, on hand at the time of Saverio's death	been omitted.
\checkmark	Verified		but not reported in the Trustee's First Account; (ii) all such crops	
	Inventory		grown on Trust land since Saverio's death and during 2009; and	
	PTC		(iii) proceeds from the sale of the inventory and crops;(d) Other Inventory on Hand: (i) The inventory of firewood and olive	
	Not.Cred.		oil on hand at the time of Saverio's death but not reported in the	
	Notice of		Trustee's First Account; (ii) all such items produced from products	
	Hrg		grown on Trust land since Saverio's death and during 2009; [and	
	Aff.Mail		(iii) proceeds from the sale of the other inventory;]	
	Aff.Pub.	1	(e) Proceeds from Sale of Trust Real Property: The money received by	
	Sp.Ntc.		Nick and Dino from DeYoung Properties in connection with the	
\checkmark	Pers.Serv.	-	option to purchase land and used by DeYoung Properties to actually purchase Trust land which sum is believed to be not less	
	Conf.	-	than \$1,000,000.00;	
	Screen	2.	Directing each of the beneficiaries in possession or holding the	
	Letters	-	property to transfer such property to the Trustees to hold for the	
	Duties/S		benefit of the Trust and the appropriate Sub-Trust(s);	
	Objection	3.	Directing each of the beneficiaries in possession or holding any	
		-	proceeds from the sale or exchange of any of the property to transfer such proceeds to the Trustees to hold for the benefit of the	
	Video Receipt		Trust and the appropriate Sub-Trust(s);	
	CI Report	4.	For judgment in favor of the Trustees of the Trust against any	
	· · ·	=	beneficiary who received the Trust property and proceeds, in an	
./	9202		amount to be determined and as required to compensate for all of	
ľ	Order Aff. Post		the detriment and damages cause to the Trust; and	Reviewed by: LEG
		5.	For treble damages pursuant to Probate Code § 859.	
	Status Rpt			Reviewed on: 5/28/14
	UCCJEA			Updates:
	Citation			Recommendation:
	FTB Notice			File 1D - Verni

1E In the Matter of the Verni Family Trust (Trust)

- Atty Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)
- Atty Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole; of McCormick Barstow (for Co-Trustees Antonietta "Rosa" Verni, daughter, and Nicola "Nick" Verni, son)
- Atty Phillips, John, of Wild, Carter & Tipton (for Leonard "Dino" Verni, son)
- Atty Childs, Jerry; Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)

lec	onarda DOD:		CARMELA DeSANTIS, daughter and Trust	NEEDS/PROBLEMS/COMMENTS:
	1/2000		Beneficiary, is Petitioner.	
	verio DOD:		,	Continued from 3/21/2014.
5/2	5/2009		Summary of Petitioner's requests in the Prayer for	
			Relief:	Note: Petitioner's prayer
	ont. from 12061	13,	That each of the Second, Third, and Fourth	requests the Court disallow
01	2714, 032114		Accounts Current submitted to Petitioner by the Co-Trustees be disallowed;	the accounts. Petitioner
	Aff.Sub.Wit.		 That the Co-Trustees, and each of them, be 	requests in the body of the
\checkmark	Verified		ordered to compensate the estate for any	Petition that the Court review the Second, Third
	Inventory		loss caused by their acts and omissions;	and Fourth Accounts, but
	PTC		That the Trustees be directed to prepare and	because the subject
	Not.Cred.	Ī	file a true and full account of their acts and	accounts have not been
	Notice of	Х	proceedings within such time as may be allowed by this Court; and	filed with the Court by the
	Hrg		 That Petitioner be reimbursed attorney's fees 	Co-Trustees as the
	Aff.Mail	Х	and costs.	fiduciaries, the accounts have not been reviewed by
	Aff.Pub.		Petitioner states the following in support of the	the Court.
	Sp.Ntc.		requests for relief:	
	Pers.Serv.			
	Conf.		Accounts Provided by the Trustees	
	Screen		• On or about 8/26/2010, the Co-Trustees, Rosa	
	Letters		and Nick Verni, filed a First Account Current	
	Duties/Supp	I	and Report of Trustees and Petition for its	
	Objections		Settlement;	
	·		On 10/5/2010, Petitioner filed written	
	Video		objections to the First Account Current based	
	Receipt		on, among other things, the limited scope of	
	CI Report		the Account, the Trustees' failure to render	
	9202		separate accountings for each Sub-Trust, the failure to provide information pertaining to	
	Order	Х	transactions involving the Trustees, as well as	
	Aff. Posting		with respect to various farming operations	Reviewed by: LEG
	Status Rpt		being managed by the Trustees on behalf of	Reviewed on: 5/28/14
	UCCJEA		the Trust;	Updates:
	Citation		• At Petitioner's request, the Trustees provided	Recommendation:
	FTB Notice		Petitioner with a Second Account Current, covering the period of 1/1/2010 through 12/31/2010; ~Please see additional page~	File 1E – Verni
		I	erieuse see addiiloilaí page	

