

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): Virginia Palmer #98186 Fitzgerald, Abbott & Beardsley 1221 Broadway, 21st Floor Oakland, CA 94612-1837 TELEPHONE NO.: 510-451-3300		FOR COURT USE ONLY ENDORSED FILED ALAMEDA COUNTY JUL 13 1994 RONALD G. OVERHOLT, Exec. Off./Clerk By Robbie McIntosh
ATTORNEY FOR (Name): Marc A. Miltenberger SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda STREET ADDRESS: 1221 Oak Street MAILING ADDRESS: CITY AND ZIP CODE: Oakland, California 94612 BRANCH NAME: North		
ESTATE OF (NAME): Virginia Miltenberger		
DECEDENT		
<input type="checkbox"/> TESTAMENTARY <input type="checkbox"/> OF ADMINISTRATION WITH WILL ANNEXED		<input type="checkbox"/> OF ADMINISTRATION <input checked="" type="checkbox"/> SPECIAL ADMINISTRATION
LETTERS		CASE NUMBER: 244916-8

LETTERS

1. ☐ The last will of the decedent named above having been proved, the court appoints (name):
- a. ☐ Executor
 b. ☐ Administrator with will annexed
2. ☒ The court appoints (name):
MARC A. MILTENBERGER
- a. ☐ Administrator of the decedent's estate
 b. ☒ Special administrator of decedent's estate
 (1) ☒ with the special powers specified in the Order for Probate
 (2) ☐ with the powers of a general administrator
3. ☐ The personal representative is authorized to administer the estate under the Independent Administration of Estates Act ☐ with full authority ☐ with limited authority (no authority, without court supervision, to (1) sell or exchange real property or (2) grant an option to purchase real property or (3) borrow money with the loan secured by an encumbrance upon real property).

TERMINATE 8-8-94

WITNESS, clerk of the court, with seal of the court affixed.

Date: JUL 13 1994 RONALD G. OVERHOLT-EXEC. OFF./CLERK

Clerk, by **ROBBIE MCINTOSH**, Deputy

(SEAL)

AFFIRMATION

1. ☐ PUBLIC ADMINISTRATOR: No affirmation required (Prob. Code, § 1140(b)).
2. ☒ INDIVIDUAL: I solemnly affirm that I will perform the duties of personal representative according to law.
3. ☐ INSTITUTIONAL FIDUCIARY (name):

I solemnly affirm that the institution will perform the duties of personal representative according to law.
 I make this affirmation for myself as an individual and on behalf of the institution as an officer.
 (Name and title):

4. Executed on (date): 7/6/94
 at (place): Oakland, California.

(SIGNATURE)

CERTIFICATION

I certify that this document is a correct copy of the original on file in my office and the letters issued the personal representative appointed above have not been revoked, annulled, or set aside, and are still in full force and effect.

JUL 13 1994

RONALD G. OVERHOLT-EXEC. OFF./CLERK

Clerk, by **Robbie McIntosh** (DEPUTY)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and address): 510-451-3300 Virginia Palmer #98186 Fitzgerald, Abbott & Beardsley 1221 Broadway, 21st Floor Oakland, CA 94612-1837		TELEPHONE NO. FOR COURT USE ONLY
ATTORNEY FOR (Name): Marc A. Miltenberger SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda STREET ADDRESS: 1221 Oak Street MAILING ADDRESS: CITY AND ZIP CODE: Oakland, California 94612 BRANCH NAME: North		
ESTATE OF (NAME): Virginia Miltenberger DECEDENT		
NOTICE OF PETITION TO ADMINISTER ESTATE OF (name): Virginia Miltenberger		CASE NUMBER: 244916-8

