

ASSESSMENT APPEALS HEARING
SEPTEMBER 17, 2018; 8:30AM
APPLICANT: BEVERLY A. TRENGOVE, TRUSTEE
RE: APN 036-122-10
208 EL SALTO DRIVE, CAPITOLA, CA

INDEX OF DOCUMENTS
(ATTACHED)

- **PAGES 1-11**
12/1/1967: Original Order filed and recorded in Book 7961 at Page 471, Santa Cruz County Records: Judgment Settling First and Final Account and Report of Executor, Allowing Statutory and Extraordinary Commissions and Fees; Prating Federal Estate Tax and Inheritance Tax, and of Final Distribution under Will
- **PAGES 12-13**
11/1/2001: Order for Modification of Testamentary Trust filed in Los Angeles Superior Court
- **PAGES 14-18**
2/20/2003: Order Modifying Trust Due to Changed Circumstances filed in Los Angeles Superior Court
- **PAGES 19-21**
1/09/2015: Order Modifying Trust and Appointing Successor Trustee filed in Los Angeles Superior Court
- **PAGES 22-23**
3/24/2015: Affidavit of Change of Trustee recorded as Document No. 2015-0010544, Santa Cruz County Records

CORRESPONDENCE
PAGES 24-38

- Letter dated March 23, 2017 from Teresa V. Rein, attorney for Applicant, to Assessment Appeals Board, County of Santa Cruz, with attached Assessment Appeal Application and Notice of Supplemental Assessment;
- Letter dated May 16, 2017 from Claudia Cunha to the State Board of Equalization;
- Letter dated June 30, 2017 from the State Board of Equalization to Teresa V. Rein;
- Letter dated July 27, 2017 from Teresa V. Rein to the State Board of Equalization;
- Email dated January 3, 2018 from Michael Crook of the State Board of Equalization to Teresa V. Rein stating the SBOE cannot prepare a legal opinion regarding the assessment appeal.

EXH. B

BOOK 1858 PAGE 279

3336862

COMPARED

BOOK 7961 PAGE 471

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Attorney for Petitioner

YOM M. KILLEY, Clerk
B.C. VIVIAN JACKSON
Clerk of the County



IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CRUZ

Estate of
MELVILLE JAMES TRENGOVE,
Deceased.

NO. 20669

JUDGMENT SETTLING FIRST AND FINAL ACCOUNT AND
REPORT OF EXECUTOR, ALLOWING STATUTORY AND
EXTRAORDINARY COMMISSIONS AND FEES, PRORATING
FEDERAL ESTATE TAX AND INHERITANCE TAX, AND
OF FINAL DISTRIBUTION UNDER WILL

Wells Fargo Bank, as executor of the will of Melville
James Trengove, deceased, having heretofore filed its first and
final account and report and petition for its settlement and for
final distribution, and the account and report and petition coming
on this day regularly for hearing, the court finds:

Due and legal notice of the hearing of the petition has
been given as required by law.

All the allegations of the petition are true.

Melville James Trengove died testate on July 20, 1966, in
the County of Santa Clara, State of California, being at the time of
his death a resident of Santa Cruz County, California.

On August 19, 1966, Wells Fargo Bank was appointed
executor of the decedent's will. It qualified as executor of the
decedent's will on August 19, 1966, and ever since has been and
now is the executor of the decedent's will.

1 Notice to creditors has been duly given as required by
2 law, the time for filing or presenting claims has expired, and the
3 estate now is in a condition to be closed.

4 All claims filed or presented against the estate have
5 been allowed by the executor, and paid.

6 All debts of the decedent and of the estate and all
7 expenses of administration except closing expenses, commissions
8 of executor and attorney's fees have been paid in full.

9 A written report of the inheritance tax appraiser
10 appointed herein is on file, and an order fixing the inheritance
11 tax due the State of California from this estate has been made by
12 this court. The tax has been paid in full as evidenced by the
13 receipt of the County Treasurer of the County of Santa Cruz on
14 file herein. A portion of this tax, in the amount of \$362.58 is
15 chargeable to Norman Trengove. All personal property taxes due
16 and payable by this estate have been paid.

17 The executor paid federal estate taxes in the amount of
18 \$37,695.20, of which \$403.20 should be charged against the interest
19 of Norman Trengove.

