

Appendix C

SUPREME COURT
FILED

NOV 29 2023

Jorge Navarrete Clerk

Deputy

Court of Appeal, Second Appellate District, Division Six - No. B325245

S281924

IN THE SUPREME COURT OF CALIFORNIA

En Banc

Estate of SUKHJINDER SINGH, Deceased.

IKE M. IQBAL, as Executor, etc., Petitioner and Respondent,

v.

NIKI HAMIDI, Contestant and Appellant.

The petition for review is denied.

The request for modification of opinion is denied.

GUERRERO

Chief Justice

Appendix B

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

Estate of SUKHJINDER
SINGH, Deceased.

2d Civil No. B325245
(Super. Ct. No. 19PR-0348)
(San Luis Obispo County)

IKE M. IQBAL, as Executor,
etc.,

Petitioner and Respondent,

v.

NIKI HAMIDI,

Contestant and Appellant.

Niki Hamidi appeals from an order admitting Sukhjinder Singh's will to probate and the accompanying order appointing Ike M. Iqbal executor of Singh's will. Hamidi contends the orders should be vacated because: (1) Singh's will was illegal, invalid,

and voidable, and (2) Iqbal was disqualified from being appointed executor.¹ We affirm.

FACTUAL AND PROCEDURAL HISTORY

Singh died in September 2016. His will bequeathed his entire estate to the Sukhjinder “Willie” Singh Living Trust. The will, dated December 1, 2008, nominated Iqbal as executor. It disinherited both Hamidi (his ex-wife) and their daughter.

Iqbal petitioned to probate Singh’s will in December 2020. Hamidi filed a competing petition contesting Singh’s will and requesting that she be appointed to administer his estate. Hamidi also objected to Iqbal’s petition, alleging the will he sought to probate was not Singh’s true will and that she and her daughter were the “true beneficiaries” of Singh’s estate. She later filed additional objections, claiming that Singh’s will was invalid because Singh lacked testamentary capacity, was subject to undue influence, and executed the documents when a child support modification proceeding was pending in another county.

¹ Hamidi also urges us to vacate the trial court’s order requiring her to pay \$6,500 in discovery sanctions to Iqbal. We upheld the sanctions order in an opinion filed last year (*Estate of Singh* (Nov. 17, 2022, B319677) [2022 WL 16991548 at pp. *2-3] [nonpub. opn.]), and do not revisit the issue here (see *Leider v. Lewis* (2017) 2 Cal.5th 1121, 1127). She raises or develops several additional issues—i.e., that Singh’s will is invalid under Probate Code section 15407 and the Uniform Fraudulent Transfer Act and that her community property rights were never adjudicated during her 1994 divorce from Singh—for the first time in her reply brief. We do not consider issues undeveloped with arguments and citations to the record (*Interinsurance Exchange v. Collins* (1994) 30 Cal.App.4th 1445, 1448) or raised for the first time on reply (*Varjabedian v. City of Madera* (1977) 20 Cal.3d 285, 295, fn. 11).

She said she could not provide the trial court with Singh's true will because the attorney who drafted it refused to give her a true and correct copy of it.

The trial court scheduled a hearing on Hamidi's petition for November 2022. Hamidi did not attend that hearing, however, and the court dismissed her petition.

Hamidi also did not attend a subsequent status conference regarding the trial on Iqbal's petition, which was set for December 5 and then continued to December 7. Iqbal gave Hamidi notice of the December 7 trial date, but she "consciously elected" not to attend.

Attorney John Christopher Toews testified at the December 7 trial. He said that Singh asked him to prepare a new will and trust, that he prepared those documents, and that Singh executed them. Toews said that he had not previously crafted documents for Singh that benefited Hamidi or his daughter; the "primary reason" Singh executed his new estate plan was to disinherit those two. Toews said he had "no doubt" that Singh was competent when he executed the new estate plan. He also had no reason to believe that Singh had been unduly influenced by his family or Iqbal when crafting it.

At the conclusion of trial, the trial court found that Singh had capacity when he signed his will and trust and that he had not been subject to undue influence. There was no evidence the will or trust was illegal or invalid. The court admitted Singh's will to probate, and appointed Iqbal executor.

DISCUSSION

Singh's will and trust

Hamidi contends Singh's will and trust were illegal and invalid under Probate Code section 15203 and/or voidable under

Civil Code section 3439.04. We disagree.

“A trust may be created for any purpose that is not illegal or against public policy.” (Prob. Code, § 15203.) Hamidi claims Singh’s will and trust are illegal and invalid under this provision because he executed them to hide assets and perpetuate fraud. But the only evidence she cites in support of this claim are the cover pages to her objections to Iqbal’s petition to probate Singh’s will. These do not demonstrate that Singh hid assets or committed fraud. Hamidi has thus failed to show that his will and trust are illegal and invalid under Probate Code section 15203. (*Mueller v. County of Los Angeles* (2009) 176 Cal.App.4th 809, 816, fn. 5 (*Mueller*) [arguments not supported by the record can be rejected].)

“A transfer made or obligation incurred by a debtor is voidable . . . if the debtor made the transfer or incurred the obligation . . . [¶] [w]ith actual intent to hinder, delay, or defraud any creditor of the debtor.” (Civ. Code, § 3439.04, subd. (a)(1).) Hamidi claims Singh’s will and trust are voidable under this provision because he attempted to hide assets when he had Toews draft his 2008 will and trust. Again, however, the only evidence she cites in support of this claim are cover pages to her objections to Iqbal’s petition to probate Singh’s will, a continuance order, and her objections to findings the trial court made during the proceedings below. These pleadings do not demonstrate that Singh tried to hide his assets. Hamidi has thus failed to show that his will and trust are voidable under Civil Code section 3439.04. (*Mueller, supra*, 176 Cal.App.4th at p. 816, fn. 5.)

