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2 State Bar No. 269039
3 Glendale, CA

4 Attorney for Petitioner,
5 Petitioner

6 SUPERIOR COURT OF CALIFORNIA
7 COUNTY OF LOS ANGELES

8 In the matter of:

Case No. BP 525 525

9 THE ESTATE OF
10 DECEDENT

EX PARTE PETITION TO APPROVE
11 ACTS OF PERSONAL
12 REPRESENTATIVE AND FOR AN
13 ORDER

PC 9611

14 Deceased.

15
16 Petitioner, alleges as follows:

17 1. The decedent died on May 20, 2004, a resident of Los
18 Angeles County, California.

19 2. Letters for Administration were granted on June 16, 2011
20 naming the Petitioner, Petitioner, as Personal Representative of
21 the estate. Both Letters and the Personal Representative remain
22 in good standing.

23 3. Petitioner is the decedent's mother and only beneficiary.

24 4. The sole asset of the estate was a 20% ownership interest
25 in real property located in Los Angeles, California.

26 5. Special Letters of Administration were issued on May 13,
27
28

1 2011, with strict orders allowing Petitioner to sell the real
2 property with the proceeds remaining in escrow with the escrow
3 company until an order from the probate court was issued
4 instructing release of said funds.
5

6 6. Upon the sale of the real property, and after deducting
7 escrow fees, a net of \$70,835.03 remains and is currently being
8 held in escrow by the escrow company, ABC Escrow.

9 7. An Inventory and Appraisal was filed on July 17, 2011
10 listing the escrow account as the sole asset, valued at
11 \$70,835.03.
12

13 8. Petitioner then filed a Petition for Preliminary
14 Distribution on May 30, 2011.

15 9. Upon review and before the Preliminary Distribution
16 Hearing Date, the Probate Notes by the Probate Referee suggested
17 that instead of a Preliminary Distribution, Petitioner should
18 utilize a California Probate Code 13100 (Small Estate Affidavit)
19 procedure to collect funds from ABC Escrow and then file a
20 petition to terminate further proceedings under California
21 Probate Code 12251.
22

23 10. Petitioner then requested and the probate attorney
24 granted a request to take the Preliminary Distribution Hearing
25 off-calendar.
26

27 11. Petitioner then wrote a letter to ABC Escrow explaining
28

1 the situation, a 13100 Small Estate Procedure, along with the
2 required documents for a valid Small Estate Affidavit.

3 12. ABC Escrow subsequently refused to release funds, stating
4 that the only official court document which permitted them to
5 act in the first place was under the condition that the funds be
6 held in escrow. Understandably, ABC Escrow is reluctant to
7 release the funds without an order from the probate court.
8

9 13. As this is the sole asset of an estate that is over 11
10 years old with no creditors and one beneficiary, the Personal
11 Representative, Petitioner believes that the Probate Referee's
12 recommendation is the most efficient and appropriate manner in
13 which to conclude this probate.
14

15 14. Petitioner knows of no opposition to this petition.
16

17 15. Petitioner is proceeding with an Ex Parte Petition due to
18 the fact that Petitioner is in need of the funds held in escrow
19 in order to conclude her own debt restructuring plan. Petitioner
20 remains under great pressure from her own creditors and is
21 desperate to gain access to said funds in order to finally
22 complete her debt restructuring plan and to allow her to move on
23 with her life.
24

25
26 WHEREFORE, Petitioner prays for an order of this court as
27 follows:
28

1 1. For an Order approving the acts of the Personal
2 Representative in using a California Probate Code 13100 Small
3 Estate Affidavit Procedure;

4 2. For an Order directing ABC Escrow to release \$70,835.03
5 held in escrow under the name of the decedent to the Petitioner;
6

7 3. And for such other relief as the court deems proper.
8

9 _____
Dated

10
11 _____
12 Signature of Attorney for Personal Representative
13

14 VERIFICATION

15 I am the Petitioner in this action. I have read the foregoing
16 petition and it is true of my own knowledge, except as to those
17 matters stated on information or belief, and as to those
18 matters, I believe it to be true. I declare under penalty of
19 perjury under the laws of the State of California that the
20 foregoing is true and correct.

21 _____
Date and place of execution
22

23
24 _____
Signature of Personal Representative
25
26
27
28

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10 DECEDENT

ORDER TO APPROVE
11 ACTS OF PERSONAL
12 REPRESENTATIVE

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13 Deceased.

14
15
16 ORDER

17
18 1. ABC Escrow is directed to release \$70,835.03 in funds held
19 in escrow for the Decedent, to the Petitioner, using a Small
20 Estate Affidavit Procedure, California Probate Code 13100.

21
22
23
24 _____
Dated

Judge of the Superior Court