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l	Michael J. Peltin, State Bar #034183 FILED
2	6355 Topanga Canyon Boulevard LOS ANGELES SUPERIOR COURT Suite 519
3	Woodland Hills, California 91367 JUL 0 5 1994
4	Telephone: (818) 348-7612 Attorney for Jerome W. Oter:
5	Recording for HENREN
6	AUG 1 6 1994 10A .
7	NO DEPT AVB
8	SUPERIOR COURT OF CALIFORNIA
9	FOR THE COUNTY OF LOS ANGELES
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11	ESTATE OF:) CASE NO. PP 001456
12	JOHN OTERI, WAIVER OF ACCOUNT AND FIRST AND FINAL REPORT OF
13	Deceased.) ADMINISTRATOR AND PETITION FOR ITS SETTLEMENT, FOR
14	ALLOWANCE OF COMPENSATION FOR ORDINARY COMMISSIONS AND
15) ORDINARY AND EXTRAORDINARY
16	ATTORNEY'S FEES AND FOR FINAL DISTRIBUTION
17	The Petition of Jerome W. Oteri, as administrator of the
18	
19	Estate of JOHN OTERI, respectfully shows:
20	1. Petitioner is the duly appointed and currently acting
21	administrator of the Estate of JOHN OTERI, deceased.
22	2. JOHN OTERI died intestate on July 3, 1993 in the
23	County of Los Angeles, State of California, being at the time of
24	his death a resident of the County of Los Angeles, State of
25	California.
20 26	3. Petitioner qualified as administrator and Letters of
	Administration were issued to Petitioner on September 17 1993. At
27	all times since then, Petitioner has been and now is the duly
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THE DOCUMENT TO WHICH THIS CERTIFICATE IS CHED IS A FULL, TRUE AND CORRECT COPY CRIGINAL ON FILE AND OF RECORD IN CHECK APR 11 1996
A LARKE, Executive Officer/Clerk or the Superior Court of California, County of Los Angeles

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1 2 3	Attorney at Law 6355 Topanga Canyon Boulevard Suite 519 Woodland Hills, California 01367
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9	FOR THE COUNTY OF LOS ANGELES
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qualified administrator of decedent's estate. Petitioner was granted limited authority by Order of this Court to administer the estate without Court supervision under the Independent Administration of Estates Act. This authority has not been revoked.

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A. Petitioner has performed all required duties as
administrator of this estate and the estate is ready for
distribution and is in a condition to be closed. All costs of
administration incurred to date including charges for legal
advertising and probate referee's fees have been paid except
closing expenses and fees.

5. Notice of Death has been published for the period and 12 in the manner prescribed by law, the first publication being August 13 Within thirty days after completion of publication of 6, 1993. 14 this Notice of Death an Affidavit showing due publication in the 15 manner and form required by law was filed with the Clerk of this 16 More than four months have elapsed since the issuance of 17 Court. Letters, and the time for filing and presenting claims has expired. 18

Known creditors contacted, pursuant to Probate Code 19 6. §9050 to §9054 are listed in Exhibit "A", attached hereto and 20 incorporated by reference herein. All claims filed with the Court 21 and presented against the Estate have been allowed by Petitioner 22 and have been paid with the exception of the claim of Jack W. Woods 23 and Donna R. Woods and the claim of H. Allen Hooper, M.D. 24 Petitioner has taken reasonable and diligent steps to identify and 25 locate decedent's creditors and has determined that all of said 26 creditors are listed in Exhibit "A" attached hereto. The following 27 claims have been filed with the Court and presented against the 28

1 Estate within the statutory period and paid.

2	CLAIMANT'	DESCRIPTION	8	MOUNT
3	Gates, Kingsley & Gates	Funeral	\$3	,92/5-12
4	San Fernando Mission Cemetery	Cemetery Lot	\$	887.48
5	Jerome W. Oteri	Funeral Reimbursement	\$	800-00
6	Citibank	Credit Card	\$	437 64
7	Shell Oil Company	Gasoline	Ş	253,21
8	Bank of America	Credit Card	\$	60:1419
9	Pacific Bell	Telephone Service	\$	176.90