- To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both, of (specify all names by which decedent was known): Virginia Miltenberger
- A PETITION has been filed by (name of petitioner): Marc A. Miltenberger in the Superior Court of California, County of (specify): Alameda
- THE PETITION requests that (name): Marc A. Miltenberger be appointed as personal representative to administer the estate of the decedent.
- ☐ THE PETITION requests the decedent's WILL and codicils, if any, be admitted to probate. The will and any codicils are available for examination in the file kept by the court.
- ☒ THE PETITION requests authority to administer the estate under the Independent Administration of Estates Act. (This authority will allow the personal representative to take many actions without obtaining court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested persons unless they have waived notice or consented to the proposed action.) The independent administration authority will be granted unless an interested person files an objection to the petition and shows good cause why the court should not grant the authority.
- ☐ A PETITION for determination of or confirmation of property passing to or belonging to a surviving spouse under California Probate Code section 13650 IS JOINED with the petition to administer the estate.
- A HEARING on the petition will be held

on (date): 080894 at (time): 9:30 a.m. in Dept: 23 Room: PROBATE DEPT.

located at (address of court): 1221 Oak Street, Oakland, CA

- IF YOU OBJECT to the granting of the petition, you should appear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.
- IF YOU ARE A CREDITOR or a contingent creditor of the deceased, you must file your claim with the court and mail a copy to the personal representative appointed by the court within four months from the date of first issuance of letters as provided in section 9100 of the California Probate Code. The time for filing claims will not expire before four months from the hearing date noticed above.
- YOU MAY EXAMINE the file kept by the court. If you are a person interested in the estate, you may file with the court a formal Request for Special Notice of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in section 1250 of the California Probate Code. A Request for Special Notice form is available from the court clerk.
- ☐ Petitioner ☒ Attorney for petitioner (name): Virginia Palmer
 Fitzgerald, Abbott & Beardsley
 (address):
 1221 Broadway, 21st Floor
 Oakland, CA 94612

(SIGNATURE OF ☐ PETITIONER ☒ ATTORNEY FOR PETITIONER)

- This notice was mailed on (date): July 13, 1994 at (place): Oakland, CA, California.
 (Continued on reverse)

NOTE: If this notice is published, print the caption, beginning with the words NOTICE OF PETITION, and do not print the information from the form above the caption. The caption and decedent's name must be printed in at least 8-point type and the text in at least 7-point type. Print the case number as part of the caption. Print items preceded by a box only if the box is checked. Do not print the italicized instructions in parentheses, the paragraph numbers, the mailing information, or the material on the reverse.

1680
OK TO CERTIFY
ENDORSED
FILED

AUG 06 1997

RONALD G. OVERHOLT, Exec. Off/Clerk
By Rosanne Case

VIRGINIA PALMER #98186
FITZGERALD, ABBOTT & BEARDSLEY LLP
1221 Broadway, 21st Floor
Oakland, California 94612-1837
Telephone: (510) 451-3300
Facsimile: (510) 451-1527

Attorneys for Administrator, Marc A. Miltenberger

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA

In the Matter of the Estate)	No. 244916-8
)	
of)	
)	Hearing Date: 8/6/97
VIRGINIA MILTENBERGER,)	Time: 9:30 a.m.
)	Dept.: 23
Deceased.)	

ORDER APPROVING WAIVER OF ACCOUNTING; AMOUNTS PAYABLE AS
STATUTORY AND EXTRAORDINARY COMPENSATION TO THE
ADMINISTRATOR'S ATTORNEYS, AND FOR FINAL DISTRIBUTION OF ESTATE

Marc A. Miltenberger, as administrator of the estate of Virginia Miltenberger, deceased, having filed herein on July 9, 1997, his Petition For Waiver Of Accounting, Order Approving Amounts As Statutory And Extraordinary Compensation To The Administrator's Attorneys And For Final Distribution Of Estate, and the Petition having come on regularly to be heard this day, the court, from proof made to the satisfaction of the court and from the evidence adduced at the hearing, now makes the following findings:

1 1. Notice of the petition and of the filing thereof and of
2 the time and place set for the hearing thereof has been given in the
3 manner and for the time required by law.

