



## Second/Final Check

Superior Court of California  
County of San Bernardino  
Probate Department

### **Probate Notes for Calendar Date: 10/03/18**

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](mailto: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.

09/12/18 lh; 09/28/18lh

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT **PROBATE**

-----  
DATE: 10/03/18 TIME: 9:30 DEPT: S35P  
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CASE#: PRO PS1500081

CASE NAME: MTR OF THE JVS TRUST

**SEE ALSO 2**

HEARING:

Accounting Review

COUNSEL:

FRED N SMITH  
THE JVS TRUST

(PET)...CLARISSA A DODD  
(TRU)...

**XREF: CONPS1700131** *MTR OF JIMMIE V SMITH*

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Accounting Review re Successor Trustee  
Fred N. Smith

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

1. On 02/18/18, Fred N Smith was appointed Successor Trustee of The JVS Trust originally established 11/23/93 by Jimmie V. Smith.
2. Matter set on 07/26/17, wherein, related case CONPS1700131 came on calendar. Court ordered PROPS1500081 related to CONPS1700131 and set accounting review to be heard with related matter.
3. **Need** accounting and status report.

RECOMMENDATION

Inquire status.

(lh)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: STANFORD E. REICHERT

**CONSERVATORSHIPS**

-----  
DATE: 10/03/18      TIME: 9:30      DEPT: S35P  
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CASE#: CON PS1700131

CASE NAME: MTR OF JIMMIE V SMITH

**SEE ALSO 1**

HEARING:

Accounting Review

COUNSEL:

FRED SMITH

(CPE)...JEANNE E KENNEDY

JIMMIE V SMITH

(CEP)...MITCHELL I ROTH

**XREF: PROPS1500081** *MTR OF THE JVS TRUST*

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Accounting Review re Fred Smith,  
Conservator

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

1. Fred Smith was appointed Conservator of the person and estate of Jimmie V. Smith on 07/26/17, \$120,000 bond.
2. Final Inventory and Appraisal filed.
3. **Need** accounting and status report.

RECOMMENDATION

Inquire status.

(lh)

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

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DATE: 10/03/18 TIME: 9:30 DEPT: S35P  
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CASE#: CON PS1700413

CASE NAME: DeChauncey DeRey Duncantell Turner Downtain

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR  
CONSERVATORSHIP of SHEILA DOWNTAIN

COUNSEL:

SHEILA DOWNTAIN	(CP )...OLIVER M RILEY
DECHAUNCEY DEREY DUNCANTELL	(CTP)...WALTER T. MOORE
KATHRYN FERGUSON	(CP )...OLIVER M RILEY

**XREF: CONPS1700417** *DECHAUNCEY DEREY DUNCANTELL TURNER*  
**CONPS1700418** *ALISON MICHELLE DOWNTAIN*

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Compliance Review

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

1. Sheila Downtain (mother) was appointed Conservator of the person on 02/28/18.
2. Notification of Conservatee's rights filed; however, attached proof of service indicates incorrect date of order. Question if Order dated 02/28/18 was served with Notice. Court to inquire.
3. Determination of Conservatee's Appropriate Level of Care filed.
4. **Need** Care Plan in accord with Pr. C. §2352.5.

RECOMMENDATION

Inquire status.

(lh)

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

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DATE: 10/03/18 TIME: 9:30 DEPT: S35P  
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CASE#: CON PS1700462

CASE NAME: MTR OF MOHKAM TUT

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR  
CONSERVATORSHIP of SURJIT TUT

COUNSEL:

SURJIT TUT	(CP )...PRO/PER
BALBIR TUT	(CP )...PRO/PER
MOHKAM TUT	(CTP)...
TANJINDER KAUR TUT	(CP )...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Compliance Review

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

1. Balbir Tut (father and Surjit Tut (mother) were appointed co-conservators of the person on 02/28/18.
2. Notification of Conservatee's rights per Pr. C. §1830(c) filed prematurely on 12/21/17 prior to appointment. **Need** proof of service of Notification to include service of Order entered 02/28/18.
3. **Need** a Determination of Conservatee's Appropriate Level of Care per Pr.C.§ 2352.5 (form GC-355).
4. Care Plan in accord with Pr. C. §2352.5 filed but not dated at signature. **JTD**

RECOMMENDATION

Inquire status.

(lh)

CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JAMES MICHAEL WELCH

**PROBATE**

-----  
DATE: 10/03/18      TIME: 8:30      DEPT: S36P  
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CASE#: PRO PS1300805

CASE NAME: Twana R. McCallon

HEARING:

Pet for final distribution & pet for order wving Account and Report of AURELL P CATER and Petition for allowance of fees

COUNSEL:

AURELL P CATER

(PET)...PRO/PER

TWANA R MCCALLON

(DEC)...

GENERAL INFORMATION:

Continued from 06/13/18 to file supplement to clear notes.

**Continued from 08/22/18. Counsel states verification is out for signature.**

THIS CASE IS SET FOR HEARING ON Petition for Order Waiving Account and for Final Distribution, and Petition for Fees by Aurell Cater, administrator

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

1. Assets on hand: \$0
2. Prior to retaining counsel, petitioner naively distributed the following assets without Court Order for distribution:
  - a. Real property in Victorville, CA, was distributed to all heirs as Tenants in Common; grant deed recorded 12/19/14;
  - b. 2005 Chrysler to all heirs;
  - c. 2000 Lexus ES 300 to all heirs;
  - d. Furniture, tools, and clothing to all heirs.
    - i. **Need** verified supplement clarifying individual distributions; copy of grant deed; and copy of title to vehicles.
    - ii. **Need** verified supplement with proposed distribution, including names and addresses of heirs receiving real property.
    - iii. Decedent was survived by issue, namely: Kevin McCallon, Elana McCallon, and Da'Sha McCallon. **Question** if any distributions were made to Clemmieten Jordan (mother) as it appears she is **not** entitled to intestate succession per Pr. Code §240? **Need verified supplement.**

3. **Need** statement regarding family or affiliate relationship between the fiduciary and any agent hired by the fiduciary. Pr. C. § 1064 (a)(4).
4. **Need** Notice of Hearing and Proof of Service as to Kevin McCallon, Elana McCallon, and Da'Sha McCallon.
5. All heirs waive accounting.
6. Petitioner waives statutory compensation.
7. Attorney was retained to "clean up" administration and requests a flat fee of **\$2,000** in lieu of statutory fee of \$5,210 to be paid by administrator. Calculated. **JTD**
8. Proposed order submitted 5/2/18 is missing distribution, including names and addresses of heirs; missing findings re sole and separate property.

**RECOMMENDATION:**

Need to clear notes #2-4 then Court's discretion. If approved, court to set hearing on filing of receipts and final discharge for **09/04/19**.

(lh)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JAMES MICHAEL WELCH

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DATE: 10/03/18      TIME: 8:30      DEPT: S36P  
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CASE#: PRO PS1500274

**VACATED**

CASE NAME: JOAN E CONLEY

HEARING:

Hearing re Final Discharge

COUNSEL:

EUGENE CONLEY

(PET)...PRO/PER

JOAN E CONLEY

(DEC)...



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

-----  
DATE: 10/03/18 TIME: 8:30 DEPT: S36P  
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CASE#: PRO PS1600365

CASE NAME: MTR OF CORNELIUS HOLLY

**SEE ALSO 4**

HEARING:

Petition for ORDR ALLOWING PURCHASE OF ESTATE PROPERTY BY  
ADMINISTRATOR

COUNSEL:

JUANA HOLLY	(PET)...	JAMES L HEYWOOD AND ASSOCIATES
CORNELIUS HOLLY	(DEC)...	
NEIL HOLLY	(MIN)...	
FAITH HOBBS	(MIN)...	
IVY HOLLY	(MIN)...	
SURETEC INSURANCE	(TP )...	

GENERAL INFORMATION

**Continued from 06/14/18.** Court appoints Attorney Walter Moor as guardian ad litem for minor heirs.

**Continued from 08/22/18. An updated Inventory and Appraisal is with the probate referee.**

THIS CASE SET FOR HEARING ON Petition to Allow Administrator to Purchase Property Pr.C. § 9883 by Juana Holly, former spouse/mother of minors.

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

1. Administrator Juana seeks to purchase the decedent's residence. Juana has reportedly resided in the property, with decedent's 3 minor children Neil 14, Faith 9 and Ivy 5, and paid the mortgage and expenses. Administrator seeks to purchase the real property for \$175,000; the value in which Inventory and Appraisal states at date of death on 03/08/16. **Reappraisal is pending. Need same.**
2. Pr.C. § 9881 requires consent of heirs; however, they are minors. Administrator seeks appointment of GAL.
3. No proposed order. Submit after hearing.

RECOMMENDATION

Inquire status.

(lc/lh)

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

-----  
DATE: 10/03/18 TIME: 8:30 DEPT: S36P  
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CASE#: PRO PS1600365

CASE NAME: MTR OF CORNELIUS HOLLY

**SEE ALSO 3**

HEARING:

Accounting Review

COUNSEL:

JUANA HOLLY	(PET)...	JAMES L HEYWOOD AND ASSOCIATES
CORNELIUS HOLLY	(DEC)...	
NEIL HOLLY	(MIN)...	
FAITH HOBBS	(MIN)...	
IVY HOLLY	(MIN)...	
SURETEC INSURANCE	(TP )...	

GENERAL INFORMATION

Continued from **05/14/18** to be heard with pending petition.

**Continued from 06/14/18 and 08/22/18 to file accounting.**

THIS CASE SET FOR HEARING ON Accounting review/Status.

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

1. Letters of Administration issued to Juana Holley, former spouse on 06/15/16, full authority, \$110,000.00 bond.
2. Final Inventory and Appraisal filed 09/26/16.
3. Previous status report approved on 11/13/17.
  - a. **Need** Order on status report submitted for signature.
4. **Need** accounting or status report.

RECOMMENDATION

Need to clear notes #3-4.

(ww/lh)

Superior Court of Calif, County of San Bernardino

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

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DATE: 10/03/18 TIME: 8:30 DEPT: S36P  
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CASE#: PRO PS1700026

CASE NAME: MTR OF PECOLIA MCFARLAND

**SEE ALSO 6, 7, 8, 9**

HEARING:

Hearing Re: First Amended Petition To Determine Title, etc

COUNSEL:

PENISHA MCFARLAND (PET)...MICHAEL C MADDUX  
PECOLIA MCFARLAND (DEC)...  
TONYA MICHAELS (PET)...PRO/PER  
MICHAEL MICHAELS (PET/OBJ)...MANSOUR LAW GROUP  
STATE OF CALIFORNIA FRANCHISE TAX BOARD (PRO/PER)

See notes on matter #8.

(lh)

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

-----  
DATE: 10/03/18 TIME: 8:30 DEPT: S36P  
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CASE#: PRO PS1700026

CASE NAME: MTR OF PECOLIA MCFARLAND

**SEE ALSO 5, 7, 8, 9**

HEARING:

Motion Re: NOTICE OF EXPARTE MOTION AND EXPARTE MOTION TO  
IMPOSE RENT ON TONYA MICHAELS ETC Filed by Petitioner PENISHA  
MCFARLAND

COUNSEL:

PENISHA MCFARLAND (PET)...MICHAEL C MADDUX  
PECOLIA MCFARLAND (DEC)...  
TONYA MICHAELS (PET)...PRO/PER  
MICHAEL MICHAELS (PET/OBJ)...MANSOUR LAW GROUP  
STATE OF CALIFORNIA FRANCHISE TAX BOARD (PRO/PER)

Waiver of Court Fees and Costs filed by PENISHA MCFARLAND, MICHAEL MICHAELS & TONYA  
MICHAELS is GRANTED

See notes on matter #8.

(lh)

Superior Court of Calif, County of San Bernardino

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

-----  
DATE: 10/03/18 TIME: 8:30 DEPT: S36P  
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CASE#: PRO PS1700026

CASE NAME: MTR OF PECOLIA MCFARLAND

**SEE ALSO 5, 6, 8, 9**

HEARING:

Petition for Ex Parte Verified And Request For An Order Establishing Tonya Michaels as Heir etc

COUNSEL:

PENISHA MCFARLAND (PET)...MICHAEL C MADDUX  
PECOLIA MCFARLAND (DEC)...  
TONYA MICHAELS (PET)...PRO/PER  
MICHAEL MICHAELS (PET/OBJ)...MANSOUR LAW GROUP  
STATE OF CALIFORNIA FRANCHISE TAX BOARD (PRO/PER)

Waiver of Court Fees and Costs filed by PENISHA MCFARLAND, MICHAEL MICHAELS & TONYA MICHAELS is GRANTED

See notes on matter #8.