10 The claim of Jack W. and Donna R. Woods for \$5,376.77 11 arose out of the purchase of real property by the deceased in the 12 State of Oregon secured by a trust deed. The claim was rejected by 13 the administrator on October 15, 1993. Thereafter, the creditors 14 filed a lawsuit in the Superior Court of Los Angeles County, 15 bearing case number PC 011751. The attorney for the estate 16 negotiated a settlement of this litigation whereby the creditors 17 received a deed in lieu of foreclosure. As consideration for 18 settlement, the estate paid the sum of \$215.82 representing the 19 costs of the execution of the grant deed and payment of back taxes. 20 Attached as Exhibit "B" is a true copy of the Dismissal of said 21 lawsuit.

22 H. Allen Hooper, M.D. filed a health insurance claim form 23 with the Court on November 4, 1993 showing a balance owing of 24 \$1,223.00. This form was not mailed to the administrator. The 25 administrator had previously received a statement showing a balance 26 due and owing of \$720. A true and correct copy of said bill is 27 attached as Exhibit "C". This amount was verified by telephone as 28 the true and correct amount due and owing said creditor.

Petitioner therefore requests authority to pay to said H. Allen
 Hooper, M.D. the sum of \$720.00.

O. LOT STATE

2 Hooper, M.D. the sum of \$720.000
3 7. No notice to the Director of Health Services under
4 Probate Code §92020 is required because decedent did not receive
5 medical benefits.

8. An Inventory and Appraisal of the Estate was filed on December 8, 1993 showing the value of the estate to be \$195,453.46. 6 The Inventory included real property owned by the deceased valued 7 The administrator determined that there was 8 at \$175,000. negligible equity in the property and there was not sufficient 9 monthly mortgage payments. 10 available to make the Accordingly, the administrator allowed the first trust deed holder funds 11 to foreclose on said property. Petitioner alleges that said 12 Inventory contains all of the assets of the estate that have come 13 to Petitioner's knowledge or into his possession with the exception 14 of the real property located in Oregon which was eventually 15 returned to Jack W. and Donna R. Woods and a trailer located in 16 the state of Oregon on said real property which was sold by the 17 administrator to one, Terry Pocock for the sum of \$700. An ExParte 18 Petition For Approval Of Sale of said trailer was executed by 19 20 Petitioner and approved by the Court on October 19, 1993. 21

9. No California estate tax is due because no Federal
9. No California estate tax is due because no Federal
23 Estate Tax Return has been or will be filed in which a state death
24 tax credit will apply for California property. No Federal estate
25 taxes are due. No California or Federal Income Taxes are due or
26 payable by the estate. There are no personal property taxes due or
27 payable by the estate.

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10. The following have filed Requests for Special Notice

in this proceeding: Jack W. and Donna R. Woods. 1 Petitioner has not kept cash in his possession in 2 11. interest bearing accounts since all amounts appeared to be needed 3 to administer the estate and the amount of cash was less than 4 Petitioner is chargeable and entitled to credits \$10,000. 5 respectively set forth in the Summary of Account attached hereto 6 which is incorporated herein by reference. Attached is a Waiver of 7 Accounting by the daughter and sole heir of the deceased. 8 12. Attached hereto as Schedule "B" and made a part hereof 9 is a full and correct statement of all assets remaining in the 10 estate as of the close of this account. 11 All assets of the estate are decedent's separate 12 13. property. Petitioner is informed and believes and thereon alleges 13 that the following is decedent's heir under the California laws of 14 intestate succession: 15 RELATIONSHIP RESIDENCE AGE 16 NAME 1329 E. 78th St. Daughter Jennifer Susan Oteri over 18 17 Los Angeles, CA 18 The property of the estate should be distributed to 19 14. Jennifer Susan Oteri. 20 Statutory attorney's fees and administrator's 21 15. commissions, payable to each for their ordinary services are 22 \$904.60 and are computed in Schedule "C" which is attached hereto 23 and made part hereof. 24 Michael J. Peltin, attorney for Petitioner, has 25 16. rendered extraordinary services to the estate, which are described 26 in the Declaration in Support of Attorney's Fees, attached hereto 27 and made a part hereof. Said attorney is entitled to reasonable 28

