

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: 314294 NAME: David F. Calkins FIRM NAME: Calkins Law STREET ADDRESS: 500 N. Brand Blvd., 20th Floor CITY: Glendale STATE: CA ZIP CODE: 91203 TELEPHONE NO.: 818-392-8222 FAX NO.: 888-395-0098 E-MAIL ADDRESS: david@calkinslaw.com ATTORNEY FOR (name): RANDALL BRIAN MENDELSON		FOR COURT USE ONLY ELECTRONICALLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN BERNARDINO SAN BERNARDINO DISTRICT 6/8/2023 11:05 AM By: DiAnna Verdugo, DEPUTY	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO STREET ADDRESS: 247 WEST THIRD STREET MAILING ADDRESS: 247 WEST THIRD STREET CITY AND ZIP CODE: SAN BERNARDINO, CA 92415-0212 BRANCH NAME: SAN BERNARDINO DISTRICT - PROBATE DIVISION			
ESTATE OF (name): JOYCE PHYLLIS HEATH, also known as JOY HEATH DECEDENT			
PETITION FOR <input type="checkbox"/> Probate of <input type="checkbox"/> Lost Will and for Letters Testamentary <input checked="" type="checkbox"/> Probate of <input type="checkbox"/> Lost Will and for Letters of Administration with Will Annexed <input type="checkbox"/> Letters of Administration <input type="checkbox"/> Letters of Special Administration <input type="checkbox"/> with general powers <input checked="" type="checkbox"/> Authorization to Administer Under the Independent Administration of Estates Act <input type="checkbox"/> with limited authority		CASE NUMBER: PROSB2300732 HEARING DATE AND TIME: 7/13/2023 / 9:00 am DEPT.: S35	

1. Publication will be in (specify name of newspaper):

- a. ☐ Publication requested.
 b. ☒ Publication to be arranged.

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

RANDALL BRIAN MENDELSON

requests that

- a. ☒ decedent's will and codicils, if any, be admitted to probate.
 b. (name): RANDALL BRIAN MENDELSON 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): 07/11/2021 at (place): San Bernardino County, California

- (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):
 8592 Baldy Vista Drive, City of Rancho Cucamonga, County of San Bernardino, State of California

ESTATE OF (name): JOYCE PHYLLIS HEATH, also known as JOY HEATH <div style="text-align: right;">DECEDENT</div>	CASE NUMBER:
--	--------------

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

- (1) Personal property: \$unknown
- (2) Annual gross income from
- (a) real property: \$ unknown
- (b) personal property: \$ unknown
- (3) **Subtotal** (add (1) and (2)): \$ unknown
- (4) Gross fair market value of real property: \$ 380000
- (5) (Less) Encumbrances: (\$ unknown)
- (6) Net value of real property: \$ 380,000
- (7) **Total** (add (3) and (6)): \$ 380,000

- 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: 12/11/1981 ☐ 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):
 First Nominated Executor, James Leroy Heath, died on 11/24/2020
 Alternate Executor, Philip James Heath, Declination and Nomination
 Second Alternate Executor, Irene Thelma De Moulin, Declination
☐ 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):
- (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):

- (3) ☒ resident of the United States.
- (4) ☐ nonresident of the United States.

ESTATE OF (name):	JOYCE PHYLLIS HEATH, also known as JOY HEATH 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):	JOYCE PHYLLIS HEATH, also known as JOY HEATH DECEDENT	CASE NUMBER:
-------------------	--	--------------

8. <u>Name and relationship to decedent</u>	<u>Age</u>	<u>Address</u>
Philip James Heath, Son (sole issue of decedent and sole beneficiary of Will)	Adult	Federal Correctional Institution - 32569-064 P.O. Box 1000 El Reno, OK 73036
Irene Thelma De Moulin, Sister	Adult	6328 Pumpkin Ridge Drive, Unit 3 Windsor, CO 80550
James Leroy Heath, ex-husband, deceased Date of Death 11/24/2020	Deceased	Deceased
Randall Brian Mendelson, Nominee/Petitioner	Adult	2140 N. Hollywood Way, Apt. 6877 Burbank, CA 91510


☐ Continued on Attachment 8.