20 All California income taxes and federal income taxes due
21 and payable by the estate have been paid.

22 The trustee hereafter named should be authorized and
23 directed to pay out of the corpus of the trust in its hands any
24 and all tax deficiencies that may be assessed against the estate.

25 All the assets of the estate are the separate property
26 of the decedent.

27 Distribution should be ordered as prayed for.

28 IT IS ORDERED AND ADJUDGED that:

29 1) The administration of the estate is brought to a
30 close.

31 2) The first and final account, petition, and report of
32 the executor is hereby settled, allowed, and approved as filed.

1 3) All the acts and transactions of the executor
2 relating to the matters set forth in the account, petition, and
3 report are ratified, confirmed, and approved.

4 4) The executor is authorized and directed to pay to
5 itself the sum of \$5,166.27 as statutory fees for its services
6 rendered in the administration of this estate and the sum of
7 \$1,178.06 for its extraordinary services rendered in the adminis-
8 tration of this estate, and to pay its attorney the sum of
9 \$5,166.27, his statutory fees, and the sum of \$1,178.06 as
10 compensation for his extraordinary services rendered in the
11 administration of this estate.

12 5) Notice to creditors has been duly given as required
13 by law.

14 6) The California inheritance taxes due and payable by
15 the estate have been paid.

16 7) The executor is authorized to deduct from the dis-
17 tributive share of Norman Trengove, the sum of \$362.58 for
18 inheritance taxes paid by the executor in his behalf.

19 8) The executor is directed to charge the sum of \$403.20
20 against Norman Trengove as his prorated share of the federal estate
21 tax paid by the executor in his behalf.

22 9) The trustee hereafter named is authorized and directed
23 to pay out of the corpus of the trust in its hands any and all tax
24 deficiencies that may be assessed against the estate.

25 10) The following described property on hand for dis-
26 tribution is distributed to Norman Trengove: 1/2 interest in the
27 quarter horse named Poco Wanda, the quarter horse named Poco Lucero,
28 jewelry, firearms, furniture and furnishings at 208 El Salto Drive,
29 Capitola, California, the 1959 Ford automobile (license #TLF 910),
30 the 1957 Ford automobile (license # MEK 835), and the 1935 Ford
31 automobile (engine # 18-1933890).

32 11) The balance of the estate property, as set forth in

1 Exhibit "A" attached hereto, together with any other property of
2 the estate not now known or discovered which may belong to the
3 estate, or in which the decedent or the estate may have any
4 interest, whether described herein or not, is distributed to
5 Wells Fargo Bank, in trust, to be held by the trustee for the
6 following uses and purposes:

7 I. Out of the \$10,322.15 earned as net income
8 during the administration of the probate estate, the trustee shall
9 pay to Norman Trengove and to Mary Clifton, respectively, free of
10 trust, so much of said net probate income as the trustee, in its
11 discretion, deems advisable; provided, however, that any such
12 payment to Norman Trengove shall not exceed the sum of \$500.00
13 per month times the number of months which elapse from the date of
14 decedent's death on July 20, 1966 to the date of judgment for
15 final distribution; and provided further that any such payment
16 to Mary Clifton shall not exceed the sum of \$150.00 per month
17 times the number of months which elapse from the date of decedent's
18 death on July 20, 1966 to the date of judgment for final distribu-
19 tion. The balance remaining from the \$10,322.15 after said dis-
20 tributions are made shall be added to the residue of the trust
21 property, and be distributed in accordance with the provisions of
22 the following paragraph.

23 II All of the trust estate remaining after the
24 payments referred to in the preceding paragraph shall be held,
25 administered, and distributed by the trustee as follows:

26 A) The trust shall terminate twenty-one
27 years after the death of Norman Trengove, provided he has issue
28 surviving him on the date of his death. If there are no living
29 issue of Norman Trengove at the time of his death, then the trust
30 shall terminate twenty-one years after the death of Melville James
31 Trengove, which date of death is July 20, 1966, or on the date of
32 death of Norman Trengove, whichever date is later.

1 B) Until the trust is terminated as provided
 2 above, the trustee shall distribute to the following named benefi-
 3 ciaries, the net income of the estate at such times and in such
 4 amounts as the trustee, in its discretion, deems advisable; pro-
 5 vided, however, that the amount of the distributions to be made
 6 to Norman Trengove or Mary Clifton shall not be larger than the
 7 amounts hereafter designated unless the trustee, in its discretion
 8 determines that a larger amount is necessary because of illness or
 9 incapacity of either or both of said beneficiaries.

