

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: 214329		FOR COURT USE ONLY	
NAME: Brian Miles		ELECTRONICALLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN BERNARDINO FONTANA DISTRICT 2/5/2024 3:56 PM By: Nycole Patterson, DEPUTY	
FIRM NAME: Law Office of Miles & Hatcher, LLP			
STREET ADDRESS: 9373 Haven Ave, Ste. 100			
CITY: Rancho Cucamonga	STATE: CA ZIP CODE: 91730		
TELEPHONE NO.: 909-481-4080	FAX NO.: 909-481-4467		
E-MAIL ADDRESS: bcmiles@miles Thatcherlaw.net			
ATTORNEY FOR (name): Audra LaBelle			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO			
STREET ADDRESS: 17780 Arrow Blvd			
MAILING ADDRESS: SAME AS ABOVE			
CITY AND ZIP CODE: FONTANA 92335			
BRANCH NAME: FONTANA DISTRICT - PROBATE DIVISION			
ESTATE OF (name): Joseph J. LaBelle			
DECEDENT			
PETITION FOR <input type="checkbox"/> Probate of <input type="checkbox"/> Lost Will and for Letters Testamentary		CASE NUMBER: PROVA2400109	
<input type="checkbox"/> Probate of <input type="checkbox"/> Lost Will and for Letters of Administration with Will Annexed			
<input checked="" type="checkbox"/> Letters of Administration		HEARING DATE AND TIME:	
<input type="checkbox"/> Letters of Special Administration <input type="checkbox"/> with general powers		DEPT.:	
<input checked="" type="checkbox"/> Authorization to Administer Under the Independent Administration of Estates Act <input type="checkbox"/> with limited authority			

1. Publication will be in (specify name of newspaper): **City News Group**

a. ☐ Publication requested.

b. ☒ Publication to be arranged.

2. **Petitioner (name each):**
Audra LaBelle

requests that

a. ☐ decedent's will and codicils, if any, be admitted to probate.

b. (name): **Audra LaBelle** be appointed

(1) ☐ executor

(2) ☐ administrator with will annexed

(3) ☒ administrator

(4) ☐ special administrator ☐ with general powers and Letters issue upon qualification.

c. ☒ full ☐ limited authority be granted to administer under the Independent Administration of Estates Act.

d. (1) ☒ bond not be required for the reasons stated in item 3e.

(2) ☐ \$ bond be fixed. The bond will be furnished by an admitted surety insurer or as otherwise provided by law. (Specify reasons in Attachment 2 if the amount is different from the maximum required by Prob. Code, § 8482.)

(3) ☐ \$ in deposits in a blocked account be allowed. Receipts will be filed. (Specify institution and location):

3. a. Decedent died on (date): **12/15/2023** at (place): **Loma Linda, CA**

(1) ☒ a resident of the county named above.

(2) ☐ a nonresident of California and left an estate in the county named above located at (specify location permitting publication in the newspaper named in item 1):

b. ☐ Decedent was a citizen of a country other than the United States (specify country):

c. Street address, city, and county of decedent's residence at time of death (specify):
265 E. Home Street
Rialto, CA 92376
San Bernardino County

ESTATE OF (name):

Joseph J. LaBelle

DECEDENT

CASE NUMBER:

3. d. **Character and estimated value of the property of the estate** (complete in all cases):

- (1) Personal property: **\$3000.00**
- (2) Annual gross income from
- (a) real property: **\$ 0**
- (b) personal property: **\$ 0**
- (3) **Subtotal** (add (1) and (2)): **\$ 0**
- (4) Gross fair market value of real property: **\$ 500,000.00**
- (5) (Less) Encumbrances: **(\$ 377,000.00)**
- (6) Net value of real property: **\$ 123,000.00**
- (7) **Total** (add (3) and (6)): **\$ 126,000.00**

- e. (1) ☐ Will waives bond. ☐ Special administrator is the named executor, and the will waives bond.
- (2) ☐ All beneficiaries are adults and have waived bond, and the will does not require a bond. (Affix waiver as Attachment 3e(2).)
- (3) ☒ All heirs at law are adults and have waived bond. (Affix waiver as Attachment 3e(3).)
- (4) ☐ Sole personal representative is a corporate fiduciary or an exempt government agency.
- f. (1) ☒ Decedent died intestate.
- (2) ☐ Copy of decedent's will dated: ☐ codicil dated (specify for each):
- are affixed as Attachment 3f(2). (Include typed copies of handwritten documents and English translations of foreign-language documents.)
- ☐ The will and all codicils are self-proving (Prob. Code, § 8220).
- (3) ☐ The original of the will and/or codicil identified above has been lost. (Affix a copy of the lost will or codicil or a written statement of the testamentary words or their substance in Attachment 3f(3), and state reasons in that attachment why the presumption in Prob. Code, § 6124 does not apply.)

g. **Appointment of personal representative** (check all applicable boxes):

- (1) Appointment of executor or administrator with will annexed:
- (a) ☐ Proposed executor is named as executor in the will and consents to act.
- (b) ☐ No executor is named in the will.
- (c) ☐ Proposed personal representative is a nominee of a person entitled to Letters. (Affix nomination as Attachment 3g(1)(c).)
- (d) ☐ Other named executors will not act because of ☐ death ☐ declination ☐ other reasons (specify):

☐ Continued in Attachment 3g(1)(d).

