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8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE  
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11 Conservatorship of the ) Case No.: A-396254  
12 Person and Estate of: ) FIRST ACCOUNT CURRENT AND REPORT OF  
 ) CONSERVATOR AND PETITION FOR ITS  
13 JEANNE LOWRY, ) SETTLEMENT, FOR APPROVAL OF SALE OF  
also known as ) DEPRECIATING PROPERTY, AND FOR ALLOWANCE  
14 JEANNE GRAY, ) OF CONSERVATOR'S AND ATTORNEY'S  
 ) COMPENSATION.  
15 Conservatee )  
 ) Date of Hearing: May 16, 2013  
16 ) Time: 9:30 a.m.  
 ) Department: 22  
17 \_\_\_\_\_ ) Judicial Officer: Hon. Michael R. Jones  
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19 Petitioner, David Lowry (hereinafter conservator), as conservator of the estate of Jeanne Lowry, con-  
20 servatee, presents for settlement and allowance his verified first account current and report of the  
21 estate and his acts as conservator. Petitioner respectfully states:

- 22 1. APPOINTMENT. Petitioner was appointed conservator of the person and estate of Jeanne Lowry,  
23 also known as Jeanne Gray, the conservatee, on March 8, 2012, and Letters of Conservatorship were  
24 issued on March 14, 2012. At all times since his appointment, David Lowry has been acting as the  
25 conservator.  
26 2. INVENTORY AND APPRAISAL. An Inventory and Appraisal of the estate was duly returned and  
27 filed herein on May 25, 2012, showing the value of the estate to be \$1,342,258.59.  
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FIRST ACCOUNT CURRENT OF CONSERVATOR

1 3. PERIOD OF ACCOUNT. This account and report covers the period from March 8, 2012, to March  
2 7, 2013, both dates inclusive.

3 4. CHARGES AND CREDITS. The conservator is chargeable and is entitled to the credits, respective-  
4 ly, as set forth in the Summary of Account, whose supporting schedules are attached following the  
5 Summary, and incorporated in this petition by reference.

6 *This account uses the Judicial Council form Summary of Account, immediately preceding the schedules of*  
7 *the accounts following this report. If that form is not used, a shortened version of the summary of account*  
8 *could be placed here.*

9  
10 5. AUTHORIZED INVESTMENTS. During the period of this account, all cash of this conservatorship  
11 estate has been invested and maintained in interest bearing accounts or in investments authorized by  
12 law, except for an amount reasonably necessary for the orderly administration of the estate.

13 6. STATEMENT OF LIABILITIES. Incorporated in this petition by reference is a statement of all lia-  
14 bilities of the estate that are a lien on estate assets. There are no taxes due but unpaid, and no outstand-  
15 ing judgments for which the estate is liable.

16 7. SALE OF AUTOMOBILE. Conservator sold the conservatee's automobile, Inventory and Appraisal,  
17 Attachment 2, Item 7, for a loss on sale, as specified on the attached Schedule D. Conservator requests  
18 confirmation and approval of the sale as a sale of depreciating property.

19 8. SALE OF FURNITURE AND FURNISHINGS. Conservator sold the furniture and furnishings in  
20 the conservatee's Newport Beach home, Inventory and Appraisal, Attachment 2, Item 3. This sale was  
21 made necessary because the home was rented to a family with their own furniture and furnishings, so  
22 the conservatee's furniture and furnishings would have had to be stored at the estate's expense if they  
23 had not been sold. As the investigator's report of February 27, 2012, and the Determination of  
24 Conservatee's Appropriate Level of Care filed in this matter on May 7, 2012, indicate, the conservatee  
25 will never be able to return home and will never have further use for the items sold. The sale was con-  
26 ducted on a consignment basis by a professional used furniture dealer in a manner similar to a yard or  
27 garage sale. The items sold were not considered numerous or valuable enough for an auction. The prop-  
28 erty was sold for its appraised value, \$2,500.00, less the dealer's charge of 20 percent of the amount

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FIRST ACCOUNT CURRENT OF CONSERVATOR

1 realized. Conservator requests confirmation and approval of this sale as the sale of depreciable person-  
2 al property, or as the sale of personal property under \$5,000.00 in value (Prob. Code, § 2545).