10 Subject to the foregoing, the trustee shall make
 11 the following payments during the existence of the trust:

12 1) As long as both Norman Trengove and
 13 Mary Clifton are alive, the trustee may distribute to Norman
 14 Trengove the sum of up to \$500.00 per month for life. Out of any
 15 excess net income remaining after the payments to Norman Trengove as
 16 herein provided, the trustee may distribute to Mary Clifton the sum
 17 of up to \$150.00 per month for life. In the event that Mary
 18 Clifton predeceases Norman Trengove, the monthly payments which
 19 the trustee may distribute to Norman Trengove shall be increased
 20 up to \$650.00 per month.

21 ii) Upon the death of Norman Trengove:

22 a) If both Mary Clifton and any
 23 issue of Norman Trengove are alive at that time, the trustee may
 24 distribute to Mary Clifton the sum of up to \$350.00 per month,
 25 and the trustee shall distribute the remaining balance of such
 26 net income to the issue of Norman Trengove, by right of represen-
 27 tation.

28 b) If Mary Clifton is alive at the
 29 time of Norman Trengove's death, but Norman Trengove leaves no
 30 living issue at the time of his death, or if all of such issue
 31 subsequently die, the trustee shall distribute all of the net
 32 income to Mary Clifton.

*Revised
 BY 2015
 order*

*650
 75/10*

*Revised
by
2015
order*

1 c) If Mary Clifton predeceases
2 Norman Trengove, or subsequently dies during the existence of the
3 trust, and Norman Trengove leaves issue living at the time of his
4 death, the trustee shall distribute all of the net income to the
5 issue of Norman Trengove, by right of representation.

6 d) If at the time of Norman Tren-
7 gove's death, or at any subsequent time during the existence of
8 the trust, neither Mary Clifton nor any issue of Norman Trengove
9 is alive, the trustee shall distribute the net income, in equal
10 shares, to Cal Farley's Boys Ranch of Amarillo, Texas, and Father
11 Flanagan's Boys Town of Omaha, Nebraska.

12 c) If at the time of the death of Norman
13 Trengove, he leaves issue surviving, the corpus of the trust shall
14 vest in such issue, by right of representation, at the time of his
15 death, but distribution of the corpus shall not be made until the
16 termination of the trust, that is, twenty-one years after the death
17 of Norman Trengove as provided above.

18 If at the time of the death of Norman Trengove he
19 leaves no issue surviving, the corpus of the trust shall then vest
20 in Cal Farley's Boys Ranch of Amarillo, Texas, and Father Flanagan's
21 Boys Town of Omaha, Nebraska, in equal shares, at the time of said
22 death, but distribution of the corpus shall not be made until the
23 termination of the trust, that is, twenty-one years after the death of
24 Melville James Trengove, or upon the death of Norman Trengove,
25 whichever date is later, as provided above.

26 d) All distributions to be made during the
27 existence of the trust shall be made out of net income only, and
28 the corpus shall not be invaded during the existence of the trust.
29 A separate income account shall be maintained, and any accumulated
30 income may be paid at a later date, provided that in no event shall
31 any monthly distribution exceed the amounts specified herein.

32 e) Upon the termination of the trust, the

*Per Ex 2,
invasion
allowed
for residue*

1 rights of all income beneficiaries, including those of Mary Clifton
2 shall cease.

3 F) It was the wish of Melville James Trangove
4 that all property received from the trust by Father Flanagan's
5 Boys Town be used for the personal benefit and welfare of the boys
6 living in said institution, such as bedding, clothing, equipment,
7 and other personal needs. However, no such limitation or condi-
8 tions shall be binding on said gift.

9 G) Neither the income nor the corpus of the
10 trust estate shall be liable for the debts of any of the benefi-
11 ciaries, and no creditor of any of the beneficiaries shall have the
12 right to seize or reach the same under any writ or by any proceed-
13 ings at law or in equity, and the beneficiaries shall not have the
14 power to give, grant, sell, convey, hypothecate, mortgage, pledge,
15 or otherwise dispose of, encumber or anticipate the income of any
16 installment thereof, or any share in the principal thereof, and no
17 beneficiary shall have the right to dispose of any of the trust
18 estate until the same have actually been transferred and paid over
19 to him.