(lh)

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

-----  
DATE: 10/03/18 TIME: 8:30 DEPT: S36P  
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CASE#: PRO PS1700026

CASE NAME: MTR OF PECOLIA MCFARLAND

**SEE ALSO 5, 6, 7, 9**

HEARING:

Petition for LETTERS OF ADMINISTRATION W/FULL IAEA

COUNSEL:

PENISHA MCFARLAND (PET)...MICHAEL C MADDUX  
PECOLIA MCFARLAND (DEC)...  
TONYA MICHAELS (PET)...PRO/PER  
MICHAEL MICHAELS (PET/OBJ)...MANSOUR LAW GROUP  
STATE OF CALIFORNIA FRANCHISE TAX BOARD (PRO/PER)

GENERAL INFORMATION

Letters of Special Administration issued to Penisha McFarland, daughter, on 01/31/17, no bond.

Continued from **03/21/17**. Michael Michaels to retain counsel and file a competing petition. Court amends powers of the Special Administrator and removes the right to evict and removes the power to evict or access bank accounts or sell real property. Bond required \$50,000. Court notifies the Public Administrator of possible appointment. No bond or competing petition filed as of the review of this matter.

Continued from **06/13/17** to be heard with competing petition.

Continued from **09/18/17** for matter to be heard by Judge Welch. Deadline of 11/03/17 for Counsel Maddux to file/serve supplement.

Continued from **11/27/17**. Matter is contested. Parties to attend mediation.

Continued from **01/24/18** and **03/21/18** at request of Counsel.

On **04/06/18** Letters of administration with full IAEA issued to the Public Administrator, no bond.

Continued from **04/30/18** on courts motion. Objections to be filed to the amended petition. Court advances the 05/24/18 hearing on the amended petition to today's date and continues it to 06/19/18.

**Continued from 06/26/18.**

**Continued from 08/21/18. Settlement reached. No further research needed.**

THIS CASE IS SET FOR HEARING ON

- Petition 1 Petition for Letters of Administration with full IAEA by **Penisha McFarland, daughter**

- Petition 2 Petition for Letters of Administration with full IAEA by ***Tonya and Michael Michaels, niece and nephew-in-law***

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

1. **Settlement Agreement filed 09/10/18. Does Court wish to ratify Settlement Agreement? JTD**

**Petitioner 1 Penisha McFarland, daughter**

2. Bond waived by Penisha McFarland (sole heir); Court has discretion to require bond per Pr. C. §8481(b). – **JTD**. General petition shows an estimated estate value of \$303,072, whereas Special petition alleges value unknown. Estate assets include real property. Court ordered \$50,000 bond as Special Administrator on 03/21/17; bond filed.
3. Final Inventory and Appraisal filed 10/10/17 showing all assets are real properties valued at a total of \$785,000.00
4. **Objections filed 03/13/17** by Michael Michaels.
5. **Reply to Objection filed 04/03/17** by Penisha McFarland.
6. **Objections filed 06/06/17** by Tonya Michaels.
7. **Objections and opposition to Penisha’s objections (Reply) filed 09/11/17;** however, need verification per Pr.C. § 1021. JTD.
8. **Objections to Creditor’s Claims and Final Appraisal by Tonya and Michael Michaels filed 11/15/17;** however, need verification and proof of service.
9. ~Proposed form Order: 04/03/17

**Petitioner 2 Tonya and Michael Michaels, niece and nephew-in-law**

10. Petitioner requests bond of \$50,000. Estate value is currently unknown and will be determined.
11. Section 5a2 is incomplete as to spouse’s status. Need verified supplement. (**Supp. 09/15/17**) does not indicate whether no spouse due to divorce, never married or if spouse is deceased. Need amended verified supplement. (**Supp. 11/15/17**) has the same issue as above. **Court may wish to clarify if decedent was ever married or if spouse is deceased. JTD**
12. Notice to Petition to Administer Estate and proof of service filed 06/08/17; however, section 10 is missing the names of the petitioners. Need corrected notice. (**Supp. 11/15/17**) **indicates that their names should be in section 10. (See note 12). JTD**
13. Notice of Petition to Administer Estate and proof of service filed on 11/15/17; however, section 3 is missing petitioners’ names and section 10 indicates that address and telephone of petitioners are “same as above” when the party information in the caption heading does not publish on the proof of publication. **Need** completed notice.
14. **Objection by Penisha McFarland, special administrator, filed on 06/29/17;** however, need verification by Penisha and proper proof of service of objections.
15. ~Proposed Form Order: 06/06/17

RECOMMENDATION

Court’s discretion re settlement agreement. Matter appears moot.

(lh/nb/lh/nb/ww/lh/ww/nb/lh)

Future Hearing: 06/13/19 Accounting Review *by PG*.

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

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DATE: 10/03/18 TIME: 8:30 DEPT: S36P  
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CASE#: PRO PS1700026

CASE NAME: MTR OF PECOLIA MCFARLAND

**SEE ALSO 5, 6, 7, 8**

HEARING:

Petition for DETERMINE TITLE TO REAL PROPERTY; OR IN THE  
ALTERNATIVE FOR UNJUST ENRICHMENT

COUNSEL:

PENISHA MCFARLAND	(PET)...MICHAEL C MADDUX
PECOLIA MCFARLAND	(DEC)...
TONYA MICHAELS	(PET)...PRO/PER
MICHAEL MICHAELS	(PET/OBJ)...MANSOUR LAW GROUP
STATE OF CALIFORNIA FRANCHISE TAX BOARD	(PRO/PER)

See notes on matter #8.

(lh)



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

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DATE: 10/03/18 TIME: 8:30 DEPT: S36P  
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CASE#: PRO PS1700405

CASE NAME: MTR OF RUTH E DENISON

HEARING:

Accounting Review

COUNSEL:

ROBERT BEATTY  
RUTH E DENISON

(PET)...SLOVAK BARON EMPEY MURPHY & PI  
(DEC)...

#### GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Accounting Review re Robert Beatty

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

1. Letters Testamentary with full authority issued to Robert Beatty on 08/15/17.
2. Final Inventory and Appraisal filed
3. **Need** accounting or status report.

#### RECOMMENDATION

Inquire status.

(lh)

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

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DATE: 10/03/18 TIME: 8:30 DEPT: S36P  
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CASE#: PRO PS1700431

CASE NAME: ANIL KUMAR TYAGI

HEARING:

Accounting Review

COUNSEL:

SYED SAJJAD HUSSAIN (PET)...UGO HARRIS P. EJIKE, ESQ.  
ANIL KUMAR TYAGI (DEC)...  
MICHAEL C MADDUX (SA )...MICHAEL C MADDUX  
NILESH NYAGI (MIN)...HORSPOOL & HORSPOOL  
STATE OF CA FRANCHISE TAX BOARD (TP )...PRO/PER

**XREF: CIVDS1502449** *HUSSAIN VS TAYAGI*

**GARPS1700256** *NILESH TYAGI*

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Accounting Review

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

1. Michael C Maddux appointed administrator; no bond.
2. Final Inventory and Appraisal filed 02/26/18.
3. **Need** accounting and status report.

RECOMMENDATION

Inquire status.

(lh)

Future Hearings:

01/03/19 Petition to Determine Title to Real Property Located at 7415 Via Deldene  
01/03/19 Readiness Calendar  
01/03/19 Petition for Probate Code 850  
01/14/19 Petition to Determine Title to Real Property Located at 7415 Via Deldene  
01/14/19 Petition for Probate Code 850  
01/14/19 Court Trial for Supplemental Petition for Probate

Superior Court of Calif, County of San Bernardino

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

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DATE: 10/03/18 TIME: 8:30 DEPT: S36P  
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CASE#: PRO PS1700449

CASE NAME: MTR OF RITA J JACKSON

HEARING:  
Accounting Review

COUNSEL:  
RITA L JACKSON (PET)...DAVID E JACOBS  
RITA J JACKSON (DEC)...

**CCP170.6 filed as to Judge TARA REILLY,**

#### GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Accounting Review re Rita L. Jackson

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

1. Letters Testamentary with full authority issued to Rita L. Jackson (daughter) on 08/08/17.
2. Final Inventory and Appraisal filed 09/05/17.
3. **Need** accounting and status report.

#### RECOMMENDATION

Inquire status.  
(lh)

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

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DATE: 10/03/18 TIME: 8:30 DEPT: S36P  
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CASE#: PRO PS1700844

CASE NAME: MTR OF GRACE L ASHPAUGH

HEARING:  
Petition for Order Confirming Estate Asset

COUNSEL:  
MICHAEL K WEINSTEIN (PET)...SUSANNA T KINTZ  
GRACE L ASHPAUGH (DEC)...

Currently under review by legal research.

(LR)

Notice is not proper. **Need** amended Notice of Hearing to include the following information:

Probate Code section 851 was amended [eff. Jan. 1, 2018] and contains a new subdivision (c) which requires the Notice of Hearing to include:

- (1) a description of the property, and for real property mandates the notice state the street address or, if none, a description of the property's location and assessor's parcel number;
- (2) a description of relief sought pursuant to Section 859 if applicable; and
- (3) a statement advising any interested person that he or she may file a response.

(lh)

Future Hearing: 1/22/18 Accounting Review

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

-----  
DATE: 10/03/18 TIME: 8:30 DEPT: S36P  
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CASE#: PRO PS1800434

CASE NAME: Connie Morris

**SEE ALSO 15, 20, 37**

HEARING:

Petition for letters of admin w/ full IAEA

COUNSEL:

REGINA RIECK (PET)...JAMES L HEYWOOD AND ASSOCIATES  
CONNIE MORRIS (DEC)...  
KENNETH MORRIS (PET)...J. DAVID HORSPOOL

**XREF: CONPS1800206** NICHOLAS MORRIS

**TRUPS1800143** NICHOLAS MORRIS

GENERAL INFORMATION

Continued from **06/13/18**. Nicholas Morris to file written objections and competing petition.

**Continued from 08/22/18.**

THIS CASE SET FOR HEARING ON

**Petition #1** for Letters of Administration with full authority under IAEA by Regina Rieck (sister)

**Petition #2** for Letters of Administration with full authority under IAEA by Kenneth Morris (brother)

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

- 1. Note: A third competing petition by Carol Haas was filed 09/17/18. Court to trail this matter to 10/30/18 to be heard with competing petition.**

Petition #1 by Regina Rieck (sister)

2. Petitioner requests bond but did not specify amount. Suggested bond \$167,500 based on \$40,000 in personal property and remaining in real property. **JTD**
3. Petitioner alleges decedent's only child and sole heir, Nicholas Morris, lacks capacity to act as administrator, and further alleges she will be filing a petition for conservatorship for Nicholas Morris. See x-ref matters.

4. Proof of publication with Lucerne Valley Leader filed 06/11/18. However, decedent resided in Phelan, CA, which is not located in the general circulation of newspaper. **Need proper publication and proof of same per Pr. C. §8121.**
5. No proposed Order submitted.

Petition #2 by Kenneth Morris (brother)

6. Petitioner requests minimum bond of \$20,000. Estate consists of \$12,000 in personal property, and remaining in real property which generates rental income of \$1,100 per month. Funds in excess of \$20,000 to be placed in blocked account in lieu of bond. **JTD**
7. Petitioner was nominated by Nicolas Morris, sole heir/son. It has not been determined whether Mr. Morris lacks capacity. Nomination attached. [Petition, 7/12/18, LFpg8]. See x-ref matters. **JTD**
8. Proposed Order: 07/12/18

**RECOMMENDATION**

**Trail to 10/30/18 to be heard with petition by Carol Haas.**

Need to clear note #4. Court's discretion re bond. If approved, set Accounting/Status Review for **12/11/19**. Any accounting to be filed 30 days in advance local rule 20-901. Note requirements of local rule 20-908.

(lh)

*Future hearing date: 10/30/18 – Petition for Letters of Administration by Carol Haas*

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

-----  
DATE: 10/03/18 TIME: 8:30 DEPT: S36P  
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CASE#: PRO PS1800434

CASE NAME: Connie Morris

**SEE ALSO 14, 20, 37**

HEARING:

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

COUNSEL:

REGINA RIECK	(PET)...	JAMES L HEYWOOD AND ASSOCIATES
CONNIE MORRIS	(DEC)...	
KENNETH MORRIS	(PET)...	J. DAVID HORSPOOL

**XREF: CONPS1800206** *NICHOLAS MORRIS*

**TRUPS1800143** *NICHOLAS MORRIS*

See notes on prior matter #14.

(lh)

Superior Court of Calif, County of San Bernardino

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

-----  
DATE: 10/03/18 TIME: 8:30 DEPT: S36P  
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CASE#: PRO PS1800550

CASE NAME: MTR OF DAVID S HULL

**SEE ALSO 16A, 16B**

HEARING:

Motion Re: motion to stay proceedings pending resolution of  
trust matter Filed by Petitioner CHARLENE GOSNEY

COUNSEL:

DEANNE MILLER (PET)...ARTHUR H. LAMPEL  
DAVID S HULL (DEC)...  
CHARLENE GOSNEY (PET/OBJ)...LEWIS RILEY LLP

Waiver of Court Fees and Costs filed by DEANNE MILLER is GRANTED

**XREF: TRUPS1800088** *The Hull Revocable Trust*

Currently under review by legal research.

