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Please in
file

Vol 193 Page 33535

1 JOEL S. AARONSON
2 IN PROPRIA PERSONA
3 14001 Ventura Boulevard
4 Sherman Oaks, CA 91423
5 (818) 990-7722

6 Joel S. Aaronson, Conservator of
7 the Estate of Virginia McIntosh
8 Conservatee

DATE OF HEARING

Jul 13 9:15 11

FILED

JUN 19 1987

FRANK S. ZOLIN, County Clerk

D. Barragan

D. BARRAGAN, DEPUTY

SUPERIOR COURT STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

9
10 In re the Conservatorship of)
11 the Person and Estate of)

12 VIRGINIA MC INTOSH,
13 Conservatee.)

CASE NO. P 652 966

THIRD AND FINAL REPORT OF
CONSERVATOR; and PETITION
FOR ORDER DISPENSING WITH
ACCOUNTING ON WAIVER OF
ACCOUNT, FOR TERMINATION OF
CONSERVATORSHIP, FOR DISCHARGE
OF CONSERVATOR; AND FOR CON-
SERVATOR'S FEES.

14
15 TO: THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR
16 THE COUNTY OF LOS ANGELES:

17 JOEL S. AARONSON, as Conservator of the Estate of
18 VIRGINIA MC INTOSH, Conservatee, renders to the Court his Third
19 and Final Report as Conservator, together with his Petition For
20 and for Order Dispensing with Accounting on Waiver of Account; for
21 Termination of Conservatorship of the Estate of Virginia McIntosh;
22 for Discharge and for Conservator's Fees as hereafter is set forth.

23 1. Appointment

24 Your Petitioner was appointed Conservator of the Estate
25 of VIRGINIA MC INTOSH by Order of this Court on February 14,
26 1980, and letters were duly issued to that effect on February 15,
27 1980. Petitioner is now and ever since his appointment has been

28 return to
M. B. ENDKOTT
4191 LINCOLN AVE
CULVER CITY, CA 90232

1.

12:28:40
\$59.00

1 the duly appointed, qualified and acting conservator of the
2 estate of VIRGINIA MC INTOSH and all letters issued to that
3 effect have not been revoked or suspended. The bond posted
4 in this proceeding is \$65,000.00. The appraised value of the
5 property on hand is \$94,268.71, as described in Schedule "1"
6 attached hereto and made a part hereof by this reference.

7 2. Period of Accounting and Report.

8 This report covers the period from January 1, 1984,
9 to June 6, 1987, inclusive.

10 3. Petitioner asks the court dispense with an
11 accounting for the following reasons:

12 A. Conservatee died on June 6, 1987, with a Will.
13 The executor of the Will is Betty Louise Endicott. The
14 Beneficiaries under the Will of Virginia Elen McIntosh are
15 Betty Louise Endicott and Michael Bruce Endicott;

16 B. Petitioner has no knowledge of any facts
17 giving rise to a marital or parental relationship under
18 Probate Code Section 6408(b) between Conservatee and any
19 person. Conservatee's husband predeceased her in 1978.

20 C. Betty Louise Endicott and Michael Bruce
21 Endicott waive an accounting of Petitioner and consent to his
22 discharge as conservator of the Estate of Virginia McIntosh;
23 as is shown in the Waiver executed by them and filed concur-
24 rently with this Petition, together with a declaration of
25 each of them pursuant to Probate Code Section 630.

26 D. The attached Schedule "1" shows the assets
27 in the estate subject to the Will are less than \$60,000.00;
28 and there is no interest in real property which exceeds

1 \$10,000.00.

2 4. Bank Accounts Maintained by Petitioner

3 During the period of this accounts, all of the cash
4 in the possession of the conservator was kept in the accounts
5 listed in Schedule "1". The amount kept in the checking
6 account at Santa Clarita National Bank and in the West Valley
7 Bank account was reasonably necessary for the orderly admin -
8 istration of the estate.

9 5. Sales of Personal Property.

10 During the period of this account the Petitioner
11 sold no personal proeprty of the conservatee.

12 6. Transactions During Period of This Report.

13 During the period of this Report, the Petitioner did
14 the following acts which were based upon his best judgment in
15 the circumstances and seeks court confirmation of those acts:

16 A. Petitioner supervised the payment to the
17 conservatorship estate of the Promissory Note Secured By Deed
18 of Trust payable by Jack and Agnes Smith. The balance of that
19 note was paid in full (\$44,709.24) on January 17, 1985, and
20 proceeds deposited into the Gibraltar Savings account described
21 in Schedule "1".