(2) Appointment of administrator:

- (a) ☒ Petitioner is a person entitled to Letters. (If necessary, explain priority in Attachment 3g(2)(a).)
- (b) ☐ Petitioner is a nominee of a person entitled to Letters. (Affix nomination as Attachment 3g(2)(b).)
- (c) ☒ Petitioner is related to the decedent as (specify): **Daughter**
- (3) ☐ Appointment of special administrator requested. (Specify grounds and requested powers in Attachment 3g(3).)
- (4) ☐ Proposed personal representative would be a successor personal representative.

h. Proposed personal representative is a

- (1) ☐ resident of California.
- (2) ☒ nonresident of California (specify permanent address):
3431 West Seasons Rd.
Rathdrum, ID 83858
- (3) ☒ resident of the United States.
- (4) ☐ nonresident of the United States.

ESTATE OF (name):

Joseph J. LaBelle

DECEDENT

CASE NUMBER:

4. ☐ Decedent's will does not preclude administration of this estate under the Independent Administration of Estates Act.
5. a. Decedent was survived by (check items (1) or (2), and (3) or (4), and (5) or (6), and (7) or (8))
- (1) ☐ spouse.
- (2) ☒ no spouse as follows:
- (a) ☐ divorced or never married.
- (b) ☒ spouse deceased.
- (3) ☐ registered domestic partner.
- (4) ☒ no registered domestic partner. (See Fam. Code, § 297.5(c); Prob. Code, §§ 37(b), 6401(c), and 6402.)
- (5) ☒ child as follows:
- (a) ☒ natural or adopted.
- (b) ☐ natural adopted by a third party.
- (6) ☐ no child.
- (7) ☐ issue of a predeceased child.
- (8) ☒ no issue of a predeceased child.
- b. Decedent ☐ was ☒ was not survived by a stepchild or foster child or children who would have been adopted by decedent but for a legal barrier. (See Prob. Code, § 6454.)
6. (Complete if decedent was survived by (1) a spouse or registered domestic partner but no issue (only a or b apply), or (2) no spouse, registered domestic partner, or issue. (Check the **first** box that applies):
- a. ☐ Decedent was survived by a parent or parents who are listed in item 8.
- b. ☐ Decedent was survived by issue of deceased parents, all of whom are listed in item 8.
- c. ☐ Decedent was survived by a grandparent or grandparents who are listed in item 8.
- d. ☐ Decedent was survived by issue of grandparents, all of whom are listed in item 8.
- e. ☐ Decedent was survived by issue of a predeceased spouse, all of whom are listed in item 8.
- f. ☐ Decedent was survived by next of kin, all of whom are listed in item 8.
- g. ☐ Decedent was survived by parents of a predeceased spouse or issue of those parents, if both are predeceased, all of whom are listed in item 8.
- h. ☐ Decedent was survived by no known next of kin.
7. (Complete only if no spouse or issue survived decedent.)
- a. ☐ Decedent had no predeceased spouse.
- b. ☐ Decedent had a predeceased spouse who
- (1) ☐ died not more than 15 years before decedent and who owned an interest in **real property** that passed to decedent,
- (2) ☐ died not more than five years before decedent and who owned **personal property** valued at \$10,000 or more that passed to decedent, (If you checked (1) or (2), check only the **first** box that applies):
- (a) ☐ Decedent was survived by issue of a predeceased spouse, all of whom are listed in item 8.
- (b) ☐ Decedent was survived by a parent or parents of the predeceased spouse who are listed in item 8.
- (c) ☐ Decedent was survived by issue of a parent of the predeceased spouse, all of whom are listed in item 8.
- (d) ☐ Decedent was survived by next of kin of the decedent, all of whom are listed in item 8.
- (e) ☐ Decedent was survived by next of kin of the predeceased spouse, all of whom are listed in item 8.
- (3) ☐ neither (1) nor (2) apply.
8. Listed on the next page are the names, relationships to decedent, ages, and addresses, so far as known to or reasonably ascertainable by petitioner, of (1) all persons mentioned in decedent's will or any codicil, whether living or deceased; (2) all persons named or checked in items 2, 5, 6, and 7; and (3) all beneficiaries of a trust named in decedent's will or any codicil in which the trustee and personal representative are the same person.