(LR)



Superior Court of Calif, County of San Bernardino  
Page: 16A add-on  
CIVPRO San Bernardino District  
PROBATE/CONSERVATORSHIP CALENDAR  
HONORABLE: JAMES MICHAEL WELCH

-----  
DATE: 10/03/18 TIME: 8:30 DEPT: S36P  
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CASE#: PRO PS1800550

CASE NAME: MTR OF DAVID S HULL

**SEE ALSO 16, 16B**

HEARING:

Petition for LETTERS OF ADMINISTRATION W/FULLIAEA  
COUNSEL:

DEANNE MILLER (PET)...ARTHUR H. LAMPEL  
DAVID S HULL (DEC)...  
CHARLENE GOSNEY (PET/OBJ)...LEWIS RILEY LLP

Waiver of Court Fees and Costs filed by DEANNE MILLER is GRANTED

**XREF: TRUPS1800088** *The Hull Revocable Trust*

#### GENERAL INFORMATION

**Continued from 07/19/18.** Objector Charlene Gosney to file competing petition and written objections by 08/13/18 to be heard on 09/20/18.

**Continued from 09/20/18 to be heard with motion for stay set for 10/03/18.**

#### THIS CASE SET FOR HEARING ON

- Petition 1 - Petition for Letters of Administration with full authority under IAEA by **Deanne Miller, sister.**
- Petition 2 - Petition for Probate, Letters Testamentary with Full Authority under IAEA by **Charlene Gosney, niece/successor Trustee.**

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

##### **Petitioner 1 - Deanne Miller, sister**

1. Petitioner alleges she is sole heir and waives bond. Net estate value is \$195,000 of which \$5,000 is personal property.
2. Notice of related case filed 06/14/18 indicating **TRUPS1800088** Hull Revocable Trust Elder Abuse matter.
3. **Objections filed by Charlene Gosney on 08/13/18. Need** proof of service.
4. No proposed order submitted.

##### **Petitioner 2 - Charlene Gosney, niece/successor Trustee.**

5. Will waives bond. Net estate value is \$37,000 in personal property. Court for good cause could require bond per Pr.C. § 8481(b).
6. **Need** receipt of original lodged will.

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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](mailto:ProbateNotes@sb-court.org) for clarification of the notes only - no legal or procedural advice will be given.

7. The will conditionally incorporates decedent's Trust. **Supp filed 09/18/18 with Certification of Trust.** Does Court also wish to require a copy of decedent's Trust? **JTD**
8. No Proposed Order submitted.

#### RECOMMENDATION

Matter is contested, need to clear notes 3, 6. Petitioner 2 appears to have higher priority as named executor. If approved, set Accounting/Status Review for **12/11/19**. Any accounting to be filed 30 days in advance local rule 20-901. Note requirements of local rule 20-908.

(lc/lh)

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

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DATE: 10/03/18 TIME: 8:30 DEPT: S36P  
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CASE#: PRO PS1800550

CASE NAME: MTR OF DAVID S HULL

**SEE ALSO 16, 16A**

HEARING:

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

COUNSEL:

DEANNE MILLER	(PET)...ARTHUR H. LAMPEL
DAVID S HULL	(DEC)...
CHARLENE GOSNEY	(PET/OBJ)...LEWIS RILEY LLP

Waiver of Court Fees and Costs filed by DEANNE MILLER is GRANTED

**XREF: TRUPS1800088** *The Hull Revocable Trust*

*See notes on prior matter #16A.*

*(lh)*

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HONORABLE: JAMES MICHAEL WELCH

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DATE: 10/03/18 TIME: 8:30 DEPT: S36P  
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CASE#: PRO PS1800776

CASE NAME: GINA MENDOZA CALVERO

HEARING:

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

COUNSEL:

RICARDO A CALVERO (PET)...NICKOLAUS F. FREY  
GINA MENDOZA CALVERO (DEC)...

#### GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Letters of Administration with full authority under IAEA by Ricardo A. Calvero, nominee

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

1. All heirs waive bond. Estimate estate assets valued at \$238,600. **JTD**
2. No proposed order submitted.

#### RECOMMENDATION

RFA, Court's discretion. If approved, set Accounting/Status Review for **12/11/19**. Any accounting to be filed 30 days in advance local rule 20-901. Note requirements of local rule 20-908.

(lh)

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

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DATE: 10/03/18 TIME: 8:30 DEPT: S36P  
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CASE#: PRO PS1800786

CASE NAME: MTR OF WILLIAM DAVID ARMSTEAD

HEARING:

Spousal Property Petition hearing.

COUNSEL:

CATHERINE ARMSTEAD (PET)...CHRISTOPHER L CARPENTER  
WILLIAM DAVID ARMSTEAD (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Spousal Property Petition by Catherine Armstead

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

1. Petitioner, Catherine Armstead, seeks court determine that decedent's half transfers to petitioner without administration.
2. Decedent owned a 1/8 interest in real property as her sole and separate property. Petitioner as spouse is entitled to a 1/3 share of decedent's 1/8 interest in real property. However, surviving issue have signed consents and assignments allocating their interest to petitioner. Assignments attached. [Petition, 8/17/18, LFpgs7-8].
3. Notice is complete.
4. ~Proposed Form Order: 08/17/18

RECOMMENDATION:

Court's discretion.

(lh)

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

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DATE: 10/03/18 TIME: 8:30 DEPT: S36P  
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CASE#: PRO PS1800840

CASE NAME: Nancy Marie Gasway

HEARING:  
Spousal Property Petition hearing.

COUNSEL:  
LLOYD K GASWAY (PET)...FULLERTON LEMANN SCHAEFER & DO  
NANCY MARIE GASWAY (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Spousal Property Petition by Lloyd Gasway,  
spouse

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

1. Petitioner, Lloyd Gasway, seeks court determine that decedent's half transfers to petitioner without administration.
2. Petitioner alleges he and Decedent were married for 65 years. No legal proceedings were ever initiated to terminate marriage. Property was purchased by parties approximately 35 years ago with community assets and title was held jointly. Although petitioner created an estate plan, Decedent was in late stages of dementia and lacked capacity to approve changes to her 50% share of property.
3. Notice is complete.
4. ~Proposed Form Order: 08/29/18

RECOMMENDATION:

Court's discretion.

(lh)

Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JAMES MICHAEL WELCH **TRUSTS**

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DATE: 10/03/18 TIME: 8:35 DEPT: S36P  
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CASE#: TRU PS1800143

CASE NAME: The Matter of Nicholas Morris

**SEE ALSO 14, 15, 37**

HEARING:

Petition for proposed action to establish a special needs trust

COUNSEL:

REGINA RIECK (PET)...JAMES L HEYWOOD AND ASSOCIATES  
THE MATTER OF NICHOLAS MORRIS (TRU)...

**XREF: PROPS1800434** *CONNIE MORRIS*

**CONPS1800206** *NICHOLAS MORRIS*

Currently under review by legal research.

(LR)

Notice

Need Notice of Hearing and proof of service as to Nicholas Morris, Carol Haas, Bill Beres, and Kenneth Morris per Pr. C. §2581.

(lh)

Superior Court of Calif, County of San Bernardino

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

-----  
DATE: 10/03/18 TIME: 8:35 DEPT: S36P  
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CASE#: TRU PS1800164

CASE NAME: DONALD R. ERGIS REVOCABLE TRUST 10/06/2010

HEARING:

Petition for TO REMOVE TRUSTEE DUE TO BREACH OF FIDUCIARY DUTIES  
TO COMPEL

COUNSEL:

LINDA NURSEMENT (PET)...HORSPPOOL & HORSPPOOL  
DONALD R. REGIS REVOCABLE TRUST (TRU)...

Currently under review by legal research.

(LR)

Notice

Need Notice of Hearing and Proof of Service as to named beneficiary, Michael Regis (grandson), per Pr. C. §170203.

(lh)



CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JAMES MICHAEL WELCH

**CONSERVATORSHIPS**

-----  
DATE: 10/03/18      TIME: 9:30      DEPT: S36P  
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CASE#: CON PS0700044

CASE NAME: MTR OF MELISSA DAYTON

**SEE ALSO 23**

HEARING:

Hearing Re: SUCCESSOR TRUSTEE'S ACCOUNT

COUNSEL:

JEANNE DAYTON	(CPE)...	JAMES BRUCE MINTON
MELISSA DAYTON	(CEP)...	
JEAN DAYTON	(CPE)...	JAMES L HEYWOOD
SHERRI L KASTILAHN	(PET)...	
JAMES BRUCE MINTON	(CPE)...	JAMES BRUCE MINTON
THE MELISSA DAYTON SPECIAL NEEDS TRUST (TRU)...		
JAMES BRUCE MINTON	(PET)...	JAMES L HEYWOOD
JEANNIE DAYTON	(PET)...	TAYLOR I TURNER

See notes on next matter #23.

(lh)

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

-----  
DATE: 10/03/18 TIME: 9:30 DEPT: S36P  
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CASE#: CON PS0700044

CASE NAME: MTR OF MELISSA DAYTON

**SEE ALSO 22**

HEARING:

First Account and Report of THE MELISSA DAYTON SPECIAL NEEDS TRUST and Petition for allowance of fees filed.

COUNSEL:

JEANNE DAYTON	(CPE)...	JAMES BRUCE MINTON
MELISSA DAYTON	(CEP)...	
JEAN DAYTON	(CPE)...	JAMES L HEYWOOD
SHERRI L KASTILAHN	(PET)...	
JAMES BRUCE MINTON	(CPE)...	JAMES BRUCE MINTON
THE MELISSA DAYTON SPECIAL NEEDS TRUST (TRU)...		
JAMES BRUCE MINTON	(PET)...	JAMES L HEYWOOD
JEANNIE DAYTON	(PET)...	TAYLOR I TURNER

GENERAL INFORMATION:

**Continued from 08/22/18 to file verified supplement.**

THIS CASE IS SET FOR HEARING ON First Account and Report; Petition for Approval and Fees by James L. Hey wood, Successor Trustee

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

1. Accounting period: 08/09/15 to 12/05/17
2. Assets on hand: \$168,220.68; for \$136,317.06 in cash and remaining in vehicle.
  - a. Copies of financial statements attached; however, **need** current statements or letter from financial institution verifying current assets on hand per Local Rule 20-908.
3. Petitioner alleges there is a \$5.00 discrepancy between charges and credits due to an apparent clerical error in numbers. Does Court wish to deem de minimis? **JTD**
4. Trustee authorized two vacations and expenses for Melissa Dayton (beneficiary/conservatee) during accounting period to visit a friend of the Conservator/Caregiver. Melissa must be accompanied by

- Conservator/Caregiver when she travels; thus, travel costs of Conservator were included in disbursements. [Acct, 7/18/18, LFpg15]. **JTD**
5. Schedule S Disbursements include monthly expenses to ADT security systems which appears to include initial fees of \$840.40, plus monthly service fees of \$52.99 per month; also, monthly payments made to Frontier for landline/cable/ internet at \$75-\$197.05 per month for the residence in which Conservatee resides. Court to determine whether Conservatee should pay all or a portion of services. [Acct, 07/18/18, LFpgs4-5; 18]. **JTD**
  6. Various credit cards are used to pay for Conservatee's expenses which incur high interest monthly charges. There are several late charges for missed credit card payments totaling \$89, an NSF fee for returned check of \$35, monthly credit card services charges of \$12-15.50 per month, and Bank of America Annual fee for \$100.50 paid 04/19/16. Question if credit cards are in the name of the Trust? Court to inquire and determine liability for fees. [Acct, 7/18/18, LFpgs15-20]. **JTD**
  7. Schedule C Disbursements include payments to Conservator Jeannie Dayton (\$700) and Kristy Dayton (\$2,230) for respite care.
    - a. Question if there was Court authorization for payment to Conservator? **Need** verified supplement and itemization of services.
    - b. **Need** verified declaration from caregiver to confirm dates of service, performance of services and that payment has been received per Local Rule 20-1406(c).
  8. Petitioner requests trustee/attorney fees of **\$10,193.85** for 37.45 hours at \$180-\$280 per hour. Itemized. [Acct, 07/18/18, LFpg30]. **JTD**
    - a. **Need** verified supplement with separate subtotals at different hourly rates for trustee and attorney work.
  9. **Need** Notice of Hearing and Proof of Service as to Sherri Kastilahn.
  10. Court fixed \$210,000 bond as to prior trustee, James Bruce Minton; however, it does not appear bond was addressed in Order Appointing Successor Trustee, James Heywood entered 08/11/18. **Court may wish to require bond of \$185,000. JTD**
  11. CI Report last filed 07/28/15. **JTD**
  12. No proposed Order submitted.

**RECOMMENDATION:**

Need to clear notes #2; #7-9 then Court's discretion. If approved, set Accounting/Status Review for **02/06/19 (if one year) or 02/05/20 (if two years)**. Any accounting to be filed 30 days in advance local rule 20-901. Note requirements of local rule 20-908.

