

PROBATE NOTES: Friday, April 12, 2019

These notes are not updated based on subsequent filings once they are posted.

PR10872 LPS Conservatorship

Hearing type: Further review re sixth accounting
Conservator: Tuolumne County Public Guardian
Conservator's counsel: County Counsel

At the time of the Court's review of this case on April 9, 2019, the file still did not reflect that the sixth accounting had been filed. Appearance required if it is not filed prior to the hearing.

PR11269 Estate of Maria de Jesus Wilcox

Hearing type: Further hearing re report on status of administration (Prob. Code, § 12200)
Administrator: Jessica Wilcox
Administrator's counsel: Scott Ward

At the time of the Court's review of this case on April 9, 2019, the file did not reflect that an updated report or a petition for final distribution had been filed. Appearance required if neither is filed prior to the hearing.

PR11357 LPS Conservatorship

Hearing type: Further review re second and final accounting
Conservator: Tuolumne County Public Guardian
Conservator's counsel: County Counsel

As also mentioned in the probate notes for the November 30, 2018, hearing and hearings since then, the Court is in receipt of the notice filed on April 26, 2018, that Conservatee died on April 21, 2018. At the time of the Court's review of this case on April 9, 2019, the file still did not reflect that the second and final accounting had been filed. Appearance required if it is not filed prior to the hearing.

PR11415 Estate of LaVerne A. Richmond

Hearing type: Report on status of administration (Prob. Code, § 12200)
Executor: Clay A. Richmond
Executor's counsel: William J. Coffill

At the time of the Court's review of this case on April 9, 2019, the file did not reflect that an updated report had been filed. Appearance required if neither an updated report nor a petition for final distribution is filed prior to the hearing.

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

Hearing type: Further hearing re 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 reviewed the amendments filed on March 1, 2019, and March 14, 2019, to the pleading filed on February 1, 2019. The Court still has not thoroughly reviewed the pleading filed on February 1, 2019, because the corrected schedules asserted to have been attached as exhibit 2 to the amendment filed on March 1, 2019, were not actually attached. Moreover, the proof of service of notice of hearing filed on March 14, 2019, is defective, as it lacks the date of mailing.

Regarding the request made in paragraph 1 of the amendment filed on March 1, 2019, the Court will order the information at issue redacted from exhibit 2 of the pleading filed on February 1, 2019, and will order that exhibit to be rescanned after redaction into the Court's document-management system. However, the Court also notes that the exhibit asserted to be attached to the amendment filed on March 1, 2019, was not actually attached.

While the categories of financial-management services provided in the amendment filed on March 14, 2019, assist the Court in evaluating the request for fees for those services, Trustee still has not similarly categorized the purposes of his various meetings, visits, and correspondence with the beneficiary, the beneficiary's family members, and "other professionals" totaling 32.9 hours. In the absence of such categorization or more meaningful descriptions of his services, several existing categories and amounts of fees appear to be inappropriate for a trustee who is not also a conservator of the person. Trustee may file additional information to assist the Court in its review of the fee request, along with the missing schedules, if he so chooses.

The hearing will be continued to May 31, 2019, at 8:30 a.m. Appearance not required on April 12, 2019.

PR11450 **Estate of Morris Melvin Rivard**

Hearing type: Further review re report on status of administration (Prob. Code, § 12200)
Executor: Richard G. Wight
Executor's counsel: Patrick B. Greenwell

The Court notes that the petition for final distribution was filed on April 5, 2019. The caption of the petition states it is set for hearing on May 3, 2019, but that date is not available for hearing this petition. Instead, the hearing will be set for May 10, 2019, at 8:30 a.m. Executor shall give notice of the May 10, 2019, hearing date.

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PR11521 Estate of Felix Mora

Hearing type: Review re report on status of administration (Prob. Code, § 12200)
Administrator: Katie S. Mora
Administrator's counsel: Jason G. Pink

At the time of the Court's review of this case on April 9, 2019, the file did not reflect that Administrator had filed a report or petition for final distribution. Appearance required if neither is filed prior to the hearing.

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

The Court has preliminarily reviewed the amendment filed on March 28, 2019, which lacks not only the signature of Executor's counsel but a signature line for him. Appearance required.

PR11533 Estate of Henry G. Neubaumer

Hearing type: Review re report on status of administration (Prob. Code, § 12200)
Executor: Grace Neubaumer
Executor's counsel: Jennifer J. Lothert

At the time of the Court's review of this case on April 9, 2019, the file did not reflect that Executor had filed a report or petition for final distribution. Appearance required if neither is filed prior to the hearing.