Petition for Review of Accounts and Acts of Trustees [Prob. C. 16063(a)(5); 17200(b)(5)]

Case No. 10CEPR00639

First Additional Page 1E, Matter of the Verni Family Trust Case No. 10CEPR00639

Petitioner states, continued:

- On 7/26/2012, Petition filed written Objections to Second Account Current, and attached a copy of the Second Account Current (copy of the Objections to Second Account Current filed by Petitioner on 7/26/2012 attached as Exhibit B);
- The Second Account Current continued to be deficient in the same respects as noted with respect to the First Account Current, among others;
- In spite of Petitioner's repeated objections, the Trustees continue to fail to properly account to Petitioner and other beneficiaries, as required by the terms of the Trust and Probate Code § 16062 et seq., in the Third Account Current, covering the period of 1/1/2011 through 12/31/2011, mailed to Petitioner at her request on or about 11/19/2012, and the Fourth Account Current covering the period of 1/1/2012 through 12/31/2012, mailed to Petitioner at her request on or about 4/19/2013;
- The manner in which such Accounts are deficient is further described in Petitioner's Objections to Third Account Current, attached as Exhibit C, and Petitioner's Objections to Fourth Account Current attached as Exhibit D;
- Article 11, Section 4 of the Trust requires the Trustees to render an accounting upon written request of any beneficiary;
- To date, the Trustees have failed to provide adequate accounts in response to Petitioner's requests pursuant to this provision, thereby necessitating this request that the Court review the Second, Third and Fourth Accounts Current and the acts of the Trustees.

Response to Petition for Review of Accounts and Acts of Trustees filed on 12/5/2013 by Trustees Nick Verni and Rosa Verni states:

- Trustees admit that they filed the First Account Current and Report of Trustees and Petition for Settlement on 8/26/2010; Trustees further admit that Petitioner filed written objections to the First Account Current on 10/5/2010; however, Trustees deny that any deficiencies exist, legal or otherwise, in the First Account Current;
- Trustees admit that they submitted the Second Account Current to Petitioner; Trustees further admit that Petitioner filed written objections to the Second account current on 7/26/2012; however, Trustees deny that any deficiencies exist, legal or otherwise, in the Second Account Current;
- Trustees admit that they submitted the Third Account Current to Petitioner on or about 11/19/2012; Trustees further admit that they submitted the Fourth Account Current to Petitioner on or about 4/19/2013; however, Trustees deny that any deficiencies exist, legal or otherwise, in the Third Account Current and Fourth Account Current;
- The Trustees have filed a full account of their acts and proceedings during the period embraced thereby, and their Report and Account should be allowed and approved;
- Trustees expressly deny that any of the Second, Third and Fourth Accounts Current are deficient or otherwise fail to comply with the Trust or the requirements set forth in the Probate Code;

Trustees pray for an Order of this Court finding that:

- 1. The objections of Petitioner be dismissed;
- 2. All acts and transactions of the Trustees as reflected in the Account and Report be ratified and confirmed;
- 3. The Trustees be authorized and directed to continue the administration of the Sub-Trusts until such time as the remaining tasks discussed herein are accomplished, the remaining legal actions discussed herein are resolved, and a plan of final distribution can be presented to the beneficiaries of the trust for their consent;
- 4. Petitioner take nothing by way of her Petition; and
- 5. Attorney's fees and costs of suit are awarded to Respondents.