(lh)

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

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DATE: 10/03/18 TIME: 9:30 DEPT: S36P  
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CASE#: CON PS0700199

CASE NAME: FERNANDO ARELLANO(Master File)

HEARING:  
Petition for Appointment of Conservator

COUNSEL:  
GUADALUPE ARELLANO (CP)...RICK GAXIOLA, ESQ.  
FERNANDO ARELLANO (CTP)...KARIN HORSPOOL

**XREF: CONPS1700125** *FERNANDO ARELLANO*

#### GENERAL INFORMATION

**On 10/09/07**, Court appointed Guadalupe Arellano Conservator of the Person of Fernandez Arellano.

**On 06/04/15**, Court ordered case transferred to Riverside County.

**Continued from 08/15/18. Matter continued for supplemental report to be filed by Court Investigator.**

THIS CASE SET FOR HEARING ON Petition for Appointment of Limited Conservator person only by Guadalupe Arellano, mother

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

1. It appears petitioner, Guadalupe Arellano (mother), was previously appointed conservator of the person on 10/09/07; matter transferred to Riverside County on 06/04/15. Petitioner and Conservatee now reside in Fontana, CA. Question if there is still an open Conservatorship in Riverside County? If so, need Order for transfer from Riverside County. Court to inquire.
2. Petitioner seeks orders related to powers per Pr. C. §2351.5 to fix residence, access confidential records, limit right to contract. **JTD**
3. Proposed conservatee's civil rights not be limited without court order.
4. Petitioner seeks medical powers. Capacity Declaration filed 07/10/18.
5. Proposed conservatee is developmentally disabled. **Report of Counsel Sandy Turner filed 08/22/18.**
6. Proposed conservatee is developmentally disabled. **IRC report filed 08/13/18.**
7. CI Report filed 07/25/18. **Need supplemental CI Report.**

8. **Need** return of Citation.
9. **Need** Certificate of Completion of the Conservatorship Training Class.
10. ~Proposed Form Order: 07/10/18

#### RECOMMENDATION

Court to first determine if Conservatorship is still active in Riverside.

Need to clear notes #7-9. If approved, set hearing for Compliance Review for **05/08/19** 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.

(lh)

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

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DATE: 10/03/18 TIME: 9:30 DEPT: S36P  
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CASE#: CON PS0900174

CASE NAME: DANIEL MICHAEL PINKSTON

HEARING:

Hearing Re: Transfer to Riverside County

COUNSEL:

BERTHA A PINKSTON (CP)...PRO/PER  
DANIEL MICHAEL PINKSTON (CTP)...SHERRI L KASTILAHN  
JEFF L PINKSTON (CP)...PRO/PER

GENERAL INFORMATION

**Continued from 06/27/18. Receipt of Transfer to Riverside is needed.**

THIS CASE IS SET FOR HEARING ON Transfer to Riverside County

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

1. Betha Pinkston was appointed limited conservator of the person on 11/12/09; Jeff L. Pinkston was appointed limited co-conservator of the person of Daniel Michael Pinkston on 04/19/10.
2. Matter set on Court's own motion on 5/31/18 upon review of Court Investigator memo filed 05/11/18 as conservator now resides in Riverside County.
3. **Need** receipt of Notice of Transfer to Riverside County.

RECOMMENDATION

Need receipt of transfer.

(lh)

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

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DATE: 10/03/18 TIME: 9:30 DEPT: S36P  
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CASE#: CON PS1500050

CASE NAME: Glen William Heymans

**SEE ALSO 27, 28, 29**

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR  
CONSERVATORSHIP of CHARMAINE GONZALEZ

COUNSEL:

CHARMAINE GONZALEZ	(PET)...G STEVEN GACKLE
JASON HEYMANS	(PET)...G STEVEN GACKLE
GLEN WILLIAM HEYMANS	(CEE)...MATTHEW E. SHEASBY

#### GENERAL INFORMATION

**Continued from 2/4/16, 03/07/16, 06/06/16, 09/08/16, 01/11/17, 04/05/17 and 07/12/17.** A status is needed as well as Inventory and Appraisal. Counsel represents that conservatee was released and not currently incarcerated. Counsel Sheasby to contact Conservator's Counsel Steven Gackle to discuss this matter. Counsel Sheasby to appear on 10/04/17.

**Continued from 10/04/17.** Court and counsel confer on the record. Court continues matter; Mr. Sheasby to file a report regarding the information provided to Court this date. Notice waived.

**Continued from 12/06/17.** Court ordered Attorney G Steven Gackle and his clients, Charmaine Gonzales and Jason Heymans, to personally be present at the next hearing. Notice given by Judicial Assistant.

**Continued from 01/31/18.** Oral report given by Attorney G. Steven Gackle. Counsel states that no contact has been made with conservatee.

**Continued from 05/02/18.** Attorney Sheaby to provide written report regarding status of other pending matters.

**Continued from 08/01/18.**

THIS CASE SET FOR HEARING ON Compliance Review/Accounting Review

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

1. Charmaine Gonzalez and Jason Heymans, daughter and son, appointed conservators of the person and estate on 07/02/15, \$20,000 bond.
2. Conservatee's rights, Care Plan and Level of Care forms filed.
3. **Need** final Inventory & Appraisal per Pr.C.§2610.
4. **Need** accounting.
5. **Need** proof of service of Inventory & Appraisal including Instructions for Objection per Pr.C.§2610.
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

Need to clear notes #3-5. Inquire status of report re pending matters.

(lc/ds/dl/lc/lh)

Future Hearings:



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

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DATE: 10/03/18 TIME: 9:30 DEPT: S36P  
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CASE#: CON PS1500050

CASE NAME: Glen William Heymans

**SEE ALSO 26, 28, 29**

HEARING:

Hearing Re: CONFIRMATION OF TRANSFER TO RIVERSIDE COUNTY

COUNSEL:

CHARMAINE GONZALEZ	(PET)...G STEVEN GACKLE
JASON HEYMANS	(PET)...G STEVEN GACKLE
GLEN WILLIAM HEYMANS	(CEE)...MATTHEW E. SHEASBY

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON CONFIRMATION OF TRANSFER TO RIVERSIDE COUNTY

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

1. Matter set on 08/01/18, wherein, parties agreed to advance the 08/20/18 hearing on motion to transfer venue. Court granted motion to transfer venue to Riverside County. **Need order after hearing.**
2. **Need** receipt of transfer from Riverside County.

RECOMMENDATION

Need receipt of transfer from Riverside.

(lh)

Superior Court of Calif, County of San Bernardino

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

-----  
DATE: 10/03/18 TIME: 9:30 DEPT: S36P  
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CASE#: CON PS1500050

CASE NAME: Glen William Heymans

**SEE ALSO 26, 27, 29**

HEARING:

Accounting Review

COUNSEL:

CHARMAINE GONZALEZ	(PET)...G STEVEN GACKLE
JASON HEYMANS	(PET)...G STEVEN GACKLE
GLEN WILLIAM HEYMANS	(CEE)...MATTHEW E. SHEASBY

See notes on prior matter #26.

(lh)

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

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DATE: 10/03/18 TIME: 9:30 DEPT: S36P  
-----

CASE#: CON PS1500050

CASE NAME: Glen William Heymans

**SEE ALSO 26, 27, 28**

HEARING:

Probate status report filed.

COUNSEL:

CHARMAINE GONZALEZ	(PET)...G STEVEN GACKLE
JASON HEYMANS	(PET)...G STEVEN GACKLE
GLEN WILLIAM HEYMANS	(CEE)...MATTHEW E. SHEASBY

GENERAL INFORMATION

Continued from **01/31/18, 05/02/18 and 08/01/18.**

THIS CASE IS SET FOR HEARING ON Status Report by Matthew Sheasby

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

1. Report of appointed counsel Matthew Sheasby filed 12/06/17 indicates an unlimited Fraud case, case number 1469580 was filed in Superior Court of Santa Barbara on 11/10/14 is an effort to recover funds from Mr. Heyman's ex-girlfriend. The case has since been dismissed as of 10/05/15.
2. Counsel alleges he has been unable to obtain a copy of the records in time to complete report, and further alleges he has been unable to locate any other defendants to recover additional funds which may have been taken from Mr. Heymans.

RECOMMENDATION

Court's discretion.

(lh)

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

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DATE: 10/03/18 TIME: 9:30 DEPT: S36P  
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CASE#: CON PS1500095

CASE NAME: Hsuehju Sheu

HEARING:

First Account and Report of SOLOMON C CHEN and Petition for allowance of fees

COUNSEL:

SHARON HSIANGYUAN CHEN	(PET/OBJ)...HARTNELL LAW GROUP
HSUEHJU SHEU	(CEP/PCE)...MARK J. FLORY
SOLOMON C CHEN	(PET)...FIDUCIA LEGAL
MITCHELL I ROTH	(PET)...MITCHELL I ROTH

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON First Account Current and Report of Conservator and Petition for Attorney's Fees and Reimbursement

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

1. Accounting review: 04/07/17 to 07/31/18
2. Assets on hand: \$224,194.95, cash
3. Attorney requests compensation of **\$67,177.50** for 114/16 hours at \$250 per hour, plus 140.1 hours at \$275 per hour, which includes anticipated 5 hours to notice parties and attend hearing. [Acct, 08/22/18, LFpg 33-45]. **JTD**
4. Petitioner waives compensation.
5. Petitioner requests reimbursement of \$21,335.72. Itemized. [Acct, 8/22/18, LFpg26-30]. **JTD**
6. Current bond: \$335,500. Petitioner requests bond reduction to \$152,000 after payment of attorney's fees and reimbursement. **Supp filed 09/25/18 with calculation. JTD**
7. **Need** Notice of Hearing and Proof of Service as to Mark J. Flory.
8. No proposed order submitted. Submit after hearing.

RECOMMENDATION:

Need to clear notes #7 then Court's discretion. If approved, court to set accounting review for **09/25/19**.

(lh)

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

-----  
DATE: 10/03/18 TIME: 9:30 DEPT: S36P  
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CASE#: CON PS1500356

CASE NAME: MTR OF AMANDA J NEWMAN

**SEE ALSO 32, 33**

HEARING:

Hearing Re: Amended petition for proposed action for SNT

COUNSEL:

CLAUDIA J NEWMAN (CEP)...JAMES L HEYWOOD  
AMANDA J NEWMAN (OBJ)...CALDWELL, KENNEDY & PORTER, A.

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON **AMENDED** [filed 08/20/18] Petition for Proposed Action to Create SNT, 1<sup>st</sup> Account Current and Report of Conservator; Petition for Reimbursement of Costs Pr.C. §§ 2580, 2640 by Claudia Newman, Mother.

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

1. Claudia Newman appointed Conservator of person and estate on **12/05/16**, no bond.
2. Assets on hand \$1,245.44 and remainder of assets TBD.
3. Accounting period 11/30-10 to 12/16/11 provided for "informational purposes." However, **need amended accounting with proper accounting period to begin as of date of appointment on 12/05/16 per Pr. C. §2620.**
4. **Need** final Inventory and Appraisal.
5. Schedule B1 disbursements reflect \$83,170.22 in transfers comingled with Conservator's Chase Checking Account ending in x4214. Disbursements reflected on LFpgs57-63 include payments for remodel and multiple purchases at various merchandisers without description of purchases.
6. Petitioner intends to replace the 1998 Chevrolet van with a 2017 Toyota Sienna that will be modified to meet Conservatee's needs which will be reflected in SNT accounting. See Attachment C for estimates. [Amended Acct, 08/20/18, LFpg40. **JTD**
7. Petitioner waives compensation as Conservator.
8. Petitioner requests reimbursement of costs advanced totaling **\$3,375** for retainer and \$875 for paralegal fees for initial pleadings. **JTD**
9. Attorney Roberta Taylor requests reimbursement of costs totaling **\$491**. Itemized [Acct. 08/20/18, LFpg34]. **JTD**

10. Attorney Roberta Taylor requests fees of \$9,320 for 37.5 hours at \$120/300 per hour, less retainer of \$2,500, leaving a balance due of **\$6,730**. Itemized [Acct. 08/20/18, LFpgs30-33]. **JTD**
  - a. **Need** verified supplement with qualifications of paralegals per requirements of CRC 7.703(e)(1)(c) which show the completion of mandatory continuing education per Business & Professions Code 6450(d).
11. Attorney James Heywood was substituted as attorney on 07/19/17. Attorney Heywood requests compensation of **\$4,816** for 17.2 hours at \$280 per hour. However, request for fees is not included in prayer. **Need** verified supplement.
12. Attorney Heywood's services include 2 hours for amended accounting and 1 hour for revised SNT. However, there do not appear to be any significant changes in the amended accounting or proposed SNT, other than providing the Summary of Account on proper mandatory forms and inclusion of Attorney Heywood's fees for services. There are substantial uncured deficiencies previously noted in prior accounting. See notes on next matter #33. **Does Court wish to deem this amended accounting as a supplement? JTD**
13. **Petition to create SNT shall be filed separately.**
14. **Need** notice of hearing and proof of service for Department of Health Services, Director of State Hospitals, Director of Developmental Services, Rose C. Rosado, GAL, per Pr.C. §§ 3604(a)(2), 3602(f), and 3611(c); and relatives per Pr.C. § 2621.
15. No proposed order submitted.