9. Number of pages attached: 7

Date: 2/3/2023

David F. Calkins, Esq.

(TYPE OR PRINT NAME OF ATTORNEY)


(SIGNATURE OF ATTORNEY) *

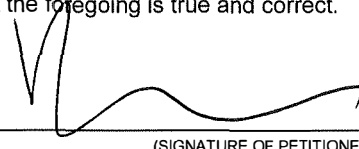
* (Signatures of all petitioners are also required. All petitioners must sign, but the petition may be verified by any one of them (Prob. Code, §§ 4020, 1021; Cal. Rules of Court, rule 7.103).)

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

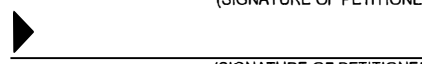
Date: 2/2/2023

RANDALL BRIAN MENDELSON

(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.

ATTACHMENT 3f(2) TO PETITION FOR PROBATE

RE: Estate of Joyce Phyllis Heath, aka Joy Heath

1 THE WILL OF
2 JOYCE PHYLLIS HEATH
3 FORMERLY KNOWN AS GOTTSCHALK
4

5 I, JOYCE PHYLLIS HEATH, a resident of San Bernardino
6 County, California, declare that this is my Will, and I revoke
7 all former Wills and Codicils made by me.
8

9 DECLARATIONS

10 I am married to JAMES LEROY HEATH and all references in
11 this Will to my spouse are to him.

12 I have one child now living, namely PHILIP JAMES HEATH,
13 born February 22, 1968.

14 I have no other children living or deceased.

15 I declare that it is my intention to dispose of all my
16 property, both real and personal, of whatever nature and wherever
17 situated, which I am entitled to dispose of by Will.

18 I declare that all property held and known by me, of
19 whatever nature and wherever situated, regardless of how title
20 is held is community property.

21 I confirm to my spouse his interest in our community
22 property that is his by law.
23

24 SPECIAL REQUEST

25 It is my wish that upon my demise my remains be cremated.
26
27
28

//////

//////

//////

1

2
3
4
5
6

7
8
9
10
11
12

14

15
16
17

18
19
20
21

22
23
24

26

27
28

1 property of my estate, subject to only such confirmation as
2 required by law.

3 B. I further authorize my Executor either to continue
4 the operation of any business belonging to my estate for such
5 time and in such manner as my Executor may deem advisable and
6 for the best interests of my estate, or to sell or liquidate
7 the business at such time and on such terms as my Executor
8 may deem advisable and for the best interests of my estate.
9 Any such operation, sale or liquidation by my Executor, in
10 good faith, shall be at the risk of my estate and without
11 liability on the part of my Executor for any resulting losses.

12 C. My Executor shall determine, in a manner which
13 would minimize taxes, whether any or all expenses of an adminis-
14 tration of my estate shall be used as Federal Estate Tax
15 Deductions or as Federal Income Tax Deductions, and whether
16 date of death or alternate valuation values should be used for
17 estate tax purposes. No beneficiary under this Will, whether
18 an income beneficiary or a remainderman of any trust, or other
19 beneficiary, shall have any right to recoupment or restoration
20 of any losses the beneficiary suffers as the result of the use
21 of any such deductions for one or the other of such purposes.

22 /////

23 /////

24 /////

25 /////

26 /////

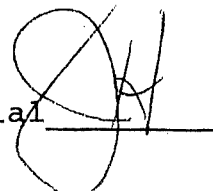
27 /////

28 /////

1 POWERS OF GUARDIAN

2
3 Unless specifically provided to the contrary in any
4 other provision of this will, any guardian appointed by me shall
5 be vested with, in addition to those powers now or hereafter
6 conferred by law, the following powers:

7 Pursuant to Section 1484 of the California Probate
8 Code, I herewith specifically authorize any person nominated in
9 this Will and serving as guardian of both the person and estate
10 of my minor children to utilize such funds of the guardianship
11 estate as are reasonably necessary to offset any economic burdens
12 occasioned to the guardian by virtue of his acting in such
13 capacity, in order to permit all of my minor children to reside
14 with such guardian in reasonable comfort. The reasonability of
15 the need to offset economic burdens occasioned by said guardian-
16 ship shall depend in part on (i) the number and ages of children
17 for whom the guardian is required to care (including his or her
18 own children), and (ii) the size of the guardianship estate. Such
19 guardian may also utilize guardianship funds to pay any increases
20 in living expenses occasioned by such guardianship, including
21 but not limited to increases in homeowners' fire and casualty
22 insurance, property taxes incurred by the remodeling or expansion
23 of the guardian's home or the purchase of a new home, utility
24 bills and food bills. All such expenses shall be charged in
25 equal shares against the guardianship estate of each of my
26 minor children.