Dept. 303, 9:00 a.m. Friday, May 30, 2014

2 Bruce Kawano (Estate)

Atty Gromis, David P. (for Ronald T. Oye, Administrator)

	Probate Status Hearing Re: First Account				
DC	DD: 10/1/2010	RONALD T. OYE , cousin of Decedent's spouse	NEEDS/PROBLEMS/COMMENTS:		
		and Guardian of Decedent's son, was			
		appointed Administrator with Full IAEA	Continued from 4/25/2014.		
		authority without bond on 2/20/2013.	Minute Order states no		
C	ont. from 042514		appearances. If accounting		
	Aff.Sub.Wit.	Letters issued on 2/20/2013.	filed then status hearing may come off. Courtroom clerk will		
	Verified	-	send minute order and		
		Pursuant to Probate Code § 8800(b), Final	examiner notes. Clerk's		
	Inventory	Inventory and Appraisal was filed 4/24/2013	Certificate of Mailing field		
	PTC	showing an estate value of \$166,315.00.	4/28/2014 shows a copy of the		
	Not.Cred.		Minute Order and examiner		
	Notice of		notes mailed to Attorney Gromis		
	Hrg	Pursuant to Probate Code § 12200, first	on 4/28/2014.		
	Aff.Mail	account and/or petition for final distribution			
	Aff.Pub.	was due 2/20/2014.	 Need first and final account, or current verified Status 		
	Sp.Ntc.		Report and proof of service		
	Pers.Serv.		of the Status Report pursuant		
	Conf.	Minute Order dated 2/20/2013 set this status	to Local Rule 7.5(B).		
	Screen	hearing on 4/25/2014 for filing of the first			
	Letters	account and/or petition for final distribution.			
	Duties/Supp		Note: Minute Order dated		
	Objections		2/20/2013 from the hearing on		
	Video	-	the appointment of the		
	Receipt		Administrator indicates a Guardianship of the Person and		
	CI Report		Estate was established on		
	9202		11/14/2011 in San Joaquin		
	Order	_	County for the Decedent's son,		
			JIM ISAMU KAWANO. Copy of		
			Letters of Guardianship		
			recorded in Superior Court of		
			San Joaquin County was filed		
			2/22/2013, showing the		
			Petitioner RONALD T. OYE and		
			MICHIKO YAMADA OYE were appointed Co-Guardians of		
			Decedent's son.		
	Aff. Posting		Reviewed by: LEG		
		X	Reviewed on: 5/29/14		
	UCCJEA		Updates:		
	Citation		Recommendation:		
	FTB Notice		File 2 – Kawano		

Probate Status Hearing Re: First Account

3 Josephine Gracie (Estate)

Atty Milnes, Michael A (for Richard Moniz and Helen Moniz – Executors)

Probate Status Hearing Re: Failure to File the Inventory and Appraisal and for Failure to File a First Account or Petition for Final Distribution