#### RECOMMENDATION

Need to file amended accounting; clear notes 3-4; 10-14. Accounting to be filed 30 days in advance per Local Rule 20-901. Note requirements of Local Rule 20-908.

(lh)

Superior Court of Calif, County of San Bernardino

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

-----  
DATE: 10/03/18 TIME: 9:30 DEPT: S36P  
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CASE#: CON PS1500356

CASE NAME: MTR OF AMANDA J NEWMAN

**SEE ALSO 31, 32**

HEARING:

Accounting Review

COUNSEL:

CLAUDIA J NEWMAN (CEP)...JAMES L HEYWOOD  
AMANDA J NEWMAN (OBJ)...CALDWELL, KENNEDY & PORTER, A.

See notes on prior matter #31.

(lh)

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

-----  
DATE: 10/03/18 TIME: 9:30 DEPT: S36P  
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CASE#: CON PS1500356

CASE NAME: MTR OF AMANDA J NEWMAN

**SEE ALSO 31, 32**

HEARING:

PTN FOR PROPOSED ACTN TO ESTABLISH SNT, FIRST Account and Report of CLAUDIA J NEWMAN and Petition for allowance of fees

COUNSEL:

CLAUDIA J NEWMAN (CEP)...JAMES L HEYWOOD  
AMANDA J NEWMAN (OBJ)...CALDWELL, KENNEDY & PORTER, A.

#### GENERAL INFORMATION

Continued from 06/21/17 to clear probate notes. Judge requests legal research review SNT petition.

**Continued from 07/26/17.** Attorney Heywood just subbed in as attorney

**Continued from 09/27/17** to clear probate notes.

**Continued from 12/13/17.** Court will allow the SNT petition to be filed within the Conservatorship. An amended accounting is to be filed.

**Continued from 03/14/18** at request of Counsel for accounting to be filed.

**Continued from 05/16/18** to clear notes. Accounting review set for 07/25/18.

**Continued from 08/22/18. No appearance. Matter continued to 10/03/18.**

THIS CASE SET FOR HEARING ON Petition for Proposed Action to Create SNT, 1<sup>st</sup> Account Current and Petition for Reimbursement of Costs Pr.C. §§ 2580, 2640 by Claudia Newman, Mother.

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

1. Claudia Newman appointed Conservator of person and estate on 12/05/16, no bond.
2. Assets on hand \$1,245.44 and remainder of assets TBD.
3. Accounting period 11/08/10 – 12/08/11 [stated in summary pg34]. However, report states 11/30/10 – 12/16/11. **Need** corrected accounting.
4. **Need** final Inventory and Appraisal.
5. It is unclear why the accounting period starts prior to appointment. **Need** accounting beginning at appointment.
6. Summary of account and schedules are not on mandatory Judicial Council forms GC-400/SUM/GC-400/405. **Need** to file amended accounting.



7. Attorney requests fees of \$9,320 for 37.5 hours at \$120/300 per hour, less retainer of \$2,500, leaving a balance due of \$6,730. Itemized [Acct. 04/14LFpg56-64]. Need qualifications of paralegals per requirements of CRC 7.703(e)(1)(c) which show the completion of mandatory continuing education per Business & Professions Code 6450(d). **Need** verified supplement.
8. Petitioner requests reimbursement of costs advanced totaling \$3,375 for retainer and \$875 for paralegal fees for initial pleadings. JTD
9. Attorney requests reimbursement of costs totaling \$491. Itemized [Acct. 04/14LFpg64]. JTD
10. **Objections by Conservatee's GAL, Rose Rosado, filed on 05/24/17.**

#### RECOMMENDATION

Need to file amended accounting; clear notes 3-7. Accounting to be filed 30 days in advance per Local Rule 20-901. Note requirements of Local Rule 20-908.

(lc/ww/lc/lh)

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

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DATE: 10/03/18 TIME: 9:30 DEPT: S36P  
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CASE#: CON PS1700355

CASE NAME: MTR OF NOSHEEN AHMAD

**SEE ALSO 35**

HEARING:

Petition for TO REIMBURSE CONSERVATORS FOR SERVICES AND REIMBURSE THEM FOR MONIES ETC

COUNSEL:

FARZANA AHMAD	(CPE)...BROCK & ROBINSON
RIZWAN AHMAD	(CPE)...BROCK & ROBINSON
NOSHEEN AHMAD	(CEP)...MITCHELL I ROTH

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition to Reimburse Conservators; to Purchase a Vehicle; to Authorize Payment of Expenses; to Complete Application for Medi-Cal; to Pay Attorney's Fees, by Farzana Ahmad and Rizwan Ahmad, Co-Conservators

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

1. Petitioners, Farzana and Rizwan Ahmad, were appointed co-conservators of the person and estate with \$473,000 bond.
2. Attorney E. Lawrence Brock requests fees of \$6,545 for 18.7 hours at \$350 per hour for attorney services, plus \$625 for 5 hours at \$125 per hour for paralegal services, totaling **\$7,170**. Itemized. [Petition, 08/17/18, LFpg14-16] **JTD**
3. Petitioners request Court to approve monthly payments of **\$7,061.25** to conservators for services and needs of Conservatee. **JTD**
4. Petitioners request reimbursement of expenses of \$7,061.25 for care at home, rent, and general needs. Itemized. [Petition, 8/17/18, LFpg12]. **Need** verified supplement itemizing care services totaling \$4,180.
5. Petitioner request Court approval to apply for Medi-Cal, and to pay for services of Medi-Cal assistant in qualifying Conservatee for Medi-Cal. However, no amount is specified. **Need** verified supplement clarifying requested services and cost to hire a consultant.
6. Petitioners request reimbursement for purchase of Honda Odyssey van to transport Conservatee totaling \$38,711.82. **Need** verified supplement with copy of purchase agreement.

7. Notice was given.
8. No proposed order submitted.

#### RECOMMENDATION

Need to clear notes #4-6 then Court's discretion.  
(lh)

Future Hearing: 1/22/19 Accounting Review

Superior Court of Calif, County of San Bernardino

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

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DATE: 10/03/18 TIME: 9:30 DEPT: S36P  
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CASE#: CON PS1700355

CASE NAME: MTR OF NOSHEEN AHMAD

**SEE ALSO 34**

HEARING:

Petition for ESTABLISH SPECIAL NEEDS TRUST

COUNSEL:

FARZANA AHMAD	(CPE)...BROCK & ROBINSON
RIZWAN AHMAD	(CPE)...BROCK & ROBINSON
NOSHEEN AHMAD	(CEP)...MITCHELL I ROTH

Waiver of Court Fees and Costs filed by NOSHEEN AHMAD is GRANTED

Future Hearing: 1/22/19 Accounting Review

Currently under review by legal research.

(LR)

Notice is complete.

(lh)

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

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DATE: 10/03/18 TIME: 9:30 DEPT: S36P  
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CASE#: CON PS1700364

CASE NAME: BRANDON YEPEZ

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR  
CONSERVATORSHIP of MARIA GUADALUPE PONCE

COUNSEL:

MARIA GUADALUPE PONCE (CPE)...PRO/PER  
BRANDON YEPEZ (CTP)...JEANNE KENNEDY

GENERAL INFORMATION

**Continued from 08/08/18. Notice given by Judicial Assistant.**

THIS CASE IS SET FOR HEARING ON Compliance Review

1. Maria Guadalupe Ponce, mother, was appointed Conservator of the person on 01/04/18.
2. **Need** Notification of Conservatee's rights per Pr. C. §1830(c).
3. **Need** a Determination of Conservatee's Appropriate Level of Care per Pr.C.§ 2352.5 (form GC-355).
4. **Need** Care Plan in accord with Pr. C. §2352.5.

RECOMMENDATION

Inquire status.

(lh)

Superior Court of Calif, County of San Bernardino

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

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DATE: 10/03/18 TIME: 9:30 DEPT: S36P  
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CASE#: CON PS1800206

CASE NAME: Nicholas Morris(Master File)

**SEE ALSO 14, 15, 20**

HEARING:

Hearing Re: PTN FOR TEMPORARY CONSERVATORSHIP BY K MORRIS

COUNSEL:

REGINA RIECK (CPE)...JAMES L HEYWOOD AND ASSOCIATES  
NICHOLAS MORRIS (CEP)...  
KENNETH MORRIS (CTE)...J. DAVID HORSPOOL

**XREF: PROPS1800434** *CONNIE MORRIS*

**TRUPS1800143** *NICHOLAS MORRIS*

No notes-Petition for Temporary Petition. **JTD**

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

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DATE: 10/03/18 TIME: 9:30 DEPT: S36P  
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CASE#: CON PS1800255  
CASE NAME: CRISTIAN D. TAGLE

HEARING:  
Petition for Appointment of Conservator

COUNSEL:

ERLANDA TAGLE	(PET)...PRO/PER
DELFINO TAGLE RIVERA	(PET)...PRO/PER
CRISTAN D TAGLE	(CEE)...WALTER T. MOORE

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Appointment of Limited Conservator person only by Erlanda Tagle and Delfino Tagle Rivera, parents

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

1. Petitioner seeks orders related to powers per Pr. C. §2351.5 to fix residence, access confidential records, limit right to contract. **JTD**
2. Proposed conservatee's civil rights not be limited without court order.
3. Petitioner seeks medical powers. Capacity Declaration filed 08/23/18; however, missing physician's initials at item 7b. **Need completed form.**
4. Proposed conservatee is developmentally disabled. **Need** report of appointed counsel, Walter Moore.
5. Proposed conservatee is developmentally disabled. **Need** IRC report.
6. **Need** return of citation.
7. **Need** Certificate of Completion of the Conservatorship Training Class.
8. **Need** Notice of Hearing and Proof of Service.
9. CI Report filed 09/10/18.
10. ~Proposed Form Order: 08/23/18

RECOMMENDATION

Need to clear notes #3-8. If approved, set hearing for Compliance Review for **05/08/19** 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. (lh)

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](mailto: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

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DATE: 10/03/18 TIME: 1:30 DEPT: S36P  
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CASE#: CON PS1300058

CASE NAME: \*\*\*MF MTR OF ANTHONY GALINDO\*\*\*.

**SEE ALSO 40**

HEARING:

Hearing Re: Payment Plan

COUNSEL:

ISMARY DIAZ-GALINDO	(CPE)...MORAN AND MORAN, LLP
ANTHONY GALINDO	(CEP/OBJ)...WALTER T. MOORE
ISMARY DIAZ-GALINDO	(CPE)...HORSPOOL & HORSPOOL
ISMARY DIAZ-GALINDO	(CPE)...HORSPOOL & HORSPOOL
TAMORA SUE GALINDO	(PET)...JACK B. OSBORN
TAMORA GALINDO	(CPE)...MARK J. ANDREW FLORY

**XREF: CIVDS1405052** GALINDO -V- ADAN, ET AL

GENERAL INFORMATION

Continued from **06/04/18**.

**Continued from 07/30/18.**

THIS CASE SET FOR HEARING ON Payment Plan

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

1. Matter set on 05/23/18 at the Motion re: Set aside attorney fee order.
2. Court denied the motion by Anthony Galindo, conservatee.
3. Parties agree that a payment plan can be put into place for the \$16,000.00 in attorney fees due to Ismary Diaz (Galindo) for counsel, Moran and Moran, LLP.
4. **Memorandum of Points and Authorities in support of attorney's fees and costs by Moran and Moran, LLP filed 06/11/18. Referred to legal research for review.**
  - a. Petitioner Ismary Diaz (Galindo) is requesting that she be awarded an additional \$2,000.00 for having to respond to Respondent's merit less motion. [LF pg. 4] JTD
5. **Reply to Memorandum of Points and Authorities in support of attorney's fees and costs by Joyce Holcomb filed 07/20/18. Referred to legal research for review.**



## RECOMMENDATION

Inquire status of payment plan then Court's discretion.  
(ww/lh)

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

-----  
DATE: 10/03/18 TIME: 1:30 DEPT: S36P  
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CASE#: CON PS1300058

CASE NAME: \*\*\*MF MTR OF ANTHONY GALINDO\*\*\*.

**SEE ALSO 39**

HEARING:

First Account and Report of TAMORA SUE GALINDO and Petition for allowance of fees

COUNSEL:

ISMARY DIAZ-GALINDO	(CPE)...MORAN AND MORAN, LLP
ANTHONY GALINDO	(CEP/OBJ)...WALTER T. MOORE
ISMARY DIAZ-GALINDO	(CPE)...HORSPOOL & HORSPOOL
ISMARY DIAZ-GALINDO	(CPE)...HORSPOOL & HORSPOOL
TAMORA SUE GALINDO	(PET)...JACK B. OSBORN
TAMORA GALINDO	(CPE)...MARK J. ANDREW FLORY

**XREF: CIVDS1405052** GALINDO -V- ADAN, ET AL

GENERAL INFORMATION:

**Continued from 06/04/18.** Supplement to be filed to clear the probate notes.

**Continued from 07/30/18.**

THIS CASE IS SET FOR HEARING ON First and Final Account and Petition for Fees by Tamora Galindo, former spouse.