ESTATE OF (name): Joseph J. LaBelle	DECEDENT	CASE NUMBER:
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8.	Name and relationship to decedent	Age	Address
	Audra LaBelle - Daughter	Adult	3431 West Seasons Rd. Rathdrum, ID 83858
	Yvonne M. Green - Daughter	Adult	4981 E. 3rd Ave. Apache Junction, AZ 85119

☐ Continued on Attachment 8.

9. Number of pages attached: _____

Date: 2/2/2024

Brian Miles

(TYPE OR PRINT NAME OF ATTORNEY)

▶ 

(SIGNATURE OF ATTORNEY) *


* (Signatures of all petitioners are also required. All petitioners must sign, but the petition may be verified by any one of them (Prob. Code, §§ 1020, 1021; Cal. Rules of Court, rule 7.103).)

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

Date: 2/5/2024

Audra LaBelle

(TYPE OR PRINT NAME OF PETITIONER)

▶ 

(SIGNATURE OF PETITIONER)

(TYPE OR PRINT NAME OF PETITIONER)

▶ 

(SIGNATURE OF PETITIONER)

Signatures of additional petitioners follow last attachment.

DE-142/DE-111(A-3e)

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO. 214329 NAME: Brian Miles FIRM NAME: Law Office of Miles & Hatcher, LLP STREET ADDRESS: 9373 Haven Ave, Ste. 100 CITY: Rancho Cucamonga STATE: CA ZIP CODE: 91730 TELEPHONE NO.: 909-481-4080 FAX NO.: 909-481-4467 E-MAIL ADDRESS: bcmiles@miles-hatcherlaw.net ATTORNEY FOR (name): Audra LaBelle		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Bernardino STREET ADDRESS: 17780 Arrow Boulevard MAILING ADDRESS: Same as Above CITY AND ZIP CODE: Fontana 92335 BRANCH NAME: Fontana District		
ESTATE OF (Name): Joseph J. LaBelle , DECEDENT		
WAIVER OF BOND BY HEIR OR BENEFICIARY <input checked="" type="checkbox"/> Attachment 3e to Petition for Probate*		CASE NUMBER:

NOTICE: READ PARAGRAPHS A–G BEFORE YOU SIGN

- A. A bond is a form of insurance to replace assets that may be mismanaged or stolen by the executor or administrator (the estate's **personal representative**). The cost of the bond is paid from the assets of the estate.
- B. A bond may not be required if the decedent's will admitted to probate waives a bond and the court approves.
- C. If the decedent's will does not waive bond, or if the decedent died without a will, the law ordinarily requires the personal representative to give a bond approved and ordered by the court. However, all persons eligible to receive a share of the estate may waive the requirement of a bond. If they all waive bond and the court approves, the personal representative will NOT have to give a bond.
- D. **If bond is not ordered by the court, and the estate suffers loss because the personal representative fails to properly perform the duties of the office, the loss or some part of it may not be recoverable from the personal representative. If so, your share of the estate may be partly or entirely lost.**
- E. You may waive the requirement of a bond by signing this form and delivering it to the petitioner for appointment of a personal representative or to the petitioner's attorney. Your waiver cannot be withdrawn after the court appoints the personal representative without requiring a bond. However, if you sign a waiver of bond, you may later petition the court to require a bond.
- F. A guardian ad litem or other legal representative with specific authority under law to waive bond must sign for a minor, an incapacitated person, an unascertained beneficiary, or a designated class of persons who are not ascertained or not yet in being. See Judicial Council forms DE-350 and DE-351 and Probate Code section 1003.
- G. **If you do not understand this form, do not sign it until you have asked a lawyer (who is independent of the lawyer for the proposed personal representative) to explain it to you.**

WAIVER

- I have read and understand paragraphs A through G above.
- I understand that before signing this form, I am free to consult with a lawyer of my choice concerning the possible consequences to me of waiving bond.
- I understand that I do not have to waive bond to allow the estate administration to begin or proceed, or to receive my share of the estate.
- I **WAIVE** the posting of bond in this estate by (name of personal representative): **Audra LaBelle**

Date: 2/5/2024

Yvonne M. Green

(TYPE OR PRINT NAME OF BENEFICIARY (AND AUTHORIZED SIGNER, IF BENEFICIARY IS NOT AN INDIVIDUAL))

DocuSigned by:

Yvonne Green

(SIGNATURE) 00E754EC...

*(This form may be filed as an independent form (as form DE-142) OR as Attachment 3e(2) (will) or Attachment 3e(3) (intestacy) to the Petition for Probate (form DE-111) (as form DE-111(A-3e).)