20 H) During the administration of the trust estate:

21 i) All stocks and bonds received, held,
22 and managed by the trustee shall be retained intact in the trust.
23 The trustee shall not convert said stocks or bonds into any other
24 investment, but all stock purchase rights shall be exercised.

25 ii) The trustee may, at its discretion,
26 maintain up to \$10,000.00 on deposit in any banking institution of
27 its choosing, providing said institution pays interest on said
28 deposit at the rate of not less than 2%. All money in excess of
29 said amount shall be converted into United States Government bonds.
30 Investment of income and accumulations shall be handled in the same
31 manner.

32 iii) The trustee shall allow Norman Trangove

modified
by order
(Ex 3)

1 and his mother, Mary Clifton, to occupy the dwelling and appurten-
 2 ances at 208 El Salto Drive, Capitola, California. The trustee
 3 shall pay all taxes, insurance, and upkeep on said property and
 4 shall not charge said beneficiaries for the use of said real
 5 property.

6 I) Wherever the designation "Mary Clifton",
 7 "Mary Clifton Furtado", or "Mary K. Clifton" are used herein, they
 8 shall be deemed to refer to the same person. Wherever the designa-
 9 tions "Norman Trengove", or "Norman Eugene Furtado Trengove" are
 10 used herein, they shall be deemed to refer to the same person.

11 Dated: December 1, 1967.

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 13 CHARLES S. FRANICH
 14 Judge of the Superior Court
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Item No. 1

All that certain real property situate in the City of Capitola, County of Santa Cruz, State of California, described as follows:

LOT 22 in Block "P" as designated on a map of Capitola, filed in the Recorder's Office of said County of Santa Cruz, April 25, 1888 and further described as follows:

BEGINNING at a point on the North side of Prospect Avenue 40 feet West of the Northwest corner of Saxon and Prospect Avenues; thence West along the North side of Prospect Avenue 40 feet; thence at right angles Northerly 80 feet; thence at right angles Easterly 40 feet; thence at a right angle Southerly 80 feet to the place of beginning.

Item No. 2

All that certain real property situate in the County of Santa Cruz, State of California, described as follows:

BEING a part of the lands conveyed to T. H. Prosser, et ux by Deed recorded in Volume 1513, Page 730 Official Records of Santa Cruz County, and more particularly described as follows:

BEGINNING at the most Easterly corner of said lands of Prosser on the center line of that 60 feet right of way granted to Coast Counties Gas and Electric Company by Deed recorded in Volume 759, Page 174, Official Records of Santa Cruz County; thence from said point of beginning along said center line North $68^{\circ} 56'$ West 315.34 feet to the most Northerly corner of said lands of Prosser; thence along the Northwesterly line of said lands of Prosser South $23^{\circ} 02'$ West 188.13 feet to the most Northerly corner of the lands conveyed to Odes L. Parish, et ux, by Deed recorded in Volume 1604, Page 639 Official Records of Santa Cruz County; thence along the Northeasterly line of said lands of Parish and the prolongation thereof South $65^{\circ} 00'$ East 313.24 feet to a point on the Southeasterly line of said lands of Prosser; thence along the last mentioned line North $23^{\circ} 20'$ East 209.80 feet to the point of beginning.

TOGETHER with a Right of Way 50 feet in width, the Southeasterly line of which is the Northwesterly line of the lands hereinabove described extended Southwesterly to Day Valley Road.

EXCEPTING therefrom 1/2 of all mineral rights, as reserved in the Deed from John J. Jerdich to C. L. Moss, et ux, dated February 6, 1959 in Volume 1229, Page 462, Official Records of Santa Cruz County.

SUBJECT to contract of sale described in Item No. 3 below.

Item No. 3

Contract of Sale in the principal sum of \$18,156.65 by and between Norman E. Trengove and Carol Trengove, Buyers, and Malville J. Trengove, Seller, dated January 2, 1965 and bearing interest at 4.85%, for the purchase of the real property described in Item 2 above.

Item No. 4

Promissory note executed by Nick B. Talesfore, dated August 25, 1963 bearing interest at 6% per annum, payable in annual installments of \$100 or more commencing August 25, 1963 and secured by Deed of Trust dated April 24, 1959 and recorded April 27, 1959 in Book 4397, page 62, records of Santa Clara County, California.