	Failure to File a First Account or Petition for Final Distribution			
DC	DD: 06/13/2003	RICHARD MONIZ and HELEN MONIZ,	NEEDS/PROBLEMS/COMMENTS:	
		were appointed Executors with full IAEA		
		authority without bond on 09/30/2002.	Continued from 03/28/2014	
		Letters issued on 02/23/2004.	Minute Order of 02/07/2014: No	
Сс	ont. from 020714,		appearances. Mr. Milnes is directed	
03	2814	Inventory and Appraisal was due	to contact his clients regarding this	
	Aff.Sub.Wit.	02/23/2004.	matter.	
	Verified			
	Inventory	First Account or Petition for Final Distribution was due on 11/2004.	Copy of Minute Order mailed to Michael Milnes on 03/06/2014.	
	PTC			
	Not.Cred.	Notice of Status Hearing was mailed to	1. Need Final Inventory and	
	Notice of	Michael Milnes, Attorney, Richard	Appraisal and First Account or	
	Hrg	Moniz, and Helen Moniz on 11/20/2013.	Petition for Final Distribution or	
	Aff.Mail		current written status report	
	Aff.Pub.		pursuant to Local Rule 7.5 which states in all matters set for status	
	Sp.Ntc.		hearing verified status reports	
	Pers.Serv.		must be filed no later than 10	
	Conf.		days before the hearing. Status	
	Screen	4	Reports must comply with the	
	Letters	4	applicable code requirements.	
	Duties/Supp		Notice of the status hearing, together with a copy of the Status	
	Objections		Report shall be served on all	
	Video		necessary parties.	
	Receipt	4		
	CI Report	4		
	9202	4		
	Order	4		
	Aff. Posting	4	Reviewed by: LV	
┣—	Status Rpt	4	Reviewed on: 05/28/2014	
	UCCJEA	4	Updates:	
	Citation	4	Recommendation:	
	FTB Notice		File 3 – Gracie	

4 Margaret Adams (Estate)

Atty Dornay, Val J. (for Craig Adams – Administrator)

Probate Status Hearing Re: Failure to File the Inventory and Appraisal and or Failure to File a First Account or Petition for Final Distribution

DO	D: 7-23-04	CRAIG ADAMS, Son, was appointed as	NEEDS/PROBLEMS/COMMENTS:
		Administrator with Full IAEA without bond on 3-29-05 and Letters issued on 3-30-05.	 Need Inventory and Appraisal pursuant to Probate Code §8800.
Co	nt From 021414	The original petition alleged real	2. Need accounting and petition for
	Aff.Sub.Wit.	property valued at \$105,000.00, but encumbered for \$90,000.00.	final distribution pursuant to Probate Code §12200.
	Inventory		
	PTC	However, no Inventory and Appraisal	Note: Pursuant to Assignment of
	Not.Cred.	was ever filed pursuant to Probate Code §8800.	Interest filed 3-30-05 by Terry Adams, Administrator Craig Adams appears
	Notice of		to be the sole heir of the estate.
	Hrg	No accounting or petition for final	However, the estate must be properly
	Aff.Mail	distribution was ever filed pursuant to Probate Code §12200.	closed with notice as appropriate.
	Aff.Pub.		Note: On 4-25-14, Attorney Val
	Sp.Ntc. Pers.Serv.	The Court set this status hearing for	Dornay submitted a Request for
	Conf.	failure to file Inventory and Appraisal and failure to file accounting or petition	Dismissal; however, dismissal cannot be entered because Letters have
	Screen	for final distribution. Both attorney and	issued. Therefore, a report of
	Letters	personal representative are ordered to	administration is required with
	Duties/Supp	appear.	noticed hearing. See Probate Code
	Objections	Notice of Status Hearing was mailed to	§12200.
	Video	Attorney Val J. Dornay and Craig	
	Receipt CI Report	Adams on 11-21-13.	
	9202	Note: The Notice to Administrator Craig	
	Order	Adams was returned by the Post Office,	
	Aff. Posting	unable to forward.	Reviewed by: skc
	Status Rpt		Reviewed on: 5-28-14
	UCCJEA	4	Updates:
	Citation	4	Recommendation:
	FTB Notice		File 4 – Adams

5 Joe Hernandez (Estate)

Atty Neilson, Bruce A. (for Erica Hernandez – Administrator)

Probate Status Hearing Re: Failure to File the Inventory and Appraisal and or Failure to File a First Account or Petition for Final Distribution