22 B. Petitioner supervised the purchase of air
23 conditioning for installation at the Lucerne Street residence,
24 where the conservatee resided.

25 C. Petitioner supervised, paid and accomplished
26 the title transers related to retirement of the Second Deed
27 of Trust Debt against the Lucerne property on October 3, 1985,
28 to Raymond and JoAnne Wheeler, in the amount of \$20,000.00.

1 D. Petitioner negotiated, researched and prepared
2 the tax returns of the Conservatee for the two year period before
3 period before the commencement of the conservatorship and arranged
4 full discharge of that obligation;

5 E. Petitioner prepared and filed all of the conservatee's
6 income tax returns through the tax year ending December 31, 1986.

7 F. Petitioner supervised and arranged the assumption of
8 the deed of trust on which conservatee is the beneficiary on the
9 real property located at 330 N. Mill Street, Santa Paula,
10 California, and is currently supervising the payments on that
11 Deed of Trust. Petitioner is informed the debt will in all
12 likelihood be retired within the next 60 days by reason of the
13 sale of the property and representations made by the seller that
14 the debt will be paid in full, which will be approximately
15 \$36,000.00.

16 G. Petitioner generally supervised and controlled the
17 expenditures of the conservatee's funds so as to maintain her in
18 her accustomed living conditions while preserving her estate for
19 her needs in the future.

20 H. Since the death of the conservatee, Petitioner has
21 expended funds necessary to wind down the conservatorship-estate
22 affairs, viz., payment of Petitioner's bond premium (\$256.00);
23 payment of final income tax liability for 1986 (\$720.00) and
24 payment of the services rendered by the accountants who prepared
25 the tax returns (\$395.00).

26 I. During the entire period of this Report, Petitioner
27 delegated payment of the immediate living expenses for Conservatee
28 Bank number 505502314 described in Schedule "1" hereof.

1 to her caretaker, Betty Endicott. Betty Endicott was given joint
2 signature authority on the checking account at the Santa Clarita
3 Petitioner directly supervised all disbursements from this account
4 and conferred with Betty Endicott on the deposits made to the
5 account to meet Virginia McIntosh's immediate living expenses.
6 This arrangement was established to provide the most expeditious
7 care of the Conservatee and was necessary, in Petitioner's
8 judgment, to meet her needs.

9 7. Residence of the Conservatee.

10 The conservatee resided at 9515 Lucerne Avenue, Culver
11 City, California, which was owned by conservatee and Betty Endi-
12 cott as joint tenants, pursuant to order of the Superior Court
13 made on August 13, 1983. Conservatee died June 6, 1987 in Los
14 Angeles, California.

15 8. Conservator's Fees.

16 During the period of this account, Petitioner, as
17 Conservator, has managed and administered the conservatee's
18 estate without waste so as to maintain conservatee in comfor-
19 table physical condition in her accustomed living style, and has
20 rendered services to the conservatee in connection with such
21 management and administration. Petitioner has executed a declara-
22 tion describing the nature and extent of the services he has
23 rendered the conservatorship estate and incorporates that declara-
24 tion hereat by this reference.

25 The reasonable value of the services described above
26 exceeds \$2,500.00, however, Petitioner agrees to accept \$2,500
27 for his services. No payment has been made to conservator for
28 any of the above described services. Petitioner is an attorney

1 duly admitted to practice in the Courts of this State. During
2 the period of this account and in the course of the management
3 and administration of the estate, pursuant to authority granted
4 by this Court on August 1, 1983, Petitioner acted as his own
5 attorney, to the considerable savings of the estate. Petitioner
6 submits that the experience and skill he brought to this position
7 be taken into consideration when considering the reasonableness
8 of the fee requested.

9 9. Conservatee was not a recipient of public benefits
10 therefor no notice of death pursuant to Probate Code §702 to the
11 Department of Health Services is required. At no time during
12 this report period was conservatee hospitalized in a state hospital
13 and no notice is required to the Director of Mental Health.
14 Conservatee was not a veteran nor a recipient of veterans' benefits.
15

16 10. Requests for Special Notice.

17 There has been one request for special notice filed
18 or served herein by Southern California Bonding Service. No
19 other requests for special notice have been filed or served.