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

1. Accounting period: 08/11/16-10/24/17, however, successor conservator Tamora Galindo was appointed as temporary conservator of the person and estate on 08/02/16 therefore accounting period should begin as of that date. Court may wish to inquire if any assets were received prior to 08/11/16. **JTD**
2. Assets on hand: \$26,571.67 of which \$21,799.65 in cash and the balance in furniture.
3. Current bond is \$40,000.00. Sufficient.
4. Petitioner does not request compensation but reserves the right to request it at a later time. [LF, pg. 4]. **JTD**
5. Attorney Flory requests fees in the amount of \$16,075.00. Billed at 77.70 hours at \$125-350/hour for paralegal and attorney time respectively. Itemized. [LF, pgs. 37-52]. **JTD**

6. Attorney's Flory requests reimbursement of \$435.00 for advancement of fees on 05/16/17. [LF pg.5] **JTD**
7. Attorney Joyce Holcomb was appointed to represent conservatee in the dissolution matter. She requests fees of \$6,601.00 of which \$6,000.00 is the retainer fee and the balance of \$601.00 in services at a varying rates between \$160/410/hr for paralegal and attorney time respectively; however, **Need** declaration or verified supplement totaling total time for paralegal and attorney time during the accounting period. [LF pgs. 22-35]
  - a. **Need** verified supplement re: qualifications of paralegals that meet the requirements of CRC 7.703(e)(1)(c) which requires a showing of completion of mandatory continuing education per Business & Professions Code 6450(d).
8. Schedule C- Disbursements indicates on 01/12/17 a retainer and initial deposit of \$1,030.00. **Need** verified supplement clarifying who payment was made to. [LF. pg 13]
9. **Need** verified supplement regarding where conservatee resided during the accounting period and residential facility statements per Local Rule 20-1406(a).
10. Petitioner indicates an unusual expenditure on 07/14/17 of \$20,603.17 to Ismary Diaz-Galindo as part of the settlement of the dissolution between herself and the conservatee. [LF pg. 3]
11. Petitioner requests that Court authorize and confirm that the conservatee's 2005 Honda ATV that was not included on the prior Inventory & Appraisal or accounting be gifted to conservatee's son, Trace Galindo, and for authorization to sign whatever documents are necessary to transfer title. [LF pg. 6] **JTD**.
12. Notice given.
13. Proposed Order: 04/25/18 accounting period date should begin with 08/02/16, date of hearing is incorrect, Attorney Flory's fee amount in body of order item #5 doesn't match prayer item 4.

**RECOMMENDATION:**

Need to clear notes 7-9 then Court's discretion. If approved, Court to set next Accounting Review on **02/25/19**.

(ww/lh)

CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

**PROBATE**

-----  
DATE: 10/03/18      TIME: 8:30      DEPT: S37P  
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CASE#: PRO PS1400078

CASE NAME: Petrica Simon Lucian Vaduva

HEARING:

Hearing Re: STATUS REPORT & ACCOUNTING

COUNSEL:

NICOLE MARIE VADUVA

(PET)...ROBERT A KRASNEY

PETRICIA SIMON LUCIAN VADUVA

(DEC)...MITCHELL I ROTH

#### GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Status Report and Accounting by Mitchell Roth, Administrator/GAL

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

1. Matter set on 09/06/17, wherein, Court granted Petition for Payment of Attorney's Fees to Guardian Ad Litem and for Preliminary Distribution and set for filing of status report and/or accounting.
2. **Need** Accounting or Status Report by Mitchell Roth, Administrator and GAL, for minors: Felicia; Lorena; Laura; and Aura Vaduva.

#### RECOMMENDATION

Inquire status.

(lh)

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

-----  
DATE: 10/03/18 TIME: 8:30 DEPT: S37P  
-----

CASE#: PRO PS1400418

CASE NAME: MTR OF JOHN ROBLES

HEARING:

Accounting Review

COUNSEL:

NORA R PEREZ	(PET)...TREVOR D MARTIN
JOHN ROBLES	(DEC)...
HELEN IBARRA	(TP )...PRO/PER
JOBEY O'LEARY	(PRISCILLA C SOLARIO)

#### GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Accounting Review re Nora Perez

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

1. Letters Testamentary issued 07/03/14 to Nora Perez, daughter.
2. Court approved Fourth Report on Status of Administration on 03/28/18.
3. **Need** final Inventory and Appraisal.
4. **Need** accounting and status report.

#### RECOMMENDATION

Inquire status.

(lh)

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

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DATE: 10/03/18 TIME: 8:30 DEPT: S37P  
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CASE#: PRO PS1600188

CASE NAME: MARIA ALCALA

HEARING:

Petition for Final Distribution on Waiver of Account

COUNSEL:

DOMINGO GONZALEZ (PET)...PRO/PER  
MARIA ALCALA (DEC)...  
DEPT OF HEALTH CARE SRVCS (TP )...

GENERAL INFORMATION:

Continued from **02/14/18** at request of Court. Josefina Ortega's estate to be set up.  
**Continued from 06/27/18. No appearance. Court orders Domingo Gonzalez to be present at next hearing. Notice given by Judicial Assistant.**

THIS CASE IS SET FOR HEARING ON Waiver of First and Final Account and Report  
Petition for Distribution by Domingo Gonzalez, nephew/administrator

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

1. Assets on hand: \$150,000, real property only
2. Petitioner waives statutory compensation.
3. Josefina Alcala Ortega, decedent's sister, is the sole heir who post-deceased decedent.
  - a. It appears real property is not valued under \$150,000 and does not qualify for succession; **need verified supplement** with corrected proposed 100% distribution to the administrator of Josefina Alcala Ortega's estate.
  - b. Teresa Arreola, daughter/alleged sole heir of Josefina Ortega, purportedly assigns her 100% interest to Domingo Gonzalez. However, no assignment of interest is attached; furthermore, first need Court order authorizing distribution to Estate of Josefina Ortega.
4. Department of Healthcare Service filed a Creditor's Claim for \$35,037.64 on 01/31/18 with Request for Special Notice. **Need verified supplement clarifying status of claim.**
5. Proposed order submitted 10/25/17 distributes to Domingo Gonzalez.

**RECOMMENDATION:**

Inquire status of Estate of Josefina Ortega.

Need to clear notes #3-4, then Court's discretion. If approved, court to set hearing on filing of receipts and final discharge for **10/16/19**.

(lh)

Superior Court of Calif, County of San Bernardino

Page: 4

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

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DATE: 10/03/18 TIME: 8:30 DEPT: S37P  
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CASE#: PRO PS1600698

CASE NAME: JAMES M COOPER

**SEE ALSO 5**

HEARING:

Petition for allowance of community property reimbursement

COUNSEL:

DONNA COOPER (PET)...MAUREEN MURATORE  
JAMES M COOPER (DEC)...

Currently under review by legal research.

(LR)



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

-----  
DATE: 10/03/18 TIME: 8:30 DEPT: S37P  
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CASE#: PRO PS1600698

CASE NAME: JAMES M COOPER

**SEE ALSO 4**

HEARING:

FIRST AND FINAL Account and Report of DONNA COOPER and Petition  
for allowance of fees filed.

COUNSEL:

DONNA COOPER (PET)...MAUREEN MURATORE  
JAMES M COOPER (DEC)...

GENERAL INFORMATION:

Continued from **06/13/18**. Supplement filed in Courtroom. Issue of community property and separate property needs to be determined in a separate noticed petition.

**Continued from 09/05/18 at request of Counsel to trail another hearing set.  
Notice to be given by Ms. Muratore.**

THIS CASE IS SET FOR HEARING ON First and Final Account and Report; Petition for Allowance of Community Property Reimbursement; Fees; and Final Distribution by Donna Cooper, administrator/spouse

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

1. Assets on hand: \$181,824.09, cash
2. Statutory fees of **\$7,198**, each, requested by attorney and administrator. Calculated.
3. Petitioner requests reimbursement of **\$3,726.04** for advanced costs related to filing fees, taxes, and preparing property for sale. Itemized. [Acct, 4/25/18, LFpg20].
4. Petitioner alleges estate consists entirely of *separate property* of decedent; however, also alleges a *community property* interest in real property, "the Wildwood property," the sole asset of the estate. As such, petitioner is seeking court order confirming a community property interest of \$140,616 and approving payment to petitioner for \$70,308.50 as reimbursement for one-half of community property per the *Moore-Marsden* rule.
5. Petitioner requests reserve of \$5,000. Note: if approved, need informal account/declaration for reserves per Local Rule 20-911 prior to filing ex parte petition for final discharge.

6. Notice was given.
7. ~Proposed order submitted 04/25/18 subject to approval of reimbursement of community property interest.

**RECOMMENDATION:**

Court's discretion. If approved, court to set hearing on filing of receipts and final discharge to include informal account re reserves for **10/16/19**.

(lh)

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

-----  
DATE: 10/03/18 TIME: 8:30 DEPT: S37P  
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CASE#: PRO PS1600749

CASE NAME: PATRICK E FERREE

HEARING:

First and Final Account and Report of CASSANDRA L FERREE and  
Petition for allowance of fees

COUNSEL:

CASSANDRA L FERREE	(PET)...WILLIAM J BRUNICK
PATRICK E FERREE	(DEC)...
FERREE MINORS	(MIN)...PRO/PER

**XREF: GARPS1800250** MTR OF CARALINE ELIZABETH FERREE

GENERAL INFORMATION:

Continued from **04/03/18** at request of Counsel. Court will approve statutory fees and reimbursement costs as requested. Counsel reports there is little equity left in property, and guardianship of the estate may need to be filed.

**Continued from 06/27/18 to clear probate notes. Notice to be given by Jeanne Kennedy.**

THIS CASE IS SET FOR HEARING ON First and Final Account and Petition for Fees by Administrator, Cassandra L. Ferree ["Petitioner" spouse].

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

1. Accounting period 05/22/16 to 11/30/17.
2. Assets on Hand \$220,000 consisting of real property.
3. Petitioner waives compensation.
4. Attorney requests statutory fees of \$7,602.11. Calculated.
5. Attorney requests reimbursement of costs advanced of \$1,526.00. Itemized.
6. Report by GAL, Jeanne E. Kennedy, filed 12/21/16.
7. Petitioner alleges the estate consists entirely of the community property of the decedent and Petitioner, his spouse. Petitioner further alleges that all property was acquired during their marriage; was acquired from the community earnings of both of them; even though the decedent always took title in his own name as his sole and separate property.

8. **Supplement filed 06/06/18** amends proposed distribution of one-third, each, to Cassandra L. Ferree (petitioner), Caraline E. Ferree and Madeline L. Ferree (daughters).
  - a. *Petitioner alleges she is in the process of becoming guardian of the estate of minors. See x-ref matter.*
9. **Objections filed by GAL, Jeanne E. Kennedy, on behalf of minors, asserting distribution should be made to petitioner and surviving issue at one-third each.**
10. **Response to Objections by Cassandra L. Ferree filed.**
11. Proposed Order 01/19/18 erroneously indicates petitioner has full powers.

RECOMMENDATION:  
Court's discretion re objections.

(nb/lh)

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

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DATE: 10/03/18 TIME: 8:30 DEPT: S37P  
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CASE#: PRO PS1600799

CASE NAME: MTR OF RICHARD HENRY ELLISON (MASTER FILE)

HEARING:

Accounting Review

COUNSEL:

VANCE L JOHNSON (PET)...PRO/PER  
RICHARD HENRY ELLISON (DEC)...  
LAWRENCE L ELLISON (PET/OBJ)...NICHOLAS SCHOUTEN  
NAJMAH T LEE (PET)...NICHOLAS SCHOUTEN  
INHERITANCE FUNDING COMPANY

GENERAL INFORMATION

Continued from **03/14/18**. Waiting for signature of person out of the country to clear probate notes.

**Continued from 06/27/18 at request of Counsel. Accounting will be filed next week.**

THIS CASE IS SET FOR HEARING ON Accounting Review

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

1. Letters of Administration were issued to Lawrence L. Ellison and Najmah T. Lee on 01/17/17 with full authority and no bond.
2. Final Inventory and Appraisal filed 06/21/18.
3. No accounting or status report of administration. **Need same.**

RECOMMENDATION

Inquire status.

