

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):          Shelby T. Phillips, Esq. 318651          William M. Nassar &amp; Associates          1461 Ford St Ste 203          Redlands, CA 92373          TELEPHONE NO.: (909) 307-2000 FAX NO. (Optional): (909) 307-2055          E-MAIL ADDRESS (Optional): sphillips@nassarlaw.com          ATTORNEY FOR (Name): TALVIA DONLEY MARTIN</p>	<p>FOR COURT USE ONLY</p> <p><b>FILED</b>          SUPERIOR COURT          COUNTY OF SAN BERNARDINO          SAN BERNARDINO DISTRICT</p> <p>JUL 15 2024</p> <p>BY <u>Christina Wright</u> DEPUTY</p>
<p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> San Bernardino</p> <p>STREET ADDRESS: 17780 Arrow Blvd          MAILING ADDRESS: 17780 Arrow Blvd          CITY AND ZIP CODE: Fontana, CA 92335          BRANCH NAME: Fontana Limited Access District</p>	
<p><input type="checkbox"/> ESTATE <input checked="" type="checkbox"/> CONSERVATORSHIP <input type="checkbox"/> GUARDIANSHIP OF          (Name): IRENE DONLEY-KIMBLE</p> <p style="text-align: center;"><input type="checkbox"/> DECEDENT <input checked="" type="checkbox"/> CONSERVATEE <input type="checkbox"/> MINOR</p>	
<p><b>REPORT OF SALE AND PETITION FOR ORDER          CONFIRMING SALE OF REAL PROPERTY</b>  <input type="checkbox"/> and Sale of Other Property Sold as a Unit</p>	
<p>CASE NUMBER:          CONSB2300002</p> <p>HEARING DATE AND TIME: <u>AUG 19 2024 10am</u> DEPT.: <u>F2</u></p>	

1. **Petitioner (name of each):** TALIVA DONLEY MARTIN

is the ☐ personal representative ☒ conservator ☐ guardian of the estate of the decedent, conservatee, or minor  
☐ purchaser (30 days have passed since the sale) (Attach supporting declaration (Prob. Code, § 10308(b).)  
 and **requests** a court order for (check all that apply):

- a. confirmation of sale of the estate's interest in the real property described in Attachment 2e  
 b. ☐ confirmation of sale of the estate's interest in other property sold as a unit as described in Attachment 2c.  
 c. ☒ approval of commission of (specify): 6 % of the amount of: \$ 34,800.00  
 d. additional bond ☐ is fixed at: \$ ☒ is not required.

2. **Description of property sold**

- a. Interest sold: ☒ 100% ☐ Undivided (specify): %  
 b. ☒ Improved ☐ Unimproved  
 c. ☐ Real property sold as a unit with other property (describe in Attachment 2c).  
 d. Street address and location (specify):  
 25740 Mesa Court  
 San Bernardino, CA 92404  
 e. Legal description is affixed as Attachment 2e.

3. **Appraisal**

- a. Date of death of decedent or appointment of conservator or guardian (specify): 1/19/2023  
 b. Appraised value at above date: \$ 560,000.00  
 c. Reappraised value within one year before the hearing: \$ ☐ Amount includes value of other property sold as a unit. (If more than one year has elapsed from the date in item 3a to the date of the hearing, reappraisal is required.)  
 d. Appraisal or reappraisal by probate referee ☒ has been filed ☐ will be filed  
☐ has been waived by order dated:

4. **Manner and terms of sale**

- a. Name of purchaser and manner of vesting title (specify): JESUS ARCEO JR., ILEANA D. SERNA LIMON  
 (manner of vesting pending)  
 b. ☐ Purchaser is the ☐ personal representative ☐ attorney for the personal representative.  
 c. Sale was ☒ private ☐ public on (date): 8/2/2024  
 d. Amount bid: \$ 580,000.00 Deposit: \$ 17,400.00  
 e. Payment ☐ Cash ☒ Credit (specify terms on Attachment 4e.)  
 f. ☒ Other terms of sale (specify terms on Attachment 4f.)  
 g. ☐ Mode of sale specified in will. ☐ Petitioner requests relief from complying for the reasons stated in Attachment 4g.  
 h. ☒ Terms comply with Probate Code section 2542 (guardianships and conservatorships).

**REPORT OF SALE AND PETITION FOR ORDER  
 CONFIRMING SALE OF REAL PROPERTY**

(Probate - Decedents' Estates and Guardianships and Conservatorships)



<input type="checkbox"/> ESTATE <input checked="" type="checkbox"/> CONSERVATORSHIP <input type="checkbox"/> GUARDIANSHIP OF (Name): IRENE DONLEY-KIMBL	CASE NUMBER: CONSB2300002
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## 5. Commission

- a. ☐ Sale without broker
- b. ☒ A written ☒ exclusive ☐ nonexclusive contract for commission was entered into with (name):  
Katherine Stec, of Keller Williams Premier Properties
- c. ☒ Purchaser was procured by (name): Francis Vinuya, of RE/MAX Olympic  
a licensed real estate broker who is not buying for his or her account.
- d. ☒ Commission is to be divided as follows:  
3.5% to Keller Williams; 2.5% to RE/MAX.

