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# PR10041 Conservatorship of Christopher Lott

Hearing type: Review re transfer to Alameda County

Conservator: Sherry Lott

Conservator's counsel: Jennifer J. Lothert

At the time of the Court's review of this case on February 25, 2019, the file did not reflect that Conservator had taken the steps necessary for transfer of this case to Alameda County as outlined in the minute order dated February 1, 2019. Appearance required if the steps are not taken prior to the hearing.

## PR10949 Conservatorship of Frank Ziegenhein

Hearing type: Further hearing re third account and report of conservator; petition for

fees

Conservator: Mark Olson

Conservator's counsel: Jennifer J. Lothert

At the time of the Court's review of this case on February 25 2019, the file did not reflect that Conservator had filed any further pleadings as required at the hearing on January 4, 2019. Appearance required.

### PR11001 Estate of Laura Walker

Hearing type: Further review re inventory and appraisal Administrator: Tuolumne County Public Administrator

Administrator's counsel: County Counsel

At the time of the Court's review of this case on February 25, 2019, the file did not reflect that Administrator had filed an Inventory and Appraisal form. Appearance required if the form is not filed prior to the hearing.

Furthermore, as also stated in the minute order dated February 1, 2019, it appears the proposed order submitted by Administrator and filed on October 19, 2018, bears an incorrect date of death at item 2b. Administrator shall submit an amended proposed order of appointment that corrects this error, unless Administrator has evidence that the petition for probate filed on October 25, 2013, was incorrect as to Decedent's date of death. At the time of the Court's review of this case on February 25, 2019, the file did not reflect that Administrator had lodged an amended proposed order or filed information regarding Decedent's date of death as required.

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PR11003 LPS Conservatorship

Hearing type: Review re fifth accounting

Conservator: Tuolumne County Public Guardian

Conservator's counsel: County Counsel

At the time of the Court's review of this case on February 25, 2019, the file did not reflect that Conservator had filed the fifth accounting. Appearance required if it is not filed prior to the hearing.

PR11192 Estate of Howard K. Davis

Hearing type: Further hearing re report on status of administration (Prob. Code,

§ 12200)

Administrator: Kathy Anderson Administrator's counsel: Cynthia R. Hadell

The Court has read and considered the report filed on January 23, 2019, and the proof of service of notice of hearing filed on February 13, 2019. Appearance not required. The Court finds that notice of the hearing was given as required by law and that continuation of administration is in the best interests of the estate. The next review hearing pursuant to Probate Code section 12200 will be set for January 10, 2020, at 8:30 a.m.

PR11350 Estate of Tudie Casillas

Hearing type: Further hearing re amended petition for final distribution, compensation,

and reimbursement

Administrator: Linda M. Betti Administrator's counsel: Cynthia R. Hadell

The Court has read and considered the amendment filed on January 9, 2019, to the amended petition that was filed on November 7, 2018. The Court also has reviewed the assignments filed on January 17, 2019. These papers resolve all of the issues identified at the hearing on December 7, 2018, except the need for an accounting. Administrator requested that the Court dispense with the accounting requirement but presented no authority for such an order in the absence of waivers by all beneficiaries, which Administrator acknowledges have not been filed. In the absence of waivers or authority for dispensing with the accounting requirement, Administrator is required to file an accounting that includes a summary of account, a schedule reflecting charges in the form of Administrator's loans to the estate to cover the expenses for which she seeks reimbursement, a schedule of disbursements, a schedule of property on hand, and a schedule setting forth the proposed distribution. The accounting shall be filed as a supplement to the amended petition for final distribution. (See Cal. Rules of Court, rule 7.3, subd. (5) [defining "supplement"]; *id.*, rule 7.104, subd. (b) [requiring verification of supplement].)The hearing will be continued to March 29, 2019, at 8:30 a.m. Appearance not required on March 1, 2019.