4 2. Virginia Miltenberger died intestate on June 21, 1994, a
5 resident of Berkeley, Alameda County, California, and left an
6 estate in Alameda County, California. By order of the above-
7 entitled court dated July 12, 1994, Marc A. Miltenberger was
8 appointed special administrator of the estate of the decedent.
9 Marc A. Miltenberger qualified as such special administrator and
10 Letters of Administration were issued to him on July 12, 1994. By
11 order of the above entitled court dated August 8, 1994, petitioner
12 was appointed administrator of the estate of the decedent and
13 Letters of Administration were issued to him on August 9, 1994.
14 Bond was not required. At all times since August 9, 1994,
15 petitioner has been, and now is, the duly appointed, qualified and
16 acting administrator of the decedent.

17 3. Notice to Creditors was published for the period and in
18 the manner prescribed by law. Within 30 days after the completion
19 of publication of Notice to Creditors, there was filed with the
20 Clerk of the Court an affidavit showing publication of Notice to
21 Creditors in the manner and form required by law. More than four
22 months have elapsed since the issuance of Letters of Administration
23 in this estate and since the first publication of Notice to
24 Creditors. All known and reasonably ascertainable creditors of the
25 estate described in Probate Code §9050 received the notice
26 described in Probate Code §9052 or are within the class of
27 creditors described in Probate Code §9054. The time for filing
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1 claims has expired. The following creditor claims were presented
2 against the estate:

3 (a) On November 4, 1994, a creditor's claim was
4 presented to the estate by Collection Bureau of San Jose, assignee
5 of Alta Bates Medical Center for medical services in the amount of
6 \$884.34. This creditor's claim was paid in full.

7 (b) On August 24, 1994, two creditor's claims were
8 presented to the estate by Fitzgerald, Abbott & Beardsley LLP for
9 services rendered as attorneys for the conservator. One creditor's
10 claim was presented in the amount of "unknown" and the other
11 creditor's claim was presented in the amount of \$2,020.45. Both
12 creditor's claims were withdrawn by Fitzgerald, Abbott & Beardsley
13 LLP.

14 All debts of the decedent and of the estate, and all
15 expenses of administration, except for attorneys' fees and further
16 accountant's fees, have been paid.

17 4. The following request for special notice was filed in
18 this proceeding:

19 James C. Jones, on behalf of Collection Bureau of San
20 Jose.

21 This request was withdrawn on March 21, 1995.

22 5. The names and last known addresses of the beneficiaries
23 of the estate and of persons required to get notice are as follows:

24 Ms. Janis Miltenberger
25 P.O. Box 591
Lopez Island, WA 98261

26 Mr. Marc A. Miltenberger
27 413 High Street
Point Richmond, CA 94801

1 6. On October 2, 1996, the administrator filed herein his
2 Complete Inventory and Appraisement of the assets of the estate of
3 the decedent. The value of the assets constituting the probate
4 estate of the decedent, as determined by the administrator and the
5 duly appointed probate referee, is \$356,388.56. The assets of the
6 estate consist entirely of the decedent's separate property.

7 7. The administrator filed a change of ownership statement
8 with the County Recorder of each county in California in which the
9 decedent owned real property at the time of her death. A property
10 tax certification was filed on July 13, 1994.

11 8. No personal property taxes were due from the decedent or
12 her estate.

13 9. No Federal or California estate tax returns were required
14 to be filed by reason of the death of the decedent.

15 10. The administrator has caused to be prepared and filed all
16 income tax returns, both state and federal, that were required to
17 be filed for the decedent and for her estate. All known taxes due
18 from the decedent or her estate, including federal and state income
19 taxes, have been paid or provided for. Closing fiduciary income
20 tax returns will be filed following the distribution of the estate.

21 11. All debts of the decedent, all county, state and federal
22 taxes finally determined to be payable by the decedent or her
23 estate, and all expenses of the administration of the estate so far
24 incurred, except for statutory attorneys' fees and accountant's
25 fees, have been fully paid or provided for. The estate is now in
26 a condition to be closed.