3 Conservator alleges that the conservatee does not have legal capacity to consent to the sale for the rea-  
4 sons stated in the investigator's report dated February 27, 2012.

5 9. SALE OF REAL PROPERTY. Conservator sold the conservatee's vacation home in Palm Springs,  
6 California, for a gain on sale as specified in the attached Schedule B. The order of this court confirm-  
7 ing the sale was filed on November 7, 2012.

8 10. ADDITIONAL BOND. At the time the sale of the conservatee's vacation home was confirmed,  
9 conservator applied for and the court filed an order increasing the amount of the bond. The property  
10 was sold for all cash to the estate, and there was an encumbrance in the amount of \$50,500.00 against  
11 it. The net sum of cash received by conservator, after deducting from the gross sale price all costs of  
12 sale charged to seller in the sale escrow and the encumbrance paid off in the escrow, was \$183,418.50.  
13 An order increasing the bond by the amount of \$184,000 was filed on November 7, 2012. The addition-  
14 al bond was filed on November 9, 2012. Conservator believes the total amount of the bonds filed in  
15 this proceeding is sufficient.

16 *After appointment, the conservator of the estate must file a bond in an amount based on the estimated value*  
17 *of the conservatee's personal property and the conservatee's estimated annual income from all of his or her*  
18 *property and from certain public benefits. The estimate is made in the petition for appointment of conservator,*  
19 *the first document filed with the court at the beginning of the conservatorship. It is often made before the*  
20 *petitioner (the person requesting appointment of a conservator) has enough information to make an accurate*  
21 *estimate. If the initial estimate turns out to be too low, or if real property is changed to personal property,*  
22 *such as when it is sold for cash, the amount of bond required by the law may become greater than the*  
23 *amount of the original bond. In that case, the conservator must apply to the court for an order increasing the*  
24 *amount of the bond to equal the required amount and then must obtain and file the increased bond. You*  
25 *should consult with your lawyer when any question about your bond arises, and both of you must pay close*  
26 *attention at all times to the value and kind of assets in the estate, the amount of bond you have on file, and*  
27 *the amount of bond required by the law. L*

28 *You may also apply to the court for an order reducing your bond if the size of the estate falls below the*  
*amount of required bond. Annual bond premiums are expensive. It's better to have too much bond rather than*  
*too little, but it is a good idea not to carry and pay for a lot more bond than you need. L*

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FIRST ACCOUNT CURRENT OF CONSERVATOR

1 11. NO AFFILIATE RELATIONSHIPS. During the period of this account, conservator has not hired  
2 any agent who has a family or affiliate relationship with conservator.

3 *You must disclose the family or affiliate relationship between you and anyone you hire to help you or the con-*  
4 *servatee. It is a good idea, although not required, to state that you have not hired any related or affiliated per-*  
5 *sons if that is true.*

6 *An "affiliate" is a person or business entity that directly or indirectly controls or is controlled by a conserva-*  
7 *tor, or is under common control with a conservator that is itself a business entity. A nonprofessional individu-*  
8 *al conservator would usually be concerned only about family relationships.*

9 *You may hire and pay a family member, but you must fully disclose the relationship to the court. If you do*  
10 *employ a family member, make sure that the cost of the employment is no greater than if you had employed a*  
11 *nonrelative, that the person is fully qualified and capable of performing the services, and that you are able to*  
12 *exercise proper supervision.*

13 12. CONSERVATOR'S COMPENSATION. Conservator has spent over one hundred and fifty (150)  
14 hours providing services to the conservatee, who is his mother. Conservator has visited the care facility  
15 where the conservatee lives at least once a week and made sure that she is receiving proper care and  
16 that all her personal needs are met. Conservator has marshaled all conservatorship assets, paid all bills  
17 promptly, and managed the estate frugally. Conservator arranged for the sale of the conservatee's auto-  
18 mobile, which she can no longer drive, listed for sale and sold the conservatee's Palm Springs vacation  
19 home to raise money for her care, and rented out the conservatee's Newport Beach home for a monthly  
20 rental greater than the cost of maintaining the property. Conservator has received no compensation for  
21 his services. Conservator requests he be awarded \$500.00, which is a reasonable and nominal sum, to  
22 compensate him for the time he missed work to attend court hearings.