DOD: 9-15-04	ERICA HERNANDEZ, daughter, was	NEEDS/PROBLEMS/COMMENTS:
	appointed as Administrator with Full	
	IAEA without bond and Letters issued on	Continued from 2-14-14
	5-20-05.	
Cont from 021414		As of 5-28-14, nothing further has
	The original petition alleged personal	been filed.
Aff.Sub.Wit.	property valued at \$2,000.00 and real	
Verified	property valued at \$270,000.00,	3. Need Inventory and Appraisal
Inventory	encumbered for \$45,000.00.	pursuant to Probate Code §8800 and accounting and petition for
PTC	However, no Inventory and Appraisal	final distribution pursuant to
Not.Cred.	was ever filed pursuant to Probate	Probate Code §12200, or verified
Notice of	Code §8800.	written status report pursuant to
Hrg		local rules.
Aff.Mail	No accounting or petition for final	
Aff.Pub.	distribution was ever filed pursuant to	Note: The decedent's intestate heirs
Sp.Ntc.	Probate Code §12200.	are his three children: Erica
Pers.Serv.	The Court set this status hearing for	Hernandez, Cristobal Hernandez, and Andrea Hernandez.
Conf.	failure to file Inventory and Appraisal	Andrea Hemanaez.
Screen	and failure to file accounting or petition	
Letters	for final distribution. Both attorney and	
Duties/Supp	personal representative are ordered to	
Objections	appear.	
Video	Notice of Status Hearing was mailed to	
Receipt	Attorney Bruce A. Neilson and	
CI Report	Administrator Erica Hernandez on	
9202	11-21-13.	
Order		
Aff. Posting]	Reviewed by: skc
Status Rpt		Reviewed on: 5-28-14
UCCJEA]	Updates:
Citation]	Recommendation:
FTB Notice]	File 5 – Hernandez

6 Manuel C Rodriguez (Estate)

Atty Mortimer, Steven R (for Roque Rodriguez – Administrator)

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution

·		Distribution	
		ROQUE RODRIGUEZ. , son, appointed	NEEDS/PROBLEMS/COMMENTS:
		administrator with full IAEA authority	
		with bond set at \$22,500.00 on	Continued from 02/28/2014
		03/07/2006.	
			1. Need First Account or Petition for
Co	ont. from 022814	Letters issued on 03/16/2006.	Final Distribution or current written
	Aff.Sub.Wit.		status report pursuant to Local
	Verified	Inventory and Appraisal filed	Rule 7.5 which states in all matters
	Inventory	03/16/2006 shows an estate valued at	set for status hearing verified
		\$22,500.00 consisting of real property.	status reports must be filed no
	PTC		later than 10 days before the
	Not.Cred.	First Account or Petition for Final	hearing. Status Reports must
	Notice of	Distribution was due 05/2007.	comply with the applicable code
	Hrg		requirements. Notice of the status
	Aff.Mail	Notice of Status Hearing was mailed to	hearing, together with a copy of
	Aff.Pub.	Attorney Mortimer and Roque	the Status Report shall be served
	Sp.Ntc.	Rodriguez on 11/22/2013.	on all necessary parties.
	Pers.Serv.	Former Status Report filed 02/18/2014	
	Conf.	states the only asset in the estate is an	
	Screen	undivided ³ / ₄ interest in a residence	
	Letters	located at 1364 "M Street, Firebaugh,	
		Fresno, County, California. The	
	Duties/Supp	Administrator owns the other undivided	
	Objections	one-quarter interest in this property. The	
	Video	residence is currently vacant and the	
	Receipt	Administrator and other family members	
	CI Report	have been paying the property taxes	
	9202	and maintaining fire insurance on the	
	Order	property. Because of the depressed	
	Aff. Posting	market for houses in Firebaugh, the	Reviewed by: LV
	Status Rpt	property has not been actively listed for	Reviewed on: 05/28/2014
	UCCJEA	sale. Administrator plans to list the property in late spring or early summer	Updates:
	Citation	with a real estate broker for sale. At	Recommendation:
	FTB Notice	such time as the property closes	File 6 – Rodriguez
		escrow, a final accounting and petition	
		for distribution can then be promptly	
		filed and the estate proceedings can	
		then be concluded.	