## 6. Bond

- a. Amount before sale: \$ 1,830,000.00 ☐ none.
- b. Additional amount needed: \$ ☒ none.
- c. ☐ Proceeds are to be deposited in a blocked account. Receipts will be filed. (Specify institution and location):

## 7. Notice of sale

- a. ☒ Published ☐ Posted as permitted by Probate Code section 10301 (\$5,000 or less)
- b. ☐ Will authorizes sale of the property
- c. ☐ Will directs sale of the property

## 8. Notice of hearing

- a. Specific devisee:
- (1) ☒ None.
- (2) ☐ Consent to be filed.
- (3) ☐ Written notice will be given.
- b. Special notice:
- (1) ☒ None requested.
- (2) ☐ Has been or will be waived.
- (3) ☐ Required written notice will be given.
- c. Personal representative, conservator of the estate, or guardian of the estate:
- (1) ☒ Petitioner (consent or notice not required).
- (2) ☐ Consent to be filed.
- (3) ☐ Written notice will be given.

## 9. Reason for sale (need not complete if item 7b or 7c checked)

- a. ☒ Necessary to pay
- (1) ☒ debts
- (2) ☐ devise
- (3) ☐ family allowance
- (4) ☒ expenses of administration
- (5) ☐ taxes

- b. ☒ The sale is to the advantage of the estate and in the best interest of the interested persons.

## 11. Overbid. Required amount of first overbid (see item 10): \$ 609,500.00

## 12. Petitioner's efforts to obtain the highest and best price reasonably attainable for the property were as follows


(specify activities taken to expose the property to the market, e.g., multiple listings, advertising, open houses, etc.):

Property listed as "Coming Soon" on MLS and social media platforms. Sign posted on property; flyers sent to nearby neighborhoods. Once listed, about 8 showings. Open house advertised via MLS, social media, and flyers to surrounding area. About 15 groups of people attended open house. Best offer accepted, then listed as "active under contract" and open to back up offers, but none received.

## 13. Number of pages attached: 4

Date: 7-8-2024


Shelby T. Phillips, Esq.  
 (TYPE OR PRINT NAME OF ATTORNEY)

  
 (SIGNATURE OF ATTORNEY\*)  
 \* (Signature of all petitioners also required (Prob. Code, § 1020).)

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

Date: 7/11/2024

TALIVA MARTIN  
 (TYPE OR PRINT NAME OF PETITIONER)

  
 (SIGNATURE OF PETITIONER)

## SHORT TITLE:

Conservatorship of Irene Donley-Kimble

## CASE NUMBER:

CONSB2300002

## ATTACHMENT (Number): 2e

(This Attachment may be used with any Judicial Council form.)

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

LOT 22, TRACT NO. 11537, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 156, PAGES 15 THROUGH 16 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 0285-301-12-0000

## ATTACHMENT 4e

Purchase Price of \$580,000.00. Initial deposit of \$17,400.00. Balance of down payment \$7,725.00. FHA Loan amount of \$554,875.00. FHA Loan terms pursuant to FHA/VA Amendatory Clause form attached hereto as EXHIBIT A.

## ATTACHMENT 4f

Seller Credit to Buyer shall be \$5,000.00.  
 Items included: Stove(s), oven(s), stove/oven combo(s); dishwasher(s); microwave(s); bathroom mirrors.  
 Natural Hazard Zone Disclosure Report paid by seller.  
 Termite clearance report paid by seller.  
 Smoke alarm, CO detectors, water heater bracing paid by seller.  
 Government Required Point of Sale inspections, reports, corrective/remedial actions paid by seller.  
 Each to pay their own escrow fees--seller's choice.  
 Owner's title insurance policy paid by seller--seller's choice.  
 County and city transfer tax and fees paid by seller.  
 Home warranty plan paid by seller--seller's cost not to exceed \$650.00.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 1 of 1  
 (Add pages as required)





**FHA/VA Amendatory Clause**  
(C.A.R. Form FVAC, Revised 12/21)

This is an addendum to the Purchase Agreement, OR ☐ Other \_\_\_\_\_

dated \_\_\_\_\_, on property known as 25740 Mesa Ct., San Bernardino, 92404 ("Agreement"),  
between Jesus Arceo Jr, Ileana D.Serna Limon ("Property"),  
and \_\_\_\_\_ ("Buyer"),  
Buyer and Seller are referred to as the "Parties" ("Seller").

1. "It is expressly agreed that notwithstanding any other provisions of this contract, the purchaser shall not be obligated to complete the purchase of the property described herein or to incur any penalty by forfeiture of earnest money deposits or otherwise unless the purchaser has been given in accordance with HUD/FHA or VA requirements a written statement by the Federal Housing Commissioner, Department of Veterans Affairs, or a Direct Endorsement lender setting forth the appraised value of the property of not less than \$ \_\_\_\_\_. The purchaser shall have the privilege and option of proceeding with consummation of the contract without regard to the amount of the appraised valuation. The appraised valuation is arrived at to determine the maximum mortgage the Department of Housing and Urban Development will insure or Department of Veterans Affairs will guaranty. Neither HUD or VA warrant the value or the condition of the property. The purchaser should satisfy himself/herself that the price and condition of the property are acceptable."