20 WHEREFORE, Petitioner prays for an Order as follows:

21 1. Settling and allowing this report, approving and
22 confirming the acts of Petitioner as Conservator, and dispensing
23 with an accounting for the period of this report;

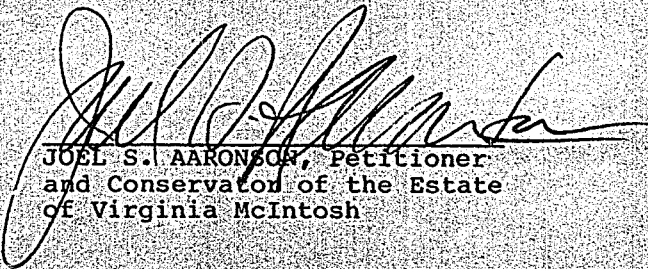
24 2. Allowing and authorizing Petitioner to pay himself
25 the sum of \$2,500.00 as compensation for his services during the
26 period of this account.

27 3. The court authorize and direct Petitioner to deliver
28 the property remaining in his possession to Betty Louise Endicott

1 and Michael Bruce Endicott in equal shares, pursuant to California
2 Probate Code Section 630, and on delivering the property and
3 filing proper receipts, the conservator be discharged and the
4 surety on his bond discharged.

5 4. For such other and further relief as the Court
6 deems proper.

7 DATED: 6/15/87

8 
9 JOEL S. AARONSON, Petitioner
10 and Conservator of the Estate
11 of Virginia McIntosh
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PROPERTY ON HAND
Schedule "1"

33542

A. Real Property

1. 9515 Lucerne Avenue
Culver City, CA

The Southerly 45 feet of Lots 166 and 167,
Nolan Park Tract, as per map recorded in
Book 32, Pagew 45 of Maps, in the Office of
the County Recorder of Los Angeles County.

APPRAISAL: \$122,000.00 -carry value:

50,239.00

2. Unimproved land Klamath County, Oregon

Lots 6 and 7, Block 89 KP for Estates
Highway 66, Unit 4, Klamath County, Oregon
[not inventories or accounted for]

B. Notes and Deeds of Trust

1. Note secured by deed of trust, Trustors
Richard Loy and Virginia Loy, principal
\$46,500.00, due and payable 9/15/88 at
the interest rate of 10% per annum.
Balance on 12/31/83

35,688.40

C. Personal Property

1. Bank Accounts

a) West Valley Bank
18721 Ventura Blvd.
Tarzana, CA 91356

- 1) Account No. 631-010067
Balance on 12/31/86
(Checking) \$1,196.53

- b) Santa Clarita Bank
13651 Foothill Blvd.
Sylmar, California 91342
Account No. 505502314
Balance on 12/31/86
(checking) \$ 290.98

- c) Gibraltar Savings & Loan
13961 Ventura Bl.
Sherman Oaks, CA 91423
Balance on 12-31-86
(savings account
#20-0019654-1) \$ 5,854.80

7,341.31

2. Household furniture and furnishings
located at 9515 Lucerne Avenue
Culver City, CA

1,000.00

TOTAL PROPERTY ON HAND

\$ 94,268.71

Schedule "1"

VERIFICATION

33543

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I, the undersigned, declare (check and complete applicable paragraphs):

☒ I am a party to this action. I have read the foregoing Third & Final Report of Conservator; Petition for Order Dispensing w/ Accounting; for Termination & Fees and know its contents. The matters stated in it are true of my own knowledge, except as to those matters which are stated on information and belief, and as to those matters, I believe them to be true.

☐ I am an officer of _____, a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I have read the foregoing _____ and know its contents. I am informed and believe that the matters stated in it are true, and on that ground allege that the matters stated in it are true.

☐ I am ☐ a partner ☐ a _____ of _____, a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I have read the foregoing _____ and know its contents. The matters stated in it are true of my own knowledge, except as to those matters which are stated on information and belief, and as to those matters, I believe them to be true.

☐ I am one of the attorneys for _____, a party to this action. Such party is absent from the aforesaid county where I/we have my/our office, and I make this verification for and on behalf of that party for that reason. I have read the foregoing _____ and know its contents. I am informed and believe that the matters stated in it are true, and on that ground allege that the matters stated in it are true.