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compensation for these services and a reasonable sum is \$1,000 1 which has not been paid. 2 WHEREFORE, Petitioner requests this Court to Order that: 3 That the administration of this Estate be brought to 4 1. a close without the requirement of an Accounting. Б All the acts and proceedings of Petitioner as 6 2. administrator be confirmed and approved. 7 3. Petitioner be authorized to pay to creditor H. Allen 8 Hooper, M.D. the sum of \$720. 9 Petitioner be authorized and directed to pay to 10 4. Michael J. Peltin, attorney at law, \$904.60 as and for statutory 11 fees for services to Petitioner and to the estate and that 12 Petitioner be allowed and credited with \$904.60 as statutory 13 commissions for services as administrator. 14 5. Petitioner's attorney, Michael J. Peltin, be allowed 15 \$1,000 for extraordinary services as specified. 16 Distribution of the estate in Petitioner's hands and any 17 other property of the decedent or the estate not now known or 18 discovered be made to the parties entitled to it, as set forth in 19 20 the Petition. Such further Order be made as the Court considers 21 6. 22 proper. Inc 27 23 1774 Dated Cler 24 TEROME Petitioner 25 26 27 MICHAEL J. PELTIN Attorney for Petitioner 28 6

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	Michael J. Peltin, State Bar #034183
1	Attorney at Law 6355 Topanga Canyon Boulevard
2	Suite 519 Woodland Hills, California 91367
3 4	Telephone: (818) 348-7612
5	Attorney for Jerome W. Oteri
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8	SUPERIOR COURT OF CALIFORNIA
9	FOR THE COUNTY OF LOS ANGELES
10	
11	ESTATE OF:) CASE NO. PP 001456
12	JOHN OTERI, WAIVER OF ACCOUNTING BY DISTRIBUTEE
13	Decenged
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17	Jennifer Susan Oteri being sole distributee of the Estate
18	
19	and settlement of a final account in said estate.
20	Dated June 10,1994
2]	JENNIJER SUSAN OTERI
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ESTATE OF	JOHN OTERI
SUMMARY D	F ACCOUNT

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3		CHINRGES		
4	Amount of Inventory and Appre	isement	\$195,453	3.46
5	Receipts During Account Perio			0.00
6	Receiped Service	Total	Charges:	\$200,153.46
7				
8		CREDITS	3	
9				
10	Disbursements During Account	Period	\$10,44	0.57
11	Losses (Foreclosure)		175,00	0.00
12	Property on Hand		<u>14,7</u>]	2.89
13		Tot:al	Credits:	\$200,153.46
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1		ESTATE OF JO	HN OTERI
2		PRCPERTY 0	N HAND
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4	<u>CASH</u> Bank of America		\$4,802.89
5	Account No. 093661	0496	
6	PERSONAL PROPERTY	:	\$6,000.00
7	26 foot 1969 Colum equipped with 10 h	bia sailboat 1.p. motor	50,000.00
	edarbhow unon the	-	to 100 00
8	1981 Volkswagen Va California License	2 NO. IWAIGHT	\$2,000.00
9	Veh. I.D. #WV2YA	0253BH076066	
10		orcucie	\$160.00
11	1977 Kawasaki Mot California Licens	6 NO. GARAT	
12		200092	
13		cycle	\$1,750.00
14	California Licens Veh. I.D. #JYA1RV	SA NO. LLAA	
15			\$14,712.89
10	TOTAL PROPERTY ON	N HAND	414/12000
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3	AND C	OMPOTATI	<u> </u>	(B)-Burger Barrete e (Bur Haller e Hanne e Han Hanne e Hanne e Hanne e Hanne e			
4	Amount of Est	ate Acco	unted F	or \$195,4	53.46		
.5	Inventory and	Abbigge	emerre		00.00		
6	Receipts			[175,0	000.00]		
7	Losses			Total	\$25,153.466		
8		of Statut	ory Fe	ns and Commission	72		
9	<u>Computation</u> 4% on \$15,00			Ş	600.00		
10	4% on \$15,00 3% on \$10,15				304.60		
11	3% OU \$10,12			Total	\$904.60		
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DECLARATION OF MICHAEL J. PELTIN