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## PR11422 In the Matter of the Sandra Lee Special Needs Trust

Hearing type: Second and final account and report of successor trustee; petition for

trustee and attorney fees

Trustee: Mark E. Olson Trustee's counsel: Jennifer J. Lothert

The Court has preliminarily reviewed the pleading filed on February 1, 2019. Appearance required to address the following issues:

1. Sufficiency of notice of the hearing.

- 2. The procedural history of the case as recited in the instant pleading.
- 3. Differences between the assets on hand at the end of the last accounting period and the assets on hand at the beginning of the first accounting period covered by the instant pleading.
- 4. The need to present meaningful categories of services performed by Trustee in support of his request for fees.
- 5. The reference to a conservatorship case in counsel's request for fees.
- 6. The blank space on page 11, line 6, of the instant pleading.
- 7. Failure of Trustee and his counsel to comply with California Rules of Court, rule 1.201, subdivision (a)(1) with respect to papers attached to the instant pleading.

### PR11474 Conservatorship of Alice M. Moyle

Hearing type: Further review re inventory and appraisal

Conservator: Helen Moyle
Conservator's counsel: Jennifer J. Lothert

At the time of the Court's review of this case on February 25, 2019, the file did not reflect that Conservator had resolved the issues that were the subject of the hearing on January 25, 2019. Appearance required if there is no resolution prior to the hearing.

## PR11509 Conservatorship of Sigried Fountain

Hearing type: Further review re inventory and appraisal

Conservator: Teresa Barnhart

Conservators' counsel: Kimberly Sullivan Gray

The Court has reviewed the Inventory and Appraisal forms that were filed on January 24, 2019, and February 22, 2019, to correct the Inventory and Appraisal form filed on October 12, 2018. Correction was required by the minute order dated November 2, 2018. The form that was filed on January 24, 2019, using a fax-filing service was not signed by Conservator's counsel and was missing page 2 and all attachments. Both the January and February 2019 forms bear an incorrect date of appointment of Conservator; letters of conservatorship were not issued until March 9,

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2018, before which date the February 22, 2018, order appointing Conservator was not effective. Conservator shall file another Inventory and Appraisal form that corrects the form filed on February 22, 2019. The hearing will be continued to March 22, 2019, at 8:30 a.m. Appearance not required on March 1, 2019.

#### PR11510 Conservatorship of Gerald Fountain

Hearing type: Further review re inventory and appraisal

Conservator: Teresa Barnhart

Conservators' counsel: Kimberly Sullivan Gray

The Court has reviewed the Inventory and Appraisal form that was filed on January 24, 2019, to correct the Inventory and Appraisal form filed on October 12, 2018. Correction was required by the minute order dated November 2, 2018. The form that was filed on January 24, 2019, bears an incorrect date of appointment of Conservator; letters of conservatorship were not issued until March 9, 2018, before which date the February 22, 2018, order appointing Conservator was not effective. Conservator shall file another Inventory and Appraisal form that corrects the form filed on January 24, 2019. The hearing will be continued to March 22, 2019, at 8:30 a.m. Appearance not required on March 1, 2019.

## PR11522 Estate of Paul G. Barendregt

Hearing type: Further hearing re petition for final distribution and compensation

Executor: Gwen Barendregt Executor's counsel: James A. Gianelli

On February 21, 2019, the Court signed an order amending the order for probate dated May 25, 2018. This amended order was required by the minute order dated December 14, 2018, because the lost will and two lost codicils had not been attached to the order as required by Probate Code section 8223. Resolution of this issue allowed the Court to review the petition for final distribution.

The Court has read and considered the petition for final distribution filed on October 3, 2018, and the declaration filed on October 18, 2018. The petition cannot yet be granted due to the following issues:

- 1. The property descriptions in exhibit B do not comply with California Rules of Court, rule 7.651, subdivisions (b)(2) and (b)(3). Specifically, the description of the promissory note lacks a detailed description of the security interest, and the descriptions of real property lack the complete legal descriptions.
- 2. The provisions re distribution reference Executor's authority as trustee of the Family Trust pursuant to Decedent's will without acknowledging that the terms governing the Family Trust were modified by the first, second, and third codicils. (See petition ¶¶ 22, 24.)

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3. The terms of the testamentary trusts are not set forth in the petition, as required by local rule 5.18.0, subdivision (j).

Executor shall file an amendment to the petition that resolves these issues. (See Cal. Rules of Court, rule 7.3, subd. (4) [defining "amendment"]; *id.*, rule 7.104, subd. (a)(2) [requiring verification of amendment].) The hearing will be continued to March 22, 2019, at 8:30 a.m. Appearance not required on March 1, 2019.