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
 (3) Further hearing re ex parte application for order increasing bond
Conservators: Diane L. Souders and Leland V. Souders, Jr.
Conservators' counsel: Michael R. Germain

The Court has reviewed the corrected final Inventory and Appraisal form filed on March 28, 2019, which resolves issues described in the minute order dated March 22, 2019.

The Court also has reviewed the supplemental Inventory and Appraisal form filed on March 28, 2019. While this form properly inventories the \$850 in "unclaimed funds" Conservators received on June 14, 2018, as addressed in the minute order dated March 22, 2019, the Court questions

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why it states at item 3 on page 1 that Conservators have inventoried and had appraised only a *portion* of the estate that has come to their knowledge or possession.

The Court has read and considered the “Second Supplement” filed on March 28, 2019, to the amended accounting filed on January 16, 2019. The Court preliminarily notes that the “Second Supplement” should have been titled an amendment, as it includes amended accounting schedules that are meant to supersede the schedules previously filed. The Court also requests that, in future accountings, when amended summaries of account or schedules are required, Conservators and their counsel file only the summaries and schedules that actually were amended and not refile the entire accounting to make isolated corrections. Specifically, in the instant case, Conservators were required to file only the following items as part of the instant supplement/amendment: an amended summary of account, a schedule of additional property received during the accounting period, and an amended schedule E (i.e., three pages). Substantively, the “Second Supplement” resolves the issues with the accounting that were described in the minute order dated March 22, 2019.

However, the amended schedule G included in the “Second Supplement” highlights a new issue. In this amended schedule G, Conservators claim a credit of \$961.92 “because of accounting rules only” and state there has been “[n]o actual loss to [the] estate.” (This credit also is reflected in the amended summary of account.) This is not the proper way to account for the balance of the CDs in the Edward Jones account as of the end of the accounting period. The Court questions whether fees or commissions have been paid in connection with the CDs. The Court notes a “Change in Value” of the Edward Jones account of -\$166.93 for the one-month period reflected on statement dated September 29 through October 26, 2018. Appearance required to address this issue.

The Court also has read and considered the supplement filed on March 28, 2019, to the petition for attorney fees and costs filed on November 29, 2018. The supplement seeks an additional \$1,170.00 in attorney fees for services between March 21 and March 27, 2019. The supplement brings counsel’s request for attorney fees for preparing the instant accounting and appearing at hearings thereon, as well as handling related impacts on the inventory and appraisal and bond amount, to a total of \$13,320.00. Reduction of this total amount, as well as reduction of the amount counsel seeks in cost reimbursement, will be discussed at the hearing.

Finally, the Court has read and considered the amended application for an order increasing bond that was filed on March 28, 2019. The Court questions why Conservators included the balance of cash in the blocked account when calculating bond. The Court also does not understand Conservators’ explanation of how they calculated probable annual gross income. The cost of recovery cannot be calculated until these other figures are determined. Appearance required to address calculation of the bond amount.

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PR10244 Guardianship of Marcus Hepburn, et al.

Hearing type: Review re Confidential Guardianship Status Report for Jamari
Guardians: Carol Anne Faia and Theodore Faia
Guardians' counsel: None

The Court has read and considered the report filed on April 3, 2019. Appearance not required. A review hearing re the next annual Confidential Guardianship Status Report for Jamari will be set for April 10, 2020, at 9:30 a.m.

PR10256 Guardianship of Kailey Marie Olson

Hearing type: Review re school enrollment
Guardian: Teresa Woody
Guardian's counsel: None

At the time of the Court's review of this case on April 9, 2019, the file did not reflect that Guardian had filed proof that the ward had been enrolled in school since the hearing on March 8, 2019. Appearance of Guardian required.

PR10483 Guardianship of Patrisha Lynn Trevino, et al.

Hearing types: (1) Further review re Confidential Guardianship Status Reports
 (2) Orders to show cause issued on April 3, 2019
Guardians: Randall and Rebecca Deaton
Guardians' counsel: None

Appearance of Guardians was required at the hearing on March 29, 2019, pursuant to the minute order dated March 8, 2019. Because Guardians failed to appear at the hearing, orders to show cause were issued on April 3, 2019. Appearance of Guardians is required at the hearing on April 12, 2019.

In addition, the Court hereby corrects the review hearings set by the minute order dated March 8, 2019, as follows: A review hearing re the next annual Confidential Guardianship Status Report for Harley will be set for February 7, 2020 (not March 6, 2020) at 9:30 a.m. A review hearing re termination of the guardianship of Jeremy by operation of law will be set for July 19, 2019, at 9:30 a.m.