7 Helen Shelton (Estate)

Case No. 06CEPR00645

Atty Teixeira, J. Stanley (for Jacqueline Shelton & Anna Shelton – Administrators)

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution

	Distribution				
DO	D: 02/16/06	JACQUELINE SHELTON and ANNA SHELTON,	NEEDS/PROBLEMS/COMMENTS:		
		daughters, were appointed as Co-			
		Administrators as the estate with full IAEA and	CONTINUED FROM 03/28/14		
		without bond on 09/19/06. Letters of			
		Administration were issued on 09/19/06.	1. Need Final Account and		
	nt. from 013114	,	Petition for Final		
032	2814	Inventory & Appraisal, Final, filed 03/19/07	Distribution.		
	Aff.Sub.Wit.	- \$230,049.53			
	Verified				
	Inventory	Notice of Status Hearing set this matter for a			
	PTC	 status hearing regarding failure to file a First Account or Petition for Final Distribution. 			
	Not.Cred.	Clerk's Certificate of Mailing indicates that			
	Notice of	the Notice of Status Hearing was mailed to			
	Hrg	Stanley Teixeira on 11/14/13.			
	Aff.Mail				
	Aff.Pub.	Status Report filed 05/22/14 states: that on			
	Sp.Ntc.	= 01/19/14, the Co-Administrators agreed to			
	Pers.Serv.	 sell the real property asset of the estate. During the escrow process, it was discovered 			
	Conf.	that Capital One through Household bank			
	Screen	recorded an Abstract of Judgment against			
	Letters	the real property pertaining to the decedent			
	Duties/Supp	in the amount of \$6,705.61. On 05/02/14,			
	Objections	written acknowledgment from Capital One			
	Video	 was received stating that no claim will be made. After receiving the notice of no 			
	Receipt	claim, attorney for Petitioner contacted the			
	CI Report	title company who handled the escrow on			
	9202	the sale of the real property, unfortunately,			
	Order	the title company had stated that the letter			
	Aff. Posting	is insufficient for release of all funds held by	Reviewed by: JF		
	Status Rpt	 the title company and that a Release of Abstract or Acknowledgement of Full 	Reviewed on: 05/28/14		
	UCCJEA	Satisfaction is required. Attorney is now	Updates:		
	Citation	- currently in the process of obtaining the	Recommendation:		
	FTB Notice	needed documentation from Capital One.	File 7 – Shelton		

Rosie Lee Sconiers (Estate) Teixeira, J. Stanley (for Frankie Frietas – Executor) Atty

|--|

	FIND THE STATUS REGISTING RE. FAILURE TO FILE A FEILING TOF FIND L	
	FRANKIE FRIETAS, daughter, was appointed	NEEDS/PROBLEMS/COMMENTS:
	Executor with full IAEA authority without bond on	1 Need First Accounter Detition
	04/21/2008.	 Need First Account or Petition for Final Distribution.
	Latter include an 04/01/0008	TOF FINAL DISTRIBUTION.
Cont. from 013114.	Letters issued on 04/21/2008.	
032814	Inventory and Approximal Partial No. 1 filed	
Aff.Sub.Wit.	Inventory and Appraisal Partial No. 1 filed 10/02/2008 - \$175,000.00	
Verified		
	Inventory and Appraisal Partial No. 2 filed	
PTC	07/30/2010 - \$2,109.22	
Not.Cred.	Final Inventory and American file of	
Notice of Hrg	Final Inventory and Appraisal filed 02/10/2014 - \$500.00	
Aff.Mail		
Aff.Pub.	First Account or Petition for Final Distribution was due	
Sp.Ntc.	06/2009.	
Pers.Serv.	Netice of Status Lie arises was readiled to 1. Stanley	
Conf. Screen	Notice of Status Hearing was mailed to J. Stanley Teixeira on 11/14/2013.	
Letters		
Duties/Supp	Status Report filed 05/22/2014 the unlawful detainer	
Objections	action has been completed. A draft of the Petition	
Video	for Final Distribution has been drafted. Attorney Teixeira hopes to be able to meet with his client for	
Receipt	review and signing of the Petition for Final	
CI Report	Distribution and have it on file prior to the hearing	
9202	on status set for 05/30/2014.	
Order		
Aff. Posting		Reviewed by: LV
Status Rpt		Reviewed on: 05/28/2014
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 8 – Sconiers