1 12. Marc A. Miltenberger, as administrator, has filed no
2 account herein because Marc A. Miltenberger, in his individual
3 capacity, and Janis Miltenberger are entitled to receive the entire
4 estate of the decedent, and each has waived an accounting in this
5 matter.

6 13. It is proper that the court should authorize the
7 administrator to retain a reserve of \$5,000.00 for the payment of
8 the preparation of final fiduciary income tax returns, the payment
9 of closing costs, and the payment of any tax deficiencies.

10 14. The administrator has waived his compensation for
11 services rendered as administrator of the estate.

12 15. The sum approved in this order for payment to the law
13 firm of Fitzgerald, Abbott & Beardsley LLP for their ordinary
14 services as attorneys for the administrator is the proper statutory
15 amount.

16 16. The sum approved in this order for payment to the law
17 firm of Fitzgerald, Abbott & Beardsley LLP for their extraordinary
18 services to the estate in connection with the sale of real property
19 is a reasonable sum.

20 17. The decedent died intestate. The decedent was a widow at
21 the date of her death. The decedent's children, Marc A.
22 Miltenberger and Janis Miltenberger, survived the decedent, are now
23 living and are adults. Pursuant to Probate Code § 6402(a), the
24 entire estate of the decedent is distributable equally to the
25 decedent's children, Janis Miltenberger and Marc A. Miltenberger.

26 18. By virtue of the laws of the State of California
27 applicable to the distribution of the decedent's estate, the entire
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1 estate of the decedent in the possession or under the control of
2 the administrator at the time the decree of final distribution,
3 consisting of cash in the approximate amount of \$287,512.14, shall
4 be made herein, exclusive of the amounts approved as payable to the
5 administrator's attorneys and exclusive of the reserve, is
6 distributable in equal shares to Janis Miltenberger and Marc A.
7 Miltenberger.

8 19. By virtue of the laws of the State of California
9 applicable to the distribution of the decedent's estate, any and
10 all property not known or discovered at the time the decree of
11 final distribution of the estate is made, belonging to the decedent
12 or her estate or in which the decedent or her estate may have any
13 interest, and any unexpended portion of the reserve, is
14 distributable in equal shares to Janis Miltenberger and Marc A.
15 Miltenberger.

16 20. The Petition is verified, and all of the allegations
17 thereof are true. Now, therefore,

18 IT IS HEREBY ORDERED that the administrator is authorized to
19 retain a reserve in the sum of \$5,000.00 for the costs of
20 preparation of the final fiduciary income tax returns, the payment
21 of closing costs and the payment of any tax deficiencies.

22 IT IS HEREBY FURTHER ORDERED that the sum of \$7,477.77 be, and
23 it is hereby, approved as the amount payable to the law firm of
24 Fitzgerald, Abbott & Beardsley LLP as statutory compensation for
25 their ordinary services as attorneys for the administrator and
26 \$750.00 as extraordinary compensation.
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1 IT IS HEREBY FURTHER ORDERED that the entire estate of the
2 decedent now in the possession or under the control of the
3 administrator, consisting of the following assets:

4 (a) Cash in the approximate amount of \$287,512.14.
5 be, and they are hereby, distributed in equal shares to Janis
6 Miltenberger and Marc A. Miltenberger.

7 IT IS HEREBY FURTHER ORDERED that any and all property not
8 known or discovered at the time the decree of final distribution is
9 made herein belonging to the decedent or to her estate or in which
10 the decedent or his estate may have any interest, and any
11 unexpended portion of the reserve, be, and they are hereby,
12 distributed in equal shares to Janis Miltenberger and Marc A.
13 Miltenberger.