If, after signing this Amendatory Clause, the purchase price increases, Buyer and Seller agree to sign, before Close Of Escrow, a new amendatory clause that reflects the final purchase price agreed to by Buyer and Seller.

For FHA transactions, the Amendatory Clause is not required on HUD REO sales, sales where the seller is Fannie Mae, Freddie Mac, the Department of Veterans Affairs, Rural Housing Services, other Federal, State and local government agencies, mortgagees disposing of REO assets, or sellers at foreclosure sales and those sales where the borrower will not be an owner-occupant (e.g., sales to nonprofit agencies).

2. **CERTIFICATION:** The undersigned Buyer, Seller, and real estate agent(s) or broker(s) hereby certify that the terms and conditions of the sales contract referenced above are true to the best of their knowledge and belief and that any other agreement entered into by any of the parties in connection with the real estate transaction is part of, or attached to, the sales agreement.

**WARNING:** It is a crime to knowingly make false statements to the United States on this or any other similar form. Penalties can include fine, imprisonment, or both. Title 18 U.S. Code § 1001 et seq.

By signing below, the undersigned acknowledge that each has read, understands and has received a copy of this Amendatory Clause.

Buyer Jesus Arceo Jr Date 06/16/2024  
Buyer Ileana D.Serna Limon Date 06/16/2024  
Seller Taliva Martin Date 6/18/2024 | 08:38 PDT  
Seller \_\_\_\_\_ Date \_\_\_\_\_

Buyer's Real Estate Broker RE/MAX Olympic DRE Lic. # 009164687  
By Francis Vinuya Francis Vinuya DRE Lic. # 01022192 Date 06/16/2024  
Address 3110 E. Garvey Ave. S. City West Covina State CA Zip 91791  
Telephone (626)536-1549 Fax (626)331-7556 Email FRANCISVINUYA1@AOL.COM  
Seller's Real Estate Broker Keller Williams Premier Properties DRE Lic. # 02038346  
By Katherine Stec Katherine Stec DRE Lic. # 02147235 Date 6/17/2024 | 17:21 PDT  
Address 21111 Camino dr. Ste City Phillips Ranch State CAa Zip 91766  
Telephone \_\_\_\_\_ Fax \_\_\_\_\_ Email \_\_\_\_\_

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FVAC REVISED 12/21 (PAGE 1 OF 1)

**FHA/VA Amendatory Clause (FVAC PAGE 1 OF 1)**





CALIFORNIA  
ASSOCIATION  
OF REALTORS®

## FOR YOUR PROTECTION: GET A HOME INSPECTION

### Required For FHA Transactions

(C.A.R. Form HID, Revised 12/23)

#### Why You Need a Home Inspection

Buying a home is probably the biggest investment you will ever make. The purpose of a home inspection is to inform and educate you about the property before you make a financial commitment. A home inspection will give you more detailed information about the overall condition of the house you want to buy.

#### Be an Informed Buyer

A home inspection will only occur if you arrange for one; FHA does not perform home inspections. For a fee, a qualified inspector will take an unbiased look at your potential new home to evaluate its physical condition; estimate the remaining useful life of the major systems, equipment, structure, and finishes; and identify any items that need to be repaired or replaced. If you request an inspection early in the process, you may be able to make your purchase contract contingent on its results.

#### What is Included in the Inspection?

To better understand what to expect in the home inspection, ask the prospective inspector for their Standards of Practice (SOP) or for a sample home inspection report.

#### How to Find an Inspector

To find a qualified home inspector ask for references from friends, real estate professionals, local licensing authorities and organizations that qualify and test home inspectors.


#### Appraisals are NOT Home Inspections!

An appraisal is required to estimate the home's value for your lender and does not replace a home inspection. FHA does not guarantee the value or condition of your new home. If you find problems with your home after closing, FHA cannot give or lend you money for repairs, and FHA cannot buy the home back from you.

#### Radon Gas Testing and Other Health or Safety Issues

The Environmental Protection Agency and the Surgeon General recommend that all houses be tested for radon. For more information, call the toll-free National Radon Information Line at 1-800-SOS-Radon (1-800-767-7236). Ask your inspector if additional health and safety tests are relevant for your home, such as mold; air or water quality; presence of asbestos, lead paint, or urea formaldehyde insulation; or pest infestations.

I(we) acknowledge receipt of this For Your Protection: Get a Home Inspection.

Buyer:  Ileana D. Serna Limon **Jesus Arceo Jr** Date 06/16/2024  
Buyer: Ileana D. Serna Limon **Ileana D. Serna Limon** Date 06/16/2024

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FOR YOUR PROTECTION: GET A HOME INSPECTION (HID PAGE 1 OF 1)

RE/MAX Olympic, 3110 E. Garvey Ave. S. West Covina CA 91791  
Francis Vinuya

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Jesus Arceo