☒ (State) I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

☐ (Federal) I declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Executed on June 18, 19 87

Signature of Declarant

JOEL S. BARONSON
Type or print full name of Declarant and title, if applicable

ACKNOWLEDGMENT OF RECEIPT (other than Summons and Complaint)

The undersigned acknowledges receipt of a copy of the foregoing document on _____, 19____

Type or print full name and title, if applicable

Signature

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF _____

I, _____, am a resident of /employed in the aforesaid county, State of California; I am over the age of 18 years and not a party to the within action; my business / residence address is: _____

On _____, 19____, I served the foregoing (set forth the exact title of the document served) _____

_____ on _____
in this action by placing a true copy thereof, enclosed in a sealed envelope, addressed as follows: _____

(check applicable paragraphs)

☐ (BY MAIL) I caused such envelope with postage thereon fully paid to be placed in the United States mail at _____, California.

☐ (BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to the offices of the addressee.

☐ (State) I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

☐ (Federal) I declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct, and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

WOLCOTT'S FORM 814—Rev. 7-84 Executed on _____, 19____

©WOLCOTT'S, INC. 1984

Signature of Declarant

DECLARATION OF JOEL S. AARONSON
RE CONSERVATOR'S FEES

JOEL S. AARONSON declares as follows:

1. I am an attorney duly admitted to practice before the courts of this State. I am the conservator of the estate of Virginia McIntosh.

2. During the period of this accounting, I have performed the services described in Attachment 1, incorporated hereat by this reference. Attachment 1 is a chronology, and details the date of the services performed, what was done and the amount of time expended. That Attachment was prepared by me after reviewing my calenders for that period and time records maintained by my office with regards to work expended in this estate.

3. The time expended as detailed in Attachment 1 totals 44.6 hours from January 1, 1984 through June 12, 1987, and includes my efforts in monitoring and managing her investments, as well as bookkeeping and income tax preparation.

4. Your declarant has served in two capacities during this account period.

On August 1, 1983, your declarant was given specific authority to employ himself as counsel and act in propria persona.

5. As a result of Petitioner's efforts, Mrs. McIntosh has been established in a new home, worth nearly \$30,000 more than the home she owned previously. Her expenses have been consolidated. The monthly payment for her home is made directly from the estate checking account and is on account from direct deposits of her pension. Most of her monthly expenses are covered by income from social security and payments made on the remaining

1 deed of trust.

2 Additionally, Petitioner has paid and brought all of
3 the conservatee's taxes current, including filing income tax
4 returns and paying taxes for tax periods prior to commencement
5 of the conservatorship.

6 Petitioner has performed in two capacities and the fee
7 requested reflects his efforts both as conservator and as attorney.
8 Petitioner's skill and experiences as an attorney has directly
9 benefited the estate, and are integrally related to the services
10 he has rendered as conservator. Petitioner's rate he generally
11 charges is \$135.00 per hour. This compensation Petitioner feels
12 is reasonable since he has performed these services at the expense
13 of his law practice and because he would not be conservator of
14 Virginia McIntosh except that he was requested by the Court to
15 accept that position in February, 1980.

16 It is respectfully submitted that \$2,500.00 is reason-
17 able compensation for the services rendered in this matter for
18 this period.

19 I declare under the laws of the State of California
20 under penalty of perjury, that the foregoing is true and correct.

21 Executed on June 18, 1987 at Sherman Oaks, CA.

22 _____
23 JOEL S. ANDERSON
24
25
26
27
28

SCHEDULE "A"

