

**SUPERIOR COURT, STATE OF CALIFORNIA
COUNTY OF SANTA CLARA**

Department 1, Honorable Le Jacqueline Duong, Presiding

191 North First Street, San Jose, CA 95113
Telephone 408-882-2110

**ADVANCE CASE STATUS REPORT (“ACSR”)
(Local Probate Rule 1)**

GENERAL PROBATE CALENDAR – Department 1

DATE: Wednesday, September 25, 2024

TIME: 9:00am

*****NOTICE*****

**APPEARANCES MAY BE IN PERSON OR REMOTE THROUGH
MICROSOFT TEAMS**

**To find the appropriate remote appearance links please go to:
<https://santaclara.courts.ca.gov/online-services/remote-hearings>**

“PREAPPROVED” matters are those reviewed and found satisfactory. Personal appearance by the petitioning party is not required. Pre-approved matters to which objections are made may be continued. Orders for preapproved matters will be signed upon calling of the calendar and may be picked up for filing at that time.

“PROBATE EXAMINER NOTES” - If a matter is not preapproved, then the Probate Examiner will list procedural defects. Parties may file additional documents to correct procedural deficiencies, and the Court, in its discretion, may consider such filings in making its order. The Court may order a matter off calendar, grant it subject to additional filings, or order a continuance.

TROUBLESHOOTING

If you do not see the appropriate calendar’s ACSR, then it has either not been posted yet or your web browser cache (temporary internet files) is accessing a prior calendar. “REFRESH” or “QUIT” your browser and reopen it, or adjust your internet settings to see only the current version of the web page. Your browser may access old information from old cookies even after the current calendar has been posted.

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| LINE # | CASE # | CASE TITLE | ACSR/Examiner notes |
|-------------------------|---------------|--|---|
| LINE 1 | 19PR186947 | <i>Shaye Zehring Special Needs Trust</i> | No procedural deficiencies noted. Parties to appear for Court's ruling. |
| LINE 2 | 22PR192052 | <i>Estate of Josie Esquivel Aguinaga</i> | Click line #2 or scroll below to line #2 for probate examiner notes. |
| LINE 3 | 23PR194959 | <i>Estate of Michael Forbes</i> | Needs proposed order. Parties to appear for Court's ruling |
| LINE 4 | 23PR195338 | <i>Estate of O Glenn Herrell, ka Orval Glenn Herrell</i> | Preapproved |
| LINE 5 | 23PR195568 | <i>Estate of Jeanne Evelyn Kirby</i> | Click line #5 or scroll below to line #5 for probate examiner notes. |
| LINE 6 | 23PR195731 | <i>Estate of Margie Struble</i> | Pre-approved |
| LINE 7 | 23PR195898 | <i>Andrade Living Trust</i> | Parties to appear for Court's ruling. |
| LINE 8 | 23PR197512 | <i>Fargher Trust</i> | Parties to appear for Court's ruling. |
| LINE 9 | 24PR197849 | <i>Estate of Michael Magee</i> | Click line #9 or scroll below to line #9 for probate examiner notes. |
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19PR186947 Zehring Special Needs Trust

Parties to appear for Court's ruling.

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22PR192052 Estate of Josie Esquivel Aguinaga

1. The current petition's prayer is identical to the "Ex Parte Petition For First And Final Report Upon Waiver Of Account And Notice, Petition For Statutory Attorney Fees And Statutory Executor's Fees, And For Final Distribution" filed 6/5/2023? The Court issued an ex parte order on 8/7/2023.
 - a. Petition #1 states the petition is being amended only due to two clerical errors?
2. The 9/5/2015 California Statutory Will – Section 4. Provides specific cash gifts of \$10,000 each to "Summer Cole" and "Samantha Cole."
 - a. The appointment petition #8 listed great grandchildren as "Summer McLaughlin" and "Samantha McLaughlin."
 - b. The ex parte order issuing 8/7/2023 directed distributions to "Summer McLaughlin" and "Samantha McCoy."

Examiner's Office requests that if an individual is designated in a Will under a name they no longer use, or they use an abbreviated form of such name, then note the commonly used name in a parenthetical form (e.g. aka "also known as" or fka "formerly known as") after listing the full and complete name that is used in the Will.

3. Current petition does not address the supplemental I&A filed 6/14/2023.
4. Current petition does not addresses the 9/5/2015 California Statutory Will – Section 4 - specific cash gift of \$10,000.00 to son-in-law Victor Jimenez.
5. Current petition does not address the 9/5/2015 California Statutory Will – Section 5 - handwritten interlineation that a parcel of real property, commonly known as 2669 Othello Ave, San Jose, be sold and proceeds distributed: 50% to adult daughter Gloria Aguinaga Perez; 25% to adult grandchild Danny Cole, Jr.; and 25% to adult grandchild Angel Cole.
6. Petitioner requests the court order \$8,394.80 to a Jermaine Jacques Goree, which includes reimbursement for \$5,550.00 "in repairs on the real property in the Estate." And a Tien Ton be reimbursed \$4,900.00 for "repairs on the real property in the Estate."
 - a. No additional explanation. What repairs and when?
7. Petition #17 "Assets on Hand" does not match the "amended order" findings #23 submitted 8/9/2024.
Petition #18 proposed distribution does not match the "amended order" findings #24 submitted 8/9/2024.

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23PR194959 Estate of Michael Flores

Needs proposed order. Parties to appear for Court's ruling.

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**23PR195338 Estate of O Glenn Herrell, ka Orval Glenn Herrell
preapproved**

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23PR195568 Estate of Jeanne Evelyn Kirby

1. Petition #25 and Schedule A list ending cash of \$1,991,440.49. But proposed distribution at #28 states the net cash on hand for distribution = \$1,962,992.89.
 - a. Total ending cash of \$1,991,440.49, less attorney fees (\$28,447.90), less reserve (\$1,500) = \$1,961,492.59.

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23PR195731 Estate of Margie Struble

Pre-approved

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23PR195898 Andrade Living Trust

Parties to appear for Court's ruling.

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23PR197512 Fargher Trust

Parties to appear for Court's ruling.

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24PR197849 Estate of Michael Magee

Below noted issues/concerns are deferred to Court if will require corrective action:

1. Re real property- Petitioner does not address why the grant deed is under DCD's name alone, as his sole property. Attachment 7 of petition only explains why the mortgage is in Decedent's name saying it is in Decedents name alone because PTR has a poor credit history.
2. Re bank account – Attachment 7 states it was acquired during marriage but does not provide any date and source of funds deposited. May need more information.
3. Proposed order, at #2, includes language “and any other accounts at JP Morgan Chase Bank.” This phrase is too general. PrC section 13656(a).

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