I, MICHAEL J. PELIIN, declare:

I am an attorney at law duly licensed to practice before all of the Courts of the State of California. I am over the age of 4 eighteen years and not a party to the within action. The facts set 5 forth below are of my personal knowledge. This Declaration is filed 6 in support of my request for extraordinary fees for extraordinary 7 services which was performed by this office for this estate. 8

Among the assets of this estate was a trailer, not 9 included in the estate's Inventory, located in the State of Oregon. 10 The administrator obtained a buyer for this trailer and your 11 declarant prepared and processed an ExParte Petition for Approval 12 of Sale which netted \$700 to this estate. 13

Jack W. and Donna R. Woods filed a Creditor's Claim for 14 \$5,376.77 for balance due on a note and trust deed pertaining to 15 the real property owned by the decedent in the State of Oregon. 16 This claim was rejected by the administrator and thereafter said 17 creditor filed a lawsuit in the Superior Court of Los Angeles 18 County. Declarant communicated with the attorney for the creditor 19 and negotiated a settlement of the claim whereby the administrator 20 deeded the property in Oregon back to the Creditor costing the 21 estate \$215.82 for back taxes and recording fees. Attached hereto 22 is an itemization of the time expended for all of said services 23 amounting to a total of five hours. Declarant's hourly rate for 24 Declarant requests services rendered is \$200 per hour. 25 extraordinary fees in the sum of \$1,000. 26

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3	testify thereto.	111-1 ALAD
4	Dated: 1111 29 1994	Muchung gellon
5		MICHAEL J. PELTIN Declarant
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3 4	<u>dhte</u> 10/15/93	<u>. 3</u>	DESCRIPTION OF LEGAL BERVICES TC Administrator re: sale of trailer in Oregon
5 6	10/15/93	.7	Frephre and process ExParte Petition for Approval of Sale of Personal Property Review Complaint by Creditor Jack & Donna
7 8	3/14/94 3/15/94	lhr.	Noods; TC Attorney for Creditor Re: Settlement
9 10	4/14/94	* 2	Review correspondence from Creditor's Attorney
11 12	4/25/94 5/12/94	•5 •3	TC Administrator; LT Creditor's Attorney TC Attorney for Creditor
13 14	5/13/94 5/16/94	. 3 . 4	TC Attorney for Creditor LT Administrator; LT Attorney for Creditor
15 16	5/17/94 5/23/94	.2 .3	TC Attorney for Creditor LT Attorney for Creditor
17 18	TOTAL	<u>13</u> 5 hours	Process request for Dismissal of Lawsuit
19 20			
21 22			
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() STATE OF CALIFORNIA, COUNTY OF LOS ANGELES I, the undersigned, administrator of the estate of JOHN OTERI, declare that I have read the foregoing Summary of Account, Report and Petition and know its contents. It is true of my own knowledge, except as to the matters that are stated in it on my own information and belief, and as to those matters I believe it to be The foregoing Summary contains a full statement of all true. charges against me and all credits to which I am entitled on account of the estate. I declare, under the penalty of perjury, that the foregoing is true and correct. 1994. Executed on this <u>27</u> day of . seme 10 Otou JEROME W. OTERI Aministrator 2:8

I, the undersigned, Say:

(1

 I am the attorney for the Petitioner; and I have read the foregoing Petition and the request in it for the payment to me of fees for my extraordinary services as attorney for the Petitioner. I hereby join in the request and prayer for an Order of this Court allowing me the fees requested for those services.