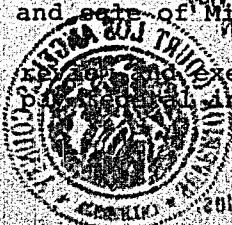
33546

<u>1</u>	<u>Date</u>	<u>What Was Done</u>	<u>Hours</u>
2	4/5/85	Prepare info for accountants on 1984 taxes	.8
3			
4	4/9/85	Deliver 1984 tax info to accountant for tax preparation	.3
5	4/15/85	Prepare income tax extensions for filing	.4
6			
7	4/25/85	Tele.call w/probate investig re report	.2
8			.4
9	5/7/85	Pay bills	
10	5/7/85	Clear notes re hrg re 2nd A/C Prep decl. re ex parte app for nunc pro tunc order correcting 1st A/C	2.0
11			.2
12	5/9/85	Tele.call w/B. Endicott re status	
13	5/24/85	Review pleading files re income for prep 1980-81 inc. tax returns organize files for 3rd A/C	.5
14			
15	5/24/85	Deposit Santa Clarita for expenses; pay Wheeler	.4
16			1.3
17	5/27/85	Prep 1980 & 1981 taxes	
18	5/28/85	Prep. 1980 & 1981 tax returns for filing; draw check to pay taxes; figure tax	2.0
19			
20	7/3/85	Prep deposits & payments of Wheeler note	.3
21	7/19/85	Organize files to prep 3rd A/C	.3
22	7/26/85	L to IRS re filing return for conservatee; L to Prashant with final 1040 info re 1984; organize files	1.0
23			
24	8/5/85	Tele.call w/Bregman's office re prep 1985 tax returns	.2
25			
26	8/9/85	Pay house ins. bill	.1
27	10/7/85	Prep. prelim. title change & sub. of trustees for recding; prep Deed of Reconveyance	.5
28			

	<u>Date</u>	<u>What Was Done</u>	<u>Hours</u>
1			
2			
3	10/8/85	Execute & send Deed/Recon. for recording	.2
4	12/2/85	Pay bills; transfer funds for allowance to conservatee; ltrs to IRS re waiver/penalty	1.0
5			
6	2/14/86	Issue checks from Bank for IRS 1980 & 1981 taxes; ltrs to IRS re waiver/penalties	.6
7			
8	3/4/86	Depst Loy pmt to Santa Clarita Bank	.2
9	4/1/86	Lawclerk research	1.
10	4/2/86	Organize file w/L. Bulmash for prep. 3rd A/C; Organize file for 1985 taxes; confirm extension 1985 IRS & FTB re Amin	.4
11			
12	6/3/86	Prep. Depst. Loy pmt.	.2
13	8/8/86	Post depst. & pay ins. premium	.3
14			
15	8/11/86	Organ. bills to pay estimate trans. review bank accts; prep. acting drafts	.5
16	9/16/86	prep. 1985 tax info; organize summary for accountant; Lt to accountant; organize file for 3rd A/C	4.5
17			
18	9/17/86	post all current bills; update acct. draft accounting	4.0
19			
20	9/18/86	prep. interest income scheds.	.6
21	9/19/86	prep. sched re acct. 631500749 disbursements	.6
22	9/30/86	Tele.call w/P. Amin-CPA re 1985 tax retur prep.	.3
23			
24	10/3/86	Tele.call w/Amin re prep. 1985 taxes	.2
25	11/19/86	Tele.call w/B.Endicott re Xmas dpst. & Status; prep. dpst.	.4
26	12/9/86	Pay r/p taxes; conf. bank bal.	.4
27	12/18/86	Pay Oregan Mutual add'l. premium for house ins.	.3
28			

	<u>Date</u>	<u>What Was Done</u>	<u>Hours</u>
3	12/19/86	Tele.call w/B.Endicott re depst. prep. depst to reimb. 1985-86 1/2 r/p taxes	.4
5	12/23/86	Depst r/p tax reimb; tele.call w/B.Endicott re status & Depst of Dec.allowance & increase allowance in Jan; prep. dpst.	1.0
8	12/23/86	Review acctng; prep w/law-clk & directios re prep. of schedules	.4
10	1/6/87	Review drafts of receipts & disburse- ments schds; revise & begin reconciliation	1.0
11	1/14/87	Review & revise income & disbursement schds; attempt to reconcile acct.	3.0
13	1/22/87	Review and revise first draft 3rd account through December 31, 1985	.4
15	1/28/87	various telephone calls re Mill property note	.5
16	1/27/87	deposit monthly allowance	.4
17	1/30/87	deposit Loy/Mill Street payment	.3
18	2/ 4/87	reconciling account	1.8
19	4/ 8/87	review information on 1986 taxes	2.0
20	4/13/87	review status of estate and cash needs with B. Endicott, t/c re preparation of 1986 tax returns	.6
22	5/21/87	various t/c re Mill street note payments	.4
23	5/22/87	complete reconciliation of account through December 31, 1986	5.0
25	5/26/87	various t/c re Mill street note and acct. of Mill street note	
26	6/11/87	execute 1986 returns income tax	

3.



EDWARD M. DRAWE
Clerk of the Court
County of Los Angeles, California
JAN 11 1987

EVERETT BISHOP
County Clerk
on Page 3332
F. M. and only recorded in Vol. 103
10th

A Page

FILE \$100.00