Case No. 12CEPR01067

John A. Bedrosian (Estate) 9

Amador, Catherine A. (for Martin Mata Rodrigues -

Status Hearing Re: Filing of the First Account and/or Petition for Final Final Distribution

	Distribution	
Age:		NEEDS/PROBLEMS/COMMENTS:
DOD:		
		OFF CALENDAR
		Order for Settlement on
Cont. from		Waiver of Account; For Final
Aff.Sub.Wit.		Distribution and for
Verified		Allowance of Compensation
Inventory		for Ordinary Services filed
PTC		05/13/14
Not.Cred.		
Notice of		
Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf.		
Screen		
Letters	_	
Duties/Supp	_	
Objections		
Video		
Receipt		
CI Report	_	
9202		
Order Aff. Posting		Reviewed by: JF
Status Rpt		Reviewed by: JF Reviewed on: 05/28/14
		Updates:
Citation		Recommendation:
FTB Notice		File 9 - Bedrosian

Atty

Theresa Gutierrez Martin (Estate) McCloskey, Daniel T. (for Joseph W. Martin – Administrator) Atty

Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution

—			
DC	D: 03/31/10	JOSEPH W. MARTIN, spouse, was	NEEDS/PROBLEMS/COMMENTS:
		appointed as Administrator with full	
		IAEA and without bond on 03/28/13.	 Need Account/Report of
		╡	Administrator on Waiver of
		Letters of Administration were issued on	Account and Petition for Final
Co	nt. from	03/29/13.	Distribution.
	Aff.Sub.Wit.		
	Verified	Inventory & Appraisal, Partial No. 1 filed	
	Inventory	03/26/13 - \$95,000.00	
	PTC	Inventory & Appraisal, Supplemental	
	Not.Cred.	filed 05/07/13- \$24,123.74	
	Notice of		
	Hrg	Inventory & Appraisal, Final filed	
	Aff.Mail	05/06/14 - \$6,750.00	
	Aff.Pub.		
	Sp.Ntc.	 Status Report filed 05/22/14 states: Litigation involving the decedent's 	
	Pers.Serv.	daughter from another marriage was	
	Conf.	recently settled and the matters have	
	Screen	been dismissed. The Administrator is	
	Letters	continuing to work on administering the	
	Duties/Supp	estate. Administrator is experiencing	
	Objections	 mobility issues making it impossible to attend the hearing. He is focusing on 	
	Video	his physical rehabilitation and requests	
	Receipt	that he be excused from attending the	
	CI Report	status hearing.	
	9202		
	Order		
	Aff. Posting		Reviewed by: JF
	Status Rpt		Reviewed on: 05/28/14
	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 10 - Martin

Juanita A Rodriguez (Estate) Motsenbocker, Gary L. (for Mary S. Rodriguez – Executor) Atty Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution

	Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution				
DC	DD: 12/25/12		MARY S. RODRIGUEZ, daughter, was	NEEDS/PROBLEMS/COMMENTS:	
			appointed Executor with full IAEA and		
			without bond on 03/28/13. Letters	1. Need Account/Report of	
			Testamentary were issued on 03/29/13.	Administrator on Waiver of	
Cont. from				Account and Petition for Final	
Ē	Aff.Sub.Wit.		Inventory & Appraisal, final filed 05/08/13 - \$100,000.00	Distribution and/or Current Status Report.	
	Verified				
	Inventory				
	PTC				
	Not.Cred.				
	Notice of Hrg				
	Aff.Mail	—			
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.				
	Conf.				
	Screen				
	Letters				
	Duties/Supp				
	Objections				
	Video				
	Receipt				
	CI Report				
	9202				
	Order				
	Aff. Posting			Reviewed by: JF	
	Status Rpt			Reviewed on: 05/28/14	
	UCCJEA			Updates:	
	Citation			Recommendation:	
	FTB Notice			File 11 - Rodriguez	