23 13. ATTORNEY'S COMPENSATION. Conservator retained the services of Jared Roberts, Attorney at  
24 Law, to advise him in all matters concerning the conservatorship in which it was necessary to have  
25 advice of counsel in the proper administration and conduct of the conservatorship. No payments have  
26 been made to the attorney for services rendered to the conservator and estate. Mr. Roberts' declaration  
27 describing his services and requested compensation is attached as Exhibit A and incorporated by refer-  
28 ence. Petitioner requests the court allow his attorney the sum of \$3,500.00 as reasonable compensation  
for services rendered.

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FIRST ACCOUNT CURRENT OF CONSERVATOR

1 *Exhibit A would be prepared by your lawyer. ¶ It follows the accounting schedules in this sample. If you*  
2 *request compensation for your services as conservator in an amount more than the nominal sum requested*  
3 *in this sample petition, you would be required to describe your services in detail in the body of your petition*  
4 *or in your own declaration attached to your account.*

5 14. VETERANS' BENEFITS. The conservatee is not receiving money from or through the  
6 Department of Veterans Affairs. The conservatee does not receive revenue or profit from money  
7 obtained from the Veterans Administration or from property wholly or in part acquired with money  
8 from the Department of Veterans Affairs. The conservatorship estate does not include property  
9 acquired, wholly or in part, from money from the Department of Veterans Affairs.

10 15. STATE HOSPITAL. During this conservatorship the conservatee has not been a patient in or on  
11 leave of absence from a state hospital under the jurisdiction of the State Department of State Hospitals  
12 or the State Department of Developmental Services.

13 *The statements in Paragraphs 14 and 15 show that the conservator does not have to give notice of the hear-*  
14 *ing on his account to the VA or to the California state departments of mental health or developmental services.*  
15 *If your conservatee is or was a state hospital inpatient during the period of your account, you would only*  
16 *have to give notice of the hearing to the appropriate state department. You would not have to mention the*  
17 *conservatee's inpatient status in your report if you don't want to put that information in the public record.*

18 16. CONSERVATEE'S ADDRESS. The conservatee is now living at Best Care Convalescent Hospital  
19 located at 17000 Maple Street, Tustin, California.

20 *The conservatee's address is not required in the report as long as the court investigator has the current infor-*  
21 *mation. Whenever there is a change in the conservatee's address or telephone number, you must file a*  
22 *Judicial Council form advising the court of the change.*

23 *Some courts also have their own forms calling for the conservatee's and the conservator's current addresses*  
24 *and telephone numbers, and for other information as well. The court may require that its form be filed with*  
25 *every accounting, whether or not there has been any change in the information provided. You or your lawyer*  
26 *should check with your court for its requirements for information to be included in or provided with your*  
27 *account. ¶*

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FIRST ACCOUNT CURRENT OF CONSERVATOR

1 17. ACCOUNT STATEMENTS. Submitted to the court with, but not attached to, this account and  
2 report, are original account statements from financial institutions showing the balance of all accounts  
3 where money of the estate is or was deposited, for the period immediately preceding the date of the  
4 conservator's appointment, and for the period including the ending date of this accounting.

5 *The original bank statements are delivered to the court, but they are not filed and do not become part of the*  
6 *public record.*

7 *If the total amount of cash collected from the conservatee's bank accounts shown in the Inventory and*  
8 *Appraisal doesn't match the amount shown in the bank statements for those accounts for the period just*  
9 *before the date of the conservator's appointment, or if the amount of cash shown on hand in the accounting*  
10 *doesn't match the amounts shown on the bank statements for the conservator's bank accounts for the period*  
11 *including the ending date of the accounting, an explanation must be given. This would be done in a separate*  
12 *schedule in the accounting, not shown in the sample. The usual explanation for these differences is the*  
13 *effect of outstanding checks or deposits shown in the accounting but not yet shown in the bank statements.*  
14 *If there are stockbrokerage accounts or accounts at other kinds of institutions, their statements must also be*  
15 *delivered to the court.*

16 *When a conservator's name is added to an existing account, or when a new account is opened showing the*  
17 *conservatorship, the financial or other institution maintaining the account must directly advise the court of*  
18 *these facts and must give the court the balance or value of the account when changed or opened.*

19 18. CAPITAL CHANGES. During the period of this account there have been no changes in the form  
20 of non-cash assets of the estate, other than the sales of real and personal property disclosed above and  
21 apparent from the attached schedules.