## PR11553 Conservatorship of Hubert F. Leaycraft

Hearing types: (1) Further hearing re amended account and report of conservators

(2) Further hearing re petition for attorney fees and costs

Conservators: Diane L. Souders and Leland V. Souders, Jr.

Conservators' counsel: Michael R. Germain

The Court has read and considered the amended accounting filed on January 16, 2019, and the petition for attorney fees and costs filed on November 29, 2018. The Court raised some issues with these pleadings at the last hearing on February 1, 2019. At the time of the Court's review of this case on February 22, 2019, the file did not reflect that any further papers had been filed since the February 1, 2019, hearing. (The amendment and declaration filed on February 21, 2019, were not processed by the clerk's office until February 25, 2019, and were not timely filed for a hearing on March 1, 2019.)

Appearance required to address the following issues identified by the Court in its review of the pleadings filed on January 16, 2019, and November 29, 2018:

- 1. The need for a supplemental Inventory and Appraisal form listing the "unclaimed funds" Conservators received from the California State Controller's Office.
- 2. The need for various amendments to the narrative, summary of account, and/or accounting schedules related to the "unclaimed funds," a repayment to the estate of a non-estate expense, and the reissued royalty check.
- 3. The need for statements from Highland Springs Care Center.
- 4. Conservators' plan regarding the life-insurance policy.
- 5. The need for an amendment to address the correct value of the reissued royalty check, which is said to have different values at different places in the amended accounting.
- 6. The correct balance of the Edward Jones CDs as of the end of the accounting period.
- 7. The need to address whether bond is sufficient.
- 8. The additional filing fee incurred by the decision to file a petition for attorney fees and costs separate from the accounting.

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## PR11579 Estate of Barrett Kent Reiswig Grabow

Hearing type: Review re inventory and appraisal

Administrator: James A. Grabow Administrator's counsel: Gary P. Dambacher

At the time of the Court's review of this case on February 25, 2019, the file did not reflect that Administrator had filed an Inventory and Appraisal form. Appearance required if it is not filed prior to the hearing.

# PR11586 Estate of Delvin L. King

Hearing type: Review re inventory and appraisal

Executor: Stacey R. Chavez Executor's counsel: William J. Coffill

At the time of the Court's review of this case on February 25, 2019, the file did not reflect that Executor had filed an Inventory and Appraisal form. Appearance required if it is not filed prior to the hearing.

## PR11606 Estate of Mary Ann Marriott

Hearing type: Second amended petition for probate of will and letters testamentary

Petitioner: Wayne William Booth

Petitioner's counsel: None

The Court has read and considered the petition filed on February 6, 2019, which it interprets to be a second amended petition for probate of lost will and letters testamentary. (Previous petitions were filed on October 3, 2018, and December 10, 2018.) The following issues must be resolved before the second amended petition can be granted:

- 1. Proper proof of service of notice of the March 1, 2019, hearing must be filed. Petitioner failed to use mandatory Judicial Council form DE-121 for this purpose, instead using Judicial Council form DE-120.
- 2. Proof of publication of notice of the second amended petition must be filed. At the time of the Court's review of this case on February 25, 2019, the file did not reflect that proof of publication had been filed.
- 3. The proposed order appointing Petitioner as executor must have a copy of the lost will attached to it. (Prob. Code, § 8223.) Petitioner shall lodge either (1) a new proposed order with a copy of the will attached or (2) a copy of the will that can be attached to the proposed order that already is lodged in the file. If Petitioner chooses the second option,

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he shall clearly identify the purpose of the copy of the will submitted so that the clerk's office processes it correctly.

The hearing will be continued to April 5, 2019, at 8:30 a.m. in order to allow Petitioner time to address the above issues. Appearance on March 1, 2019, is not required, but Petitioner may appear if he has questions about the remaining issues.

PR11508 Guardianship of Jonathan S. Heitzenroder

Hearing type: Review re termination of guardianship by operation of law

Guardian: Alisha Morrow

Guardian's counsel: None

The guardianship terminated by operation of law on the former ward's eighteenth birthday. Appearance not required.