11

William Shiba (Estate)CaseMotsenbocker, Gary L. (for William Martin (Marty) Shiba – Executor) Atty

Status Hearing Re: Filing of the First Account and/or Petition for Final Distri	bution
---	--------

	4/10		n -
DOD: 07/04	4/12	WILLIAM MARTIN (MARTY) SHIBA, son, was appointed Executor with full IAEA	NEEDS/PROBLEMS/COMMENTS:
		and without bond on 03/28/13. Letters	
		Testamentary were issued on 03/29/13.	
Cont. from		Inventory & Appraisal, final filed	
Aff.Sub	o.Wit.	07/15/13 - \$68,775.68	
Verified	d		
Invento	ory	Status Report filed 05/22/14 states that the Accounting/Petition for Final	
PTC		Distribution is currently being prepared	
Not.Cre	ed.	and should be filed within the next 3	
Notice	of	weeks. A 30 day continuance is	
Hrg		requested.	
Aff.Mai	il		
Aff.Pub) .		
Sp.Ntc.	•		
Pers.Se	erv.		
Conf.			
Screen	n 📃		
Letters			
Duties/	/Supp		
Object	tions		
Video			
Receip			
CI Rep	ort		
9202		1	
Order		1	
Aff. Pos		1	Reviewed by: JF
Status	-	1	Reviewed on: 05/28/14
UCCJE		1	Updates:
Citatio		1	Recommendation:
FTB No	tice		File 12 - Shiba

13 Gavin Katigbak Special Needs Trust

Atty Bell, Melinda

Status Hearing Re: Filing Proof of Trustee's Bond

		na
Age:		NEEDS/PROBLEMS/COMMENTS:
DOD:		
		OFF CALENDAR
		Bond filed 04/15/14
Cont. from		
Aff.Sub.Wit.	-	
Verified	=	
Inventory	=	
PTC	-	
Not.Cred.	7	
Notice of	7	
Hrg		
Aff.Mail	—	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf.		
Screen		
Letters		
Duties/Supp		
Objections		
Video		
Receipt	_	
CI Report		
9202		
Order		
Aff. Posting	_	Reviewed by: JF
Status Rpt	_	Reviewed on: 05/28/14
UCCJEA	_	Updates:
Citation	_	Recommendation:
FTB Notice		File 13 - Katigbak

14 Daniel Casey Swarm (Estate)

Atty Brock, Kenneth (for Administrator Renee Mason)

Probate Status Hearing Re: Failure to File the Inventory and Appraisal and for Failure to File a First Account or Petition for Final Distribution

DOD: 9/18/2004	RENEE MASON , mother, was appointed	NEEDS/PROBLEMS/COMMENTS:
	as Administrator with full IAEA authority	
	and without bond on 7/26/2005.	Need inventory and appraisal, and
		first account or petition for final
Cont. from 021414	Letters issued 7/26/2005.	distribution, or current written status
		report pursuant to Local Rule 7.5
Aff.Sub.Wit.	Inventory and appraisal was due	which states in all matters set for
Verified	December 2005.	status hearing verified status reports
Inventory	 First account or petition for final 	must be filed no later than 10 days before the hearing. Status Reports
PTC	distribution was due August 2006.	must comply with the applicable
Not.Cred.		code requirements. Notice of the
Notice of	Creditor's Claim in the amount of	status hearing, together with a copy
Hrg	\$799.97 filed on 3/26/2005 by Bank of	of the Status Report shall be served
Aff.Mail	America.	on all necessary parties.
Aff.Pub.		
Sp.Ntc.	 Notice of Status Hearing was mailed to attorney Kenneth Brock and 	
Pers.Serv.	Administrator Renee Mason on	
Conf.	11/21/14.	
Screen		
Letters	Minute order dated 2/14/14 indicates	
Duties/Supp	Administrator Renee Mason was present	
Objections	 in court and was provided a copy of the examiner notes. 	
Video	ine examiner noies.	
Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: KT
Status Rpt]	Reviewed on: 5/28/14
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 14 – Swarm