22 *There must be a statement in the report, or in a separate schedule filed as part of the account, showing*  
23 *changes in the conservatee's assets held by the conservator from those identified in the Inventory and*  
24 *Appraisal or shown as assets on hand in a prior account. Included in this statement would be transactions*  
25 *such as purchases of new stocks or bonds or other investments by the conservator during the period of the*  
26 *account, stock dividends and stock splits, and stock purchases from automatic cash dividend reinvestment*  
27 *programs. Changes in the form of holding cash assets, such as movements of cash between checking and*  
28 *savings accounts, do not have to be shown. Sales of estate assets for cash are changes in assets, but they*  
*are usually separately stated, as they have been in this sample. This paragraph is not required if there have*  
*been no reportable changes in assets, but if that is true, it is a good idea to say so.*

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1 19. STATEMENT OF ESTATE LIABILITIES. The conservatorship estate is indebted to Downey  
2 Savings Bank on a promissory note secured by first trust deed on the estate's real property in Newport  
3 Beach, California (Inventory and Appraisal, Attachment 2, Item No. 1). The balance due on the note as  
4 of March 7, 2013, is \$124,885.00. The note calls for monthly payments of \$1,200.00, bears interest at  
5 the rate of 5.25% per annum, is fully amortized with no balloon payment, and is current.

6 20. SPECIAL NOTICE. There is no request for special notice on file.

7  
8 *People interested in the conservatorship may file with the court and serve on the conservator a request that*  
9 *they be given advance written notice of hearing dates for significant matters filed in the proceeding, includ-*  
10 *ing accounts filed by the conservator. If you have a lawyer, he or she will receive any of these requests for*  
11 *special notice. **L** The statement in this paragraph should be made if no requests have been made.*

12 *If there have been requests for special notice, prior written notice of the hearing on the account and report,*  
13 *and a copy of it, must be sent to each person who made the request. The court keeps a list of those persons.*  
14 *If they are not given timely notice of the hearing or a copy of the account and report, the court can't approve*  
15 *the account. The hearing is instead postponed so proper notice can be given. Generally, the people eligible to*  
16 *request special notice are those who have the right to object to the account and report. If objections are filed*  
17 *by a person who has that right, the hearing on the account proceeds as a contested lawsuit, often many*  
18 *months after the originally scheduled hearing date.*

19 WHEREFORE, conservator prays:

- 20 1. That this account and report be approved and settled;
- 21 2. That the acts of the conservator shown in the account and report be approved;
- 22 3. That the sale of the conservatee's automobile be approved and confirmed as a sale of a depreciating  
23 asset;
- 24 4. That the sale of the conservatee's furniture and furnishings be approved and confirmed as a sale of  
25 a depreciating asset or the sale of personal property valued at less than \$5,000.00 during a calendar  
26 year;
- 27 5. That, upon the settlement of this account, conservator be authorized and directed to pay himself the  
28 sum of \$500.00 as compensation for his services rendered during the period of this account;
6. That, upon the settlement of this account, the conservator be authorized and directed to pay to his  
attorney, Jared Roberts, Esq., the sum of \$3,500.00 as compensation for services rendered and, as yet,  
unpaid; and

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FIRST ACCOUNT CURRENT OF CONSERVATOR

1 7. That the court grant such other and further relief as it deems just and proper.

2  
3 DATE: April 19, 2013

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5 \_\_\_\_\_  
6 DAVID LOWRY, Conservator

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8 \_\_\_\_\_  
9 JARED ROBERTS, Esq.

10 Attorney for Conservator

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FIRST ACCOUNT CURRENT OF CONSERVATOR



1 VERIFICATION

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3 I, the undersigned, state:

4 I am the conservator of the person and estate of the above- named conservatee. The account,  
5 which includes the report and all supporting schedules, is true of my own knowledge, except as the  
6 matters that are stated in it on my information and belief, and as to these matters I believe them to be  
7 true. The account contains a full statement of all charges against me and of all credits to which I am  
8 entitled in the estate during the period of this accounting.

9 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
10 true and correct.

11  
12 DATE: April 19, 2013

13 \_\_\_\_\_  
14 DAVID LOWRY, Conservator