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PR10781 Guardianship of Troy Burk

Hearing type: Review re Confidential Guardianship Status Report
Guardian: David Castner
Guardian's counsel: None

At the time of the Court's review of this case on April 9, 2019, the file did not reflect that the report had been filed. Appearance required if it is not filed prior to the hearing.

PR11025 Guardianship of Taven Barlow, et al.

Hearing type: Further review re Confidential Guardianship Status Reports
Guardian: Elizabeth Binion
Guardian's counsel: None

At the time of the Court's review of this case on April 9, 2019, the file still did not reflect that Guardian had filed the information missing from the reports that were filed on January 11, 2019, as required by the minute orders dated February 8, 2019, and March 8, 2019. Appearance required if the missing information is not filed prior to the hearing. Guardian may use Judicial Council form MC-030 (Declaration) to file the missing information.

The Court notes Guardian's compliance with the minute order dated March 11, 2019, requiring her to file and serve the wards' most recent report cards no later than March 15, 2019.

A review hearing re filing and service of the wards' final report cards no later than June 14, 2019, as also required by the minute order dated March 11, 2019, will be set for June 21, 2019, at 9:30 a.m.

PR11156 Guardianship of Samantha Johnson

Hearing type: Review re Confidential Guardianship Status Report
Guardian: Dorothea Ewing
Guardian's counsel: Jennifer J. Lothert

The Court has read and considered the report filed on March 28, 2019. Appearance not required. A review hearing re the next annual Confidential Guardianship Status Report will be set for April 10, 2020, at 9:30 a.m.

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PR11233 Guardianship of Jesse F. Gonzales

Hearing type: Review re Confidential Guardianship Status Report
Guardian: Vera Elliott
Guardian's counsel: None

The Court has read and considered the report filed on March 25, 2019. Appearance not required. A review hearing re the next annual Confidential Guardianship Status Report will be set for April 10, 2020, at 9:30 a.m.

PR11376 Guardianship of Nehemiah George Stofle

Hearing type: Further review re Confidential Guardianship Status Report
Guardians: Dorianne P. Stofle and Gary G. Stofle
Guardians' counsel: None

In response to the minute order dated March 8, 2019, Guardians lodged a copy of the ward's most recent report card on March 19, 2019. The Court will order the report card attached to the Confidential Guardianship Status Report filed on March 8, 2019. Appearance not required.

PR9094 Guardianship of Riley Carone Swack

Hearing type: Further review re Confidential Guardianship Status Report
Guardian: Linda Mae Sweet
Guardian's counsel: None

At the time of the Court's review of this case on April 9, 2019, the file did not reflect that Guardian had filed the information missing from the report that was filed on February 22, 2019, as required by the minute order dated March 8, 2019. Because the file also did not reflect that Guardian had been mailed a copy of that minute order, the hearing will be continued to May 3, 2019, at 9:30 a.m., and the clerk shall mail copies of the minute orders dated March 8, 2019, and April 12, 2019, to Guardian without delay.

PR9117 Guardianship of Riley D. Keaster

Hearing type: Review re Confidential Guardianship Status Report
Guardians: Bradley and Nina Keaster
Guardians' counsel: None

At the time of the Court's review of this case on April 9, 2019, the file did not reflect that the report had been filed. Appearance required if it is not filed prior to the hearing.

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PR10807 Guardianship of Leianna Rae Nattress

Hearing type: Further review re Confidential Guardianship Status Report
Guardian: Ernest Kirkpatrick
Guardian's counsel: None

The Court has reviewed the declaration filed on March 27, 2019, which addresses one of the pieces of information missing from the report filed on March 4, 2019, as described in the minute order dated March 15, 2019. Guardian still is required to file the information missing from items 4c, 4g, 4h, 5a, and 5b, all of which reference an attachment that was not actually attached to the report. Appearance required if the missing information is not filed prior to the hearing. Guardian may use Judicial Council form MC-030 (Declaration) to file the missing information.

PR11033 Guardianship of Brydin Vass

Hearing type: Further review re Confidential Guardianship Status Report
Guardians: John and Liliana Vass
Guardians' counsel: None

At the time of the Court's review of this case on April 9, 2019, the file did not reflect that Guardians had filed the information missing from the report that was filed on March 15, 2019, as required by the minute order dated March 15, 2019. Appearance required if the missing information is not filed prior to the hearing. Guardians may use Judicial Council form MC-030 (Declaration) to file the missing information.