27
28 Initial 

GENERAL PROVISIONS

A. The masculine, feminine or neuter gender, and the singular or plural shall be deemed to include the others where appropriate.

B. The first named Appointee shall serve in the designated capacity unless or until he becomes unable or unwilling to act, in which event the Alternate Appointee shall serve in the order named. In the event Co-Appointees have been nominated to serve jointly, and one is or becomes unable or unwilling to act, the other shall serve alone.

C. No successor Appointee shall be liable or responsible for any losses and expenses resulting from or occasioned by anything done or neglected to be done in the administration of this Will prior to the date of acceptance of appointment by such Appointee, unless otherwise indicated in my Will.

D. If any provision of this Will is unenforceable, the remaining provisions shall nevertheless be effective.

E. Except as otherwise provided herein, I have intentionally omitted to provide for any of my heirs living at the time of my death.

F. If any beneficiary under this Will shall in any manner contest or attack this Will or any of its provisions, then in such event, any share or interest in my estate given to such contesting beneficiary under this Will is hereby revoked and shall be disposed of in the same manner provided here as though such contesting beneficiary had predeceased me without issue.

/////

1 I direct that all inheritance, estate or other death
2 tax that may, by reason of my death, be attributable to my
3 probate estate or any portion of it, shall be paid by my
4 Executor out of my estate disposed of by this Will, without
5 adjustment among the beneficiaries, and shall not be charged
6 against or collected from any beneficiary of my probate estate.


7 I direct that all inheritance, estate or other death tax
8 that may, by reason of my death, be attributable to my probate
9 estate or any portion of it, or to any property or transfers
10 of property outside my probate estate, shall be paid by my
11 executor out of my estate disposed of by this Will, without
12 adjustment among the beneficiaries, and that it shall not be
13 charged against or collected from any beneficiary of this probate
14 estate.

15 No interest shall be paid on any legacy under this
16 Will unless a contrary intent is herein expressed.

17 I subscribe my name to this Will this 11th day of
18 December, 1981, at Upland, California.

19
20 
21 JOYCE PHYLLIS HEATH

22 The within instrument, consisting of seven pages,
23 including the page signed by us as witnesses, was subscribed
24 on the date it bears by Testator, who, at the time of sub-
25 scribing, declared it to be Testator's Will. The subscription
26 and declaration were made in our presence, we being present at
27 the same time; and we, at Testator's request and in Testator's
28 presence and in the presence of each other, have signed the



1 instrument as witnesses on the date indicated above. We
2 are acquainted with Testator who is over the age of 18, and
3 to the best of our knowledge is of sound mind and is not acting
4 under duress, menace, fraud, misrepresentation or undue influence.

5 We declare under penalty of perjury that the foregoing
6 is true and correct to the best of our knowledge and that this
7 declaration is being executed on December 11, 1981 at Upland,
8 California.

9
10 Melba Mason

Address: 1256 West Seventh St.
Upland, California 91786

11
12
13 Jane Kinner

Address: 1256 West Seventh St.
Upland, California 91786

14
15
16 Judith A Adumana

Address: 1256 West Seventh St.
Upland, California 91786

**RE: Estate of Joyce Phyllis Heath,
aka Joy Heath**

**ATTACHMENT 3g(1)(c) TO PETITION FOR PROBATE
(declination to serve)**

and

**ATTACHMENT 3g(2)(b) TO PETITION FOR PROBATE
(nomination)**

1 DAVID F. CALKINS, ESQ. SBN 314294
2 CALKINS LAW
3 500 N. BRAND BLVD., SUITE 2000
4 GLENDALE, CA 91203
5 TEL: (818) 392-8222
6 EMAIL: david@calkinslaw.com

7 Attorney for Administrator,
8 RANDALL BRIAN MENDELSON

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO – PROBATE DIVISION**

ESTATE OF:

JOYCE PHYLLIS HEATH, also known as
JOY HEATH

Deceased.