I have read the Petition and know its contents, which are true of my own knowledge except as to those matters which are stated on my information ad belief and as to those matters I believe to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this £1944 day of J. Attorney for Vetitioner

ESTATE OF JOHN OTERI

EGHIERT WAW CREDITORS RECEIVING NOTICE Mission Cemetery 11160 Stranwood Avenue Mission Hills, California 91345 L.A. Cellular Post Office Box 60360 Los Angeles, California 90060-0360

8 Southern California Edison 25625 W. Rye Canyon Road 9 Valencia, California 91355

Newhall County Water
 23780 N. Pine Street
 Newhall, California 91322-0779

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 Pacific Telephone Payment Center
 Van Nuys, California 91388

14Bank of America
Bank Card Center15P.O. Box 53148

Phoenix, Arizona 85072-3148

Los Angeles Times 17 P.O. Box 60062

Los Angeles, California

18 Citicorp Credit Services, Inc. 19 P.O. Box 5990

San Mateo, CA 94402-9931

21 Shell Oil Company P.O. Box 30790 Los Angeles, California 90030-0760

Gates, Kingsley & Gates Mortuary 6909 Canoga Avenue Canoga Park, California 91303-3183

Southern California Gas Co. 25 P.O. Box C Monterey Park, California 91756

26 Gold Coast Ambulance 27 P.O. Box 7065 Oxnard, California 93031

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lenn A. Thompson, State Bar (1084311 0399 Old Placerville Road	JUN 0 7 1994
0399 Old Placelv111 uite 100 acramento, CA 95827	LOS ANGELES SUPERIOR COURT
916) 364-8500	VOLENIOR COOKE
Attorney(a) for .Jack. W Woods . &. Donna . R Woods	
SUPERIOR COURT OF CALIFORNIA, COUNT	Y OF LOG ANGELESE CEIVED
NOI LIL VYA WW The second	ich couri, il eny)
Plaintiff(a): JACK W. WOODS and DONNA R.	REQUEST FOR DISMISSAL
C Parsonal	Injury, Property Damage and Wrongius Death.
THE ADDRESS OF A COTERT, Executor, [] M	otor venicie L
(Abbreviated Tille) TO THE CLERK: Please dismiss this action as follows: (Check applicable	
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to be dismission.	(Type of print Bilding)() history
TO THE CLERK: Consent to the above dismissal is hereby given.**	
TO THE CLERK: Consent to the above dismissal is hereby given.**	(Type of print Bilding)(-)
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TO THE CLERK: Consent to the above dismissal is hereby given.**	
TO THE CLERK: Consent to the above dismissal is hereby given.** Dated: "When a cross-complaint (or Response (Marriage) saeking affirma- tive ratief) is on file, the stionney(s) for the cross-complainant (respondent) must sign this consent when required by CCP Sol(1), (2) or (5). (To be completed by clerk)	(Type or print attorney(s) name(s))
TO THE CLERK: Consent to the above dismissal is hereby given.** Dated: "When a cross-complaint (or Response (Marriage) saeking affirma- tive ratief) is on file, the stionney(s) for the cross-complainant (respondent) must sign this consent when required by CCP Sol(1), (2) or (5). (To be completed by clerk)	(Type or print attorney(s) name(s))
TO THE CLERK: Consent to the above dismissal is hereby given.** Dated: "When a cross-complaint (or Response (Marriage) saeking affirma- tive ratief) is on file, the stormsy(s) for the cross-complainant (respondent) must sign this consent when required by CCP 581(1), (2) or (5).	(Type or print attorney(s) name(s))
TO THE CLERK: Consent to the above dismissal is hereby given.** Dated: When a cross-complaint (or Response (Marriage) seeking affirmative ratief) is on file, the attorney(s) for the cross-complainant (respondent) must sign this consent when required by CCP Sol(1), (2) or (5). To be completed by clerk) Dismissul entered as requested on	(Type or print attorney(s) name(s)) s) notified on EDWARD M. KRITZMAN
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EXHIBIT "C"





STATE OF OREGON: COUNTY OF KLAMATH : ss.