14 Done in open court on August 6, 1997.

15
16 AUG 06 1997

17 William L Dunbar
18 Judge of the Superior Court
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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): <input type="checkbox"/> IF RECORDED RETURN TO: VIRGINIA PALMER FITZGERALD, ABBOTT & BEARDSLEY Oakland, CA 94612-1837		TELEPHONE NO.: (510) 451-3300	FOR COURT USE ONLY <div style="text-align: right; font-size: 1.2em; font-weight: bold;">1687</div> <div style="text-align: center; font-weight: bold; margin-top: 10px;"> ENDORSED FILED ALAMEDA COUNTY MAY 19 1992 RONALD G. OVERHOLT, Exec. Off./Clerk By Lavon A. Zona </div>
ATTORNEY FOR (Name): Marc Miltenberger and Janis Miltenberger SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA			
STREET ADDRESS: 1221 Oak Street MAILING ADDRESS: Same CITY AND ZIP CODE: Oakland, CA 94612 BRANCH NAME:			
CONSERVATORSHIP OF (NAME): VIRGINIA MILTENBERGER			
Conservatee			
LETTERS OF CONSERVATORSHIP <input checked="" type="checkbox"/> Person <input checked="" type="checkbox"/> Estate <input type="checkbox"/> Limited Conservatorship			CASE NUMBER: 240660-4
STATE OF CALIFORNIA, COUNTY OF ALAMEDA			FOR RECORDER'S USE ONLY

1. ☒ (Name): **Marc A. & Janis Miltenberger** is the appointed
☒ conservator ☐ limited conservator of the ☒ person ☒ estate of
 (name): **Virginia Miltenberger**
2. ☐ (for conservatorship that was on December 31, 1990, a guardianship of an adult
 or of the person of a married minor) (name):
 was appointed the guardian of the ☐ person ☐ estate by order
 dated: _____ and is now the conservator of the
☐ person ☐ estate of (name): _____
3. ☐ Other powers have been granted or conditions imposed as follows:
- a. ☒ exclusive authority to give consent for and to require the conservatee to
 receive medical treatment that the conservator in good faith based on
 medical advice determines to be necessary even if the conservatee objects,
 subject to the limitations stated in section 2356 of the Probate Code.
☐ This treatment shall be performed by an accredited practitioner of the
 religion whose tenets and practices call for reliance on prayer alone for healing of which
 the conservatee was an adherent prior to the establishment of the conservatorship.
☐ (applicable only if the court order limits the duration) This medical authority terminates on (date): _____
- b. ☒ powers to be exercised independently under section 2590 of the Probate Code as specified in attachment
 3b (specify powers, restriction, conditions, and limitations).
- c. ☐ conditions relating to the care and custody of the property under section 2402 of the Probate Code
 as specified in attachment 3c.
- d. ☐ conditions relating to the care, treatment, education, and welfare of the conservatee under section 2358
 of the Probate Code as specified in attachment 3d.
- e. ☐ (for limited conservatorship only) powers of the limited conservator of the person under section 2351.5
 of the Probate Code as specified in attachment 3e.
- f. ☐ (for limited conservatorship only) powers of the limited conservator of the person under section 1830(b)
 of the Probate Code as specified in attachment 3f.
- g. ☐ other (specify): _____

SEAL

CLERK

MAY 19 1992

Dated

RONALD G. OVERHOLT-EXEC. OFF./CLERK

Clerk, by **LAVON A. ZONA**

, Deputy

☒ Number of pages attached: **1**

(Continued on reverse)

This form may be recorded as notice of the establishment of a conservatorship of the estate as provided in section 1875 of the Probate Code.

Form Approved by the
 Judicial Council of California
 Effective January 1, 1991
 GC-350(91)

LETTERS OF CONSERVATORSHIP

Attachment 3b

Power to rent, repair, maintain the real property of the conservatee.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Amerititle the 20th day
of January A.D., 19 98 at 11:52 o'clock A.M., and duly recorded in Vol. M98
of Deeds on Page 1678

FEE \$85.00

By Bernetha G. Letsch, County Clerk
Kathleen Hagan