(lh)

Superior Court of Calif, County of San Bernardino

Page: 8

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

-----  
DATE: 10/03/18 TIME: 8:30 DEPT: S37P  
-----

CASE#: PRO PS1601037

CASE NAME: MTR OF JANET ANNE CUMMING

**SEE ALSO 9**

**SAME DAY HEARING: MEDIATION SETTLEMENT CONFERENCE @8:30 IN S34**

HEARING:

Hearing Re: STATUS OF MEDIATION

COUNSEL:

WILLIAM HENRY CUMMING (PET)...EDWARD B FISCHER & ASSOC  
JANET ANNE CUMMING (DEC)...  
STEVE CUMMING (TP )...PRO/PER  
DEPT OF HEALTH CARE SERVICES

Waiver of Court Fees and Costs filed by STEVE CUMMING is GRANTED

No notes—mediation—JTD

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

-----  
DATE: 10/03/18 TIME: 8:30 DEPT: S37P  
-----

CASE#: PRO PS1601037

CASE NAME: MTR OF JANET ANNE CUMMING

**SEE ALSO 8**

**SAME DAY HEARING: MEDIATION SETTLEMENT CONFERENCE @8:30 IN S34**

HEARING:

First and final Account and Report of WILLIAM HENRY CUMMING and  
Petition for allowance of fees filed.

COUNSEL:

WILLIAM HENRY CUMMING (PET)...EDWARD B FISCHER & ASSOC  
JANET ANNE CUMMING (DEC)...  
STEVE CUMMING (TP )...PRO/PER  
DEPT OF HEALTH CARE SERVICES

Waiver of Court Fees and Costs filed by STEVE CUMMING is GRANTED  
TOTAL FEES WAIVED TO DATE: \$625.00

GENERAL INFORMATION:

Continued from **01/02/18 and 03/15/18**; waiting distribution from PROPS130168.  
Court admonished objector that portions of his objection were inappropriate.  
**Continued from 08/23/18. Counsel reports his client passed away 08/08/18.  
Motion regarding standing may be filed. Court notes there are no appellate  
petitions filed in this case. Court orders matters to mediation. Steve Cumming is  
ordered to appear at mediation and mediate in good faith. Mediation briefs to be  
filed two weeks prior to mediation. Mediation to be on the issue of the First and  
Final Accounting only.**

THIS CASE IS SET FOR HEARING ON **Supplemental** First and Final Account and  
Petition for Fees by William Henry Cumming, brother/executor.

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

1. Accounting period 03/27/17 to 08/31/17.
2. Assets on hand \$275,000 in cash in attorney IOLTA account.
3. Final Inventory and Appraisal filed 07/16/18. Copy of order from  
**PROPS1301068** Trust distribution filed 08/13/18.
4. Executor waives statutory compensation.

5. Attorney requests statutory fees in the approximate amount of \$8,500. Unable to confirm as distribution from related case.
6. No supporting schedules attached; however, there does not appear to have been any receipts or disbursements.
7. **Objections filed by Steve Cumming on 03/01/18 08/06/18.**
8. **Reply filed by William Cumming on 08/16/18.**
9. Proposed Order 07/31/18.

**RECOMMENDATION:**

Matter is contested. If approved, set hearing on the filing of receipts and final discharge for **10/15/19**.

(nb/lc/lh)



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

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DATE: 10/03/18 TIME: 8:30 DEPT: S37P  
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CASE#: PRO PS1700418

CASE NAME: MTR OF CAROLYN ELLIS

**SEE ALSO 11, 12**

HEARING:

Hearing Re: FINAL ACCOUNTING (CHRISTINA RICKORDS)

COUNSEL:

CHRISTINA RICKORDS	(PET)...VOORHEES LAW GROUP
CAROLYN ELLIS	(DEC)...
JAMES HEPLER	(BEN)...
LILY GRANFIELD	(PET)...ROBINSON-LEGAL
W.A. HLAVATY	(PET)...THOMPSON & COLEGATE
MICHELLE ELLIS	(PET)...ROBINSON-LEGAL

See notes on next matter #11.

(lh)

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

-----  
DATE: 10/03/18 TIME: 8:30 DEPT: S37P  
-----

CASE#: PRO PS1700418

CASE NAME: MTR OF CAROLYN ELLIS

**SEE ALSO 10, 12**

HEARING:

Hearing Re: OSC RE: SURCHARGE AGAINST JAMES HEPLER

COUNSEL:

CHRISTINA RICKORDS	(PET)...VOORHEES LAW GROUP
CAROLYN ELLIS	(DEC)...
JAMES HEPLER	(BEN)...
LILY GRANFIELD	(PET)...ROBINSON-LEGAL
W.A. HLA VATY	(PET)...THOMPSON & COLEGATE
MICHELLE ELLIS	(PET)...ROBINSON-LEGAL

GENERAL INFORMATION

Continued from **05/02/18**. Ms. Rickords reports she has retained Curty Craton as counsel, but he is unable to be present in Court this date. Letter from Mr. Craton provided to Laura Zamora. Counsel to confer regarding the turning over of documents and property previously ordered.

**Continued from 06/27/18. Christina Rickords reports she mailed accounting to the Court on 06/22/18. Ms. Rickords is advised accounting needs to be served.**

THIS CASE IS SET FOR HEARING ON Failure to Turn Over Documents

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

1. Matter set on 02/28/18 at hearing re final accounting. Counsel reported Christina Rickords is looking for counsel. Accounting is to be filed by 05/29/18. Christina Rickords ordered to be present at next hearing.
2. Hearing re status report held 04/02/18. Mr. Havalty informed Court he has received some records, but he is still in need of 2017 bank statements and keys to the house. Counsel to contact Ms. Voorhees.
3. Accounting was returned by Court on 06/08/18 for improper format.
4. **Accounting records in the form of an informal accounting by Christina Rickords filed 06/26/18. Need to file proper accounting per Pr. C. §16063 and Pr. C. §1060 et seq, to be set for noticed hearing, and pay filing fee.**

RECOMMENDATION

Need proper accounting

(lh)

Superior Court of Calif, County of San Bernardino

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

-----  
DATE: 10/03/18 TIME: 8:30 DEPT: S37P  
-----

CASE#: PRO PS1700418

CASE NAME: MTR OF CAROLYN ELLIS

**SEE ALSO 10, 11**

HEARING:

Petition for 1.breach of trust and theft; 2.elder abuse; 3.conversion; and 4.violation of CA penal

COUNSEL:

CHRISTINA RICKORDS	(PET)...VOORHEES LAW GROUP
CAROLYN ELLIS	(DEC)...
JAMES HEPLER	(BEN)...
LILY GRANFIELD	(PET)...ROBINSON-LEGAL
W.A. HLAVATY	(PET)...THOMPSON & COLEGATE
MICHELLE ELLIS	(PET)...ROBINSON-LEGAL

Currently under review by legal research.

(LR)

Superior Court of Calif, County of San Bernardino

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

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DATE: 10/03/18 TIME: 8:30 DEPT: S37P  
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CASE#: PRO PS1701189

CASE NAME: THE FAMILY TRUST OF RUSSELL MORSE

**VACATED**

HEARING:

Petition for Instruction to appoint Trustee

COUNSEL:

DEANNA MORSE

THE FAMILY TRUST OF RUSSELL MORSE

(PET)...GAUDY LAW, INC

(TRU)...

Currently under review by legal research.

(LR)

Notice is complete.

(lh)

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

-----  
DATE: 10/03/18 TIME: 8:30 DEPT: S37P  
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CASE#: PRO PS1800107

CASE NAME: ANNA MARIE ERVIN

HEARING:

Petition for first and final Account and Report of PATRICIA  
SCOTT and Petition for allowance of fees

COUNSEL:

PATRICIA SCOTT (PET)...MICHAEL C MADDUX  
ANNA MARIE ERVIN (DEC)...

Waiver of Court Fees and Costs filed by PATRICIA SCOTT is GRANTED  
TOTAL FEES WAIVED TO DATE: \$982.00

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for First and Final Account and Report  
of Administrator; Petition for Fees and Final Distribution by Patricia Scott,

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

1. Assets on hand: \$93,187.75, cash.
2. Statutory fees of **\$6,042.17**, each, requested by petitioner and attorney. Calculated.
3. Attorney requests extraordinary compensation totaling **\$1,500** regarding sale of real property. Itemized. [Acct, 08/07/18, LFpg6]. **JTD**
4. Petitioner requests approval to pay Court filing fees totaling \$1,030, and to probate referee James Smother payment of \$200 for services.
5. Notice is complete.
6. ~Proposed order: 08/09/18

RECOMMENDATION:

Court's discretion. If approved, court to set hearing on filing of receipts and final discharge for **10/16/19**.

(lh)

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

-----  
DATE: 10/03/18 TIME: 8:30 DEPT: S37P  
-----

CASE#: PRO PS1800727

CASE NAME: MTR OF JAON D EARLY

HEARING:

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

COUNSEL:

RAHEIM BELL (PET)...PECCORINI & PECCORINI  
JAON D EARLY (DEC)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Probate, Letters Testamentary with  
Full Authority under IAEA by Raheim Bell, Executor

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

1. Will waives bond. Court also has discretion to require bond per Pr. C. §  
8481(b). Does court wish to require minimum bond of \$20,000 or alternatively  
based on real property assets of \$268,000? **JTD**
2. ~Proposed Form Order: 08/01/18

RECOMMENDATION

RFA; Court's discretion re bond. If approved, set Accounting/Status Review for  
**12/11/19**. Any accounting to be filed 30 days in advance local rule 20-901. Note  
requirements of local rule 20-908.

(lh)

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

-----  
DATE: 10/03/18 TIME: 8:30 DEPT: S37P  
-----

CASE#: PRO PS1800747

CASE NAME: CHARLES LEROY KIRKLAND

HEARING:

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

COUNSEL:

CHASTITY DUSSER (PET)...DAVID D L HORTON  
CHARLES LEROY KIRKLAND (DEC)...

#### GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Letters of Administration with full authority under IAEA by Chastity Dusser, daughter

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

1. Petitioner requests bond of \$150,000. Appears sufficient.
2. **Need** proper Notice of Petition to Administer Estate [form DE-121] with proof of service.
3. **Need** Proof of Publication.
4. Duties and Liabilities filed 08/02/18 is missing proposed representative's phone number. **Need completed form.**
5. ~Proposed Form Order: 08/02/18

#### RECOMMENDATION

Need to clear notes #2-4 then Court's discretion re bond. If approved, set Accounting/Status Review for **12/11/19**. Any accounting to be filed 30 days in advance local rule 20-901. Note requirements of local rule 20-908.

(lh)

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

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DATE: 10/03/18 TIME: 8:30 DEPT: S37P  
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CASE#: PRO PS1800797

CASE NAME: MTR OF HEALANI L HARDY

HEARING:

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

COUNSEL:

SHAWN A HARDY (PET)...PETER L TRIPODES  
HEALANI L HARDY (DEC)...

#### GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Letters of Administration with full authority under IAEA by Shawn A. Hardy, son

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

1. Petitioner requests bond of \$15,285,000. Appears sufficient.
2. Duties and Liabilities filed 08/21/18 includes only the mailing address of proposed personal representative. **Need** completed form to include physical address.
3. ~Proposed Form Order: 08/21/18

#### RECOMMENDATION

Need to clear note #2 then Court's discretion re bond. If approved, set Accounting/Status Review for **12/11/19**. Any accounting to be filed 30 days in advance local rule 20-901. Note requirements of local rule 20-908.

(lh)



Superior Court of Calif, County of San Bernardino

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CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

**TRUSTS**

-----  
DATE: 10/03/18      TIME: 8:35      DEPT: S37P  
-----

CASE#: TRU PS1800119

CASE NAME: REED FAMILY TRUST DATED 3/1/99 ROBERTA REED,ETC

**SAME DAY HEARING: MEDIATION SETTLEMENT CONFERENCE @ 8:30 IN S34**

HEARING:

Hearing Re: STATUS OF MEDTN/PETN FOR ORDR COMPELLING TRUST ACC

COUNSEL:

ANDREA RAE ABERNATHA

(PET)...GAYLE J. CARSON

REED FAMILY TRUST

(TRU)...

JULIE ANN HAGE

(OBJ)...LAWRENCE E CLARK

Currently under review by Legal Research.

(LR)

Notice is complete.

(lh)

Superior Court of Calif, County of San Bernardino

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

-----  
DATE: 10/03/18 TIME: 8:35 DEPT: S37P  
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CASE#: TRU PS1800169

CASE NAME: CARL K BOYER TRUST

HEARING:

Petition for Modification of Irrevocable Trust on Circumstances Not Known to  
Settlor etc

COUNSEL:

LAURA BOYER (PET)...JULIE PECCORINI  
CARL K BOYERTRUST DATED (TRU)...PRO/PER

Currently under review by legal research.

(LR)

Notice is complete.

(lh)

CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: TARA REILLY

## CONSERVATORSHIPS

-----  
DATE: 10/03/18      TIME: 9:30      DEPT: S37P  
-----

CASE#: CON DS1000217

CASE NAME: MTR OF VERA M JOHNSON (MASTER FILE)

### HEARING:

Fifth Account and Report of PHILIP D LONG SR and Petition for allowance of fees filed.