Case No.:

***PHILIP JAMES HEATH'S
DECLINATION TO SERVE AS
EXECUTOR; AND NOMINATION OF
RANDALL BRIAN MENDELSON TO
SERVE AS ADMINISTRATOR***

I, PHILIP JAMES HEATH, declare as follows:

1. I am the only child of the decedent Joyce Phyllis Heath, also known as Joy Heath.
2. My mother stated in her Last Will and Testament that my father, James Leroy Heath, was to serve as the executor without bond. However, my father died on November 24, 2020. His estate is being administered in the Ventura County Superior Court, Case Number 56-2021-00553695-PR-LA-OXN
3. In my mother's Last Will and Testament, I was designated as the first alternate executor following my father. Since I am currently incarcerated at a Federal Correctional Institution, I decline to serve as Executor of my mother's Will.

1 4. I have not undertaken any duties in the capacity of Executor of my mother's estate.

2 5. Although my mother's Last Will and Testament designates her sister, Irene Thelma De
3 Moulin, as the second alternate executor, Irene has declined to serve in that capacity. Her duly
4 executed Declination to Serve as Executor is attached to this document and identified as **EXHIBIT**
5 **A.**

6 6. Aside from my deceased father, my mother's sister Irene, and myself, my mother's
7 Last Will and Testament does not nominate any other persons to serve as an alternate executor.

8 7. I hereby nominate my trusted childhood friend, Randall Brian Mendelson, to serve as
9 Administrator of the Estate of Joyce Phyllis Heath, also known as Joy Heath.

10
11 I declare under penalty of perjury under the laws of the state of California that the foregoing is
12 true and correct and that this document was executed in El Reno (city),
13 Oklahoma (state).

14
15
16 DATED: 3-11-2023

17 Philip James Heath
18 PHILIP JAMES HEATH
19 Declarant
20
21
22
23
24
25
26
27
28

EXHIBIT A

1 John R. Ramos, Esq. (SBN: 59887)
2 LAW OFFICES OF JOHN R. RAMOS
3 2509 West Beverly Blvd.
4 Montebello, CA 90640
(323) 721-2514
(323) 721-4044 Fax
john-r-ramos@msn.com

5 Attorney for Petitioner
6 Jessica Rodgers

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 COUNTY OF SAN BERNARDINO, PROBATE DISTRICT
9
10

11 In re Estate of:) Case No.:
12 JOYCE PHYLLIS HEATH,) IRENE THELMA DE MOULIN'S
13) DECLINATION TO SERVE AS
14 Decedent.) EXECUTOR
15) Date:
) Time: 8:30 a.m.
) Dept.: " "

16 I, IRENE THELMA DE MOULIN, declare as follows:

17 1. I am the sister of the decedent Joyce Phyllis Heath.

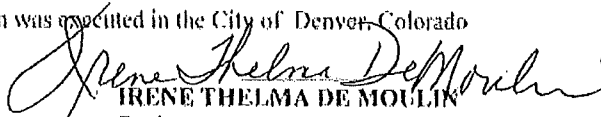
18 2. My sister stated in her Last Will and Testament that my former brother-in-law, James Leroy
19 Heath was to serve as the executor without bond. However, he was tragically killed on November 24,
20 2020 when he was struck by a car. His estate is being administered in the Ventura County Superior
21 Court, Case Number: 56-2021-00553695-PR-LA-OXN.

22 3. I was designated as a second alternate to her son Philip Heath.

23 4. I decline to serve in this capacity.

24 5. I have not undertaken any duties in this capacity

25 I declare under penalty of perjury under the Laws of the California, that the foregoing is true and
26 correct and that the foregoing declaration was executed in the City of Denver, Colorado
27 on August 2, 2021.

28 
IRENE THELMA DE MOULIN
Declarant