### COUNSEL:

PHILIP D LONG SR	(CPE)...CALDWELL, KENNEDY & PORTER, A.
VERA M JOHNSON	(CEP)...SHERRI L KASTILAHN
SHERRI L KASTILAHN	(PET)...
ROBERTA L TAYLOR	(PET)...ROBERTA L. TAYLOR & ASSOCIATES
WILLIAM H JOHNSON	(CEP)...ROBERTA L. TAYLOR & ASSOCIATES
ROBERT WYNN	(OBJ)...CRAWFORD & RANSOM APLC

### GENERAL INFORMATION:

**Continued from 10/03/18. Court orders Conservator to file a detailed description of duties he performed as Conservator justifying \$1,720 as monthly fees. Court notes a property manager has been hired and Conservatee is living in a facility. Court approves all other requests in accounting.**

THIS CASE IS SET FOR HEARING ON 5<sup>th</sup> Account Current and Petition for Attorney's Fees by Philip D. Long, Sr, conservator

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

1. Accounting covers period: 05/01/16 to 01/31/18
2. Assets on hand: \$915,730.70 of which \$405,625.18 is cash and remaining in real property and securities.
3. Petitioner was previously authorized pursuant to Court order on 5/2/12 to pay himself the sum of **\$1,720.00/month** for his services. Petitioner requests the court's approval to continue such payments on a monthly basis.
  - a. **Supp filed 08/15/18 describing services generally itemizing monthly services. JTD**
4. Attorney requests fees of **\$5,162.50** for 28.45 hours at \$350/\$300/\$275/\$150 per hour for attorney and paralegal services. Itemized [LFpgs8-9]. **JTD**
5. Current bond is \$825,000, appears sufficient.
6. Notice is complete.

7. ~Proposed Order: 05/09/18

**RECOMMENDATION**

Court's discretion. If approved, set next accounting review for **03/27/19** (if one year) or **03/25/20** (if two years). Accounting to be filed 30 days in advance.

(lh)

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

-----  
DATE: 10/03/18 TIME: 9:30 DEPT: S37P  
-----

CASE#: CON PS1600187

CASE NAME: BLANCHE MARGUERITE CARTER

HEARING:

First and final Account and Report of LARRY HOOVER and Petition  
for allowance of fees

COUNSEL:

ARTHUR WOOD CARTER JR	(CPE)...MARK J. ANDREW FLORY
BLANCHE MARGUERITE CARTER	(CTE)...ZIPRICK & CRAMER
LARRY HOOVER	(CE )...ZUMBRUNN LAW
BLANCHE MARGUERITE CARTER	(CEP)...ZIPRICK & CRAMER
GLORIA TAYLOR	(PET)...PRO/PER
JANET DAWSON	(PET)...PRO/PER
PUBLIC GUARDIAN	(CPE)...
ROBERT H ZIPRICK	(PET)...ZIPRICK & CRAMER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON First and Final Account and Report of  
Conservator/Trustee. Larry Hoover; Petition for Fees and Final Distribution

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

1. Accounting period: Pre-death: 04/18/17 to 06/08/17;  
Post-death: 06/09/17 to 06/30/18
2. Assets on hand: \$362,001.30, cash
3. Attorney requests fees of \$9,630 for 26.75 hours at \$360 per hour, plus costs of \$632.50. Itemized. [Acct, 08/14/18, LFpg28-30]. **JTD**
4. Petitioner requests \$9,550 for conservator/trustee for 95.5 hours billed at \$100 per hour. Itemized. [Acct, 08/14/18, LFpgs 23-27]. **JTD**
5. Petitioner alleges no Inventory and Appraisal was filed as there were no assets in Conservatorship matter. All assets that came into possession of petitioner were in the Trust listed in Schedule "A." [Acct, 8/14/18, LFpg9].
6. Petitioner requests reserve of \$1,500 for final tax returns and expenses. **JTD**
7. Proposed order submitted 08/14/18 provides for discharge upon filing of receipts; however, Conservator is not discharged until entry of final discharge order. Submit revised order after hearing.

**RECOMMENDATION:**

Court's discretion. If approved, court to set hearing on filing of receipts and final discharge for **10/16/19**.

(lh)

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

-----  
DATE: 10/03/18 TIME: 9:30 DEPT: S37P  
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CASE#: CON PS1700090

CASE NAME: CAROLINA MEJIA

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR  
CONSERVATORSHIP of YOLANDA R MEJIA

COUNSEL:

YOLANDA R MEJIA (CP)...PRO/PER  
CAROLINA MEJIA (CTP)...PRO/PER

GENERAL INFORMATION

Continued from **03/28/18** to file documents.

**Continued from 06/20/18 to clear probate notes. Case referred to Legal Aid for legal assistance.**

THIS CASE IS SET FOR HEARING ON Compliance Review

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

1. Yolanda R. Mejia (mother) appointed limited conservator of the person on 08/23/17.
2. Care Plan filed 03/28/18.
3. Amended Determination of Conservatee's Appropriate Level of Care filed.
4. Notification of Conservatee's rights filed 04/12/18; however, Proof of Service does not indicate a copy of Order dated 08/23/17 was served with notice. **Need proper service.**

RECOMMENDATION

Inquire status.

(lh)

Superior Court of Calif, County of San Bernardino

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

-----  
DATE: 10/03/18 TIME: 9:30 DEPT: S37P  
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CASE#: CON PS1700467

CASE NAME: MTR OF HUGO A HERNANDEZ

**SEE ALSO 24, 25**

HEARING:

Motion Re: ISOLATION AND CONTEMPT OF COURT Filed by Petitioner  
HUGO DELLANO

COUNSEL:

HUGO DELLANO	(CPE)...PRO/PER
HUGO A HERNANDEZ	(CEP)...CRAIG M PARKER
WILMA CASTANO	(PET)...LENITA A SKORETZ
HUGO HERNANDEZ	(CTP)...

Waiver of Court Fees and Costs filed by HUGO A HERNANDEZ is GRANTED

**XREF: EAPPS1800010** *HERNANDEZ VS. DELLANO*

Currently under review by legal research.

(LR)



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

-----  
DATE: 10/03/18 TIME: 9:30 DEPT: S37P  
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CASE#: CON PS1700467

CASE NAME: MTR OF HUGO A HERNANDEZ

**SEE ALSO 23, 25**

HEARING:

Petition for Appointment of Conservator of the Person and Estate  
(Competing)

COUNSEL:

HUGO DELLANO	(CPE)...PRO/PER
HUGO A HERNANDEZ	(CEP)...CRAIG M PARKER
WILMA CASTANO	(PET)...LENITA A SKORETZ
HUGO HERNANDEZ	(CTP)...

**XREF: EAPPS1800010** *HERNANDEZ VS. DELLANO*

### GENERAL INFORMATION

Continued from **02/05/18**. Ms. Skoretz reports competing petition has been filed and served and ex parte is set for 2/13/18. The Court orders EAPPS1800010 be transferred to department S37P to be heard with this matter. The Court appoints Walter Moore as guardian ad litem for Hugo A. Hernandez.

Continued from **02/13/18** at request of Counsel to trail competing petition set. Ex parte orders denied.

Continued from **03/21/18** at request of petitioner to file required documents.

**Continued from 06/13/18.** Court determines the only thing missing before petitions are ruled upon is the Capacity Declaration. Counsel reports that although a physician has been ordered to execute a Capacity Declaration in this matter, the physician continues to refuse to cooperate in completing the declaration. Court cites Colin C. Christensen to appear at next hearing. Should he fail to appear, a warrant may be issued for his arrest. Hugo Dellano reports he hasn't been allowed his court-ordered visitation. Court orders Wilma Castro to follow Court orders and affirmatively reach out and assist in arranging visitation. Failure to do so will jeopardize her request for conservatorship. Court orders Wilma Castro to be present at next hearing with her cell phone. Notice waived.

THIS CASE SET FOR HEARING ON

- **Petition #1** [filed 12/29/17] for Appointment of Conservator person and estate by Hugo Dellano, son

- **Petition #2** [filed 02/02/18] for Appointment of Conservator person and estate by Wilma Castano, domestic partner

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

1. **Return of Proof of Service of Citation of Colin C Christensen DO filed 06/17/18.**

**Petition #1 by Hugo Dellano**

2. Petitioner requests for bond to be waived due to proposed conservatee receiving social security, having dementia and having very low income. Estimated estate value consists of \$240,000 in real property and \$54,400 in personal property. Suggest \$324,000. JTD
3. Petitioner seeks Pr.C. §2590 powers to alter and improve conservatee's real property for the advantage, benefit, and best interest of the proposed conservatee's estate. JTD
4. Petitioner does not seek medical powers; however, section 9 has been checked.
5. Petitioner seeks dementia powers. **Need** Capacity Declaration with required attachments.
6. Petitioner seeks dementia powers. Craig Parker was appointed counsel. Walter Moore was appointed GAL.
7. Court Investigator report filed 01/31/18.
8. Certificate of Completion of the Conservatorship Training Class filed.
9. Court to see Confidential Screening form, LF pgs. 2/4.
10. ~Proposed Form Order: 12/29/17

**Petition #2 by Wilma Castano**

11. Petitioner Wilma Castano requests funds to be placed in blocked account in lieu of bond. Estate assets consist of real property at \$377,000, \$184,000 in personal property, and \$22,248 pension. Alternatively, suggested bond \$643,000 per bond calculation. **JTD.**
12. Petitioner request special orders for powers under Pr. C. §2590 to sell personal residence of conservatee at public or private sale without Court confirmation. JTD
13. Court Investigator report filed 03/12/18.
14. Petitioner seeks medical powers. **Need** Capacity Declaration.
15. Petitioner seeks dementia powers. Craig Parker was appointed counsel. Walter Moore was appointed GAL.
16. Certificate of Completion of the Conservatorship Training Class filed 03/21/18.
17. Due Diligence Declarations as to grandsons Peter Brabant and Hunter Dellano filed 03/16/18. **JTD.**
18. Petitioner Wilma Castano refers to herself as spouse and as domestic partner within petition and other filings. *Court to clarify petitioner's relationship to proposed conservatee.*
19. Return of Citation with Proof of Personal Service filed 02/08/18.
20. ~Proposed Form Order: 02/02/18

RECOMMENDATION:

Need to clear notes #5; 14. If approved, set hearing for Compliance Review for **05/08/19** for the filing of the required documents and hearing re Accounting Review for **12/11/19**. Any accounting to be filed 30 days in advance. Note requirements of Local Rules.

(cs/nb/lh)

Superior Court of Calif, County of San Bernardino

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

-----  
DATE: 10/03/18 TIME: 9:30 DEPT: S37P  
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CASE#: CON PS1700467

CASE NAME: MTR OF HUGO A HERNANDEZ

**SEE ALSO 23, 24**

HEARING:

Petition for Appointment of Conservator

COUNSEL:

HUGO DELLANO	(CPE)...PRO/PER
HUGO A HERNANDEZ	(CEP)...CRAIG M PARKER
WILMA CASTANO	(PET)...LENITA A SKORETZ
HUGO HERNANDEZ	(CTP)...

Waiver of Court Fees and Costs filed by HUGO A HERNANDEZ is GRANTED

**XREF: EAPPS1800010** *HERNANDEZ VS. DELLANO*

See notes on prior matter #24.

(lh)

Superior Court of Calif, County of San Bernardino

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

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DATE: 10/03/18 TIME: 9:30 DEPT: S37P  
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CASE#: OC RS527

## **VACATE**

CASE NAME: IN THE CONSERVATORSHIP OF JESSE HERNANDEZ

HEARING:

Accounting Review

COUNSEL:

CONSUELO HERNANDEZ	(PET)...JACOBY & MEYERS LAW OFFICES
MARIA HERNANDEZ	(PET)...PRO/PER
JESSE HERNANDEZ	(CEE)...

### GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Accounting Review re Maria Hernandez

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

1. Order on waiver of account approved 09/22/16 for account period ending 07/31/16 with \$847.
2. **~Waiver and Proposed Order: 09/18/18**

### RECOMMENDATION

None.

(lh)

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

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DATE: 10/03/18 TIME: 9:30 DEPT: S37P  
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CASE#: SC SS02999

CASE NAME: MTR OF GARY K. BROWN

HEARING:

Hearing Re: FINAL DISCHARGE

COUNSEL:

INLAND COUNTIES REG CNTR (CE )...BRUNICK, MCELHANEY, BECKETT  
GARY K. BROWN (CTE)...

#### GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Final Discharge of IRC

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

1. **Need** receipt from DHCS.
2. **Need** Ex Parte Petition for Final Discharge and Order.

#### RECOMMENDATION

Inquire status.

(lh)



Superior Court of Calif, County of San Bernardino  
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CIVPRO San Bernardino District  
PROBATE/CONSERVATORSHIP CALENDAR  
HONORABLE: TARA REILLY

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DATE: 10/03/18 TIME: 9:30 DEPT: S37P  
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CASE#: EAP PS1800129

CASE NAME: MANRIQUEZ VS CASTILLO

HEARING:

Hearing Re: ELDER ABUSE RESTRAINING ORDER

COUNSEL:

GENEVIVE MANRIQUEZ (PP)...PRO/PER  
AMBER MOJICA CASTILLO (RP)...

Notice

Declaration Regarding Ex Parte Notice to Opposing Party, Amber Castillo, filed  
09/12/18. **JTD**

(lh)