Iqbal's appointment as executor

Hamidi also contends the trial court's order appointing Iqbal executor of Singh's estate must be vacated because he waived his right to such an appointment under Probate Code section 8001 and/or because he breached his fiduciary duty by allegedly helping Singh commit fraud. We again disagree.

"Unless good cause for delay is shown, if a person named in a will as executor fails to petition the court for administration of the estate within 30 days after the person has knowledge of the death of the decedent and that the person is named as executor, the person may be held to have waived the right to appointment as personal representative." (Prob. Code, § 8001.) Hamidi levels a series of accusations at Iqbal, but does not explain, with cogent legal analysis, how this section of the Probate Code disqualifies him from being appointed executor of Singh's will. Conclusory arguments not supported by legal analysis are to be disregarded. (*City of Santa Maria v. Adam* (2012) 211 Cal.App.4th 266, 286-287.) Additionally, the only page of the record Hamidi cites in support of her arguments does not delineate how Iqbal missed the 30-day window or failed to demonstrate good cause for doing so. She has thus failed to show that Probate Code section 8001's waiver provisions apply here. (*Mueller, supra*, 176 Cal.App.4th at p. 816, fn. 5.)

Finally, Hamidi claims Iqbal is disqualified from being executor of Singh's estate because he allegedly committed a series of fraudulent acts. The evidence cited does not support this claim. We reject it. (*Mueller, supra*, 176 Cal.App.4th at p. 816, fn. 5.)

DISPOSITION

The trial court's order admitting Sukhjinder Singh's will to probate and the accompanying order appointing Ike M. Iqbal executor of Singh's will, both entered December 7, 2022, are affirmed. Iqbal shall recover his costs on appeal.

NOT TO BE PUBLISHED.

BALTODANO, J.

We concur:

GILBERT, P. J.

YEGAN, J.

Tana L. Coates, Judge

Superior Court County of San Luis Obispo

Niki Hamidi, in pro. per., for Contestant and Appellant.

Andre, Morris & Buttery and James C. Buttery for
Petitioner and Respondent.

Appendix A

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Ike M. Iqbal

FILED: 1/10/23
San Luis Obispo Superior Court
By: Zepeda, Matthew

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO, SAN LUIS OBISPO

In Re: The Matter of Estate of Sukhjinder
Singh,

Deceased.

Case No. 19PR-0348

**~~[PROPOSED]~~ FINDINGS AND ORDERS
AFTER EVIDENTIARY HEARING ON
COMPETING PETITIONS FOR PROBATE**

Date: December 7, 2022
Time: 1:30 p.m.
Dept.: 9

Assigned To: Hon. Tana L. Coates
Complaint Filed: October 17, 2019
Trial Date: December 7, 2022
(Competing Petitions for
Probate)

The Petition for Probate filed by Participant and Petitioner Ike M. Iqbal ("Iqbal") on December 8, 2020 and the Petition for Probate filed by Objector and Petitioner Niki Hamidi ("Hamidi") on January 15, 2021 came before this Court for an evidentiary hearing on December 7, 2022 at 1:30 p.m. in Department 9 of the above-entitled court. Further considered at the hearing were the following objections: Hamidi's Objection filed on January 4, 2021 to Iqbal's Petition for Probate; Hamidi's Verified Objection and Response to Iqbal's Petition for Probate, filed on September 21, 2021; and Hamidi's Declaration to Show Good Cause to Invalidate Sukhjinder "Willie" Singh's Dec. 1st, 2008 Will and Trust and Dismiss Iqbal's Petition to Probate the Estate, filed on November 8, 2021.

James C. Buttery of Andre, Morris & Buttery appeared on behalf of Iqbal, who did not appear. Objector and Petitioner Niki Hamidi, *in propria persona*, did not appear. No appearance was made on behalf of Petitioner Marisol Cueva.

At the hearing, the Court received documentary evidence and heard sworn testimony from witnesses J. Christopher Toews and Richard McQueary.

In addition to admitting the December 1, 2008 will of Decedent Sukhjinder “Willie” Singh (“Decedent”) to probate and appointing Ike M. Iqbal as Executor of Decedent’s estate, the Court, having considered the testimony, evidence, and argument of counsel, also made the following findings and orders,

1. Hamidi was duly informed of the time and place of the December 7, 2022 hearing both through minute orders issued by the Court and notices provided by counsel for Ike Iqbal.

2. Hamidi’s personal presence at this evidentiary hearing was duly requested pursuant to Code of Civil Procedure Section 1987(b) and witness and mileage fees were timely tendered to her.

3. Hamidi failed to attend the Status Conference set by the Court and held on November 30, 2022 at which time the evidentiary hearing on the Petitions for Probate was postponed from December 5, 2022 to December 7, 2022 at 1:30 p.m., but Hamidi was given timely written notice of the two-day postponement. Despite Hamidi being given ample notice of the hearing and the opportunity to be heard on factual and legal issues, and no continuance or stay of the December 7, 2022 hearing having been ordered, Hamidi failed to appear for the hearing. Given these circumstances and because Hamidi filed a Dismissal of her Creditor’s Claim on November 29, 2022 and a Declaration on November 21, 2022 in which she stated her intention to “close her case with the Probate Court”, it appears to the Court that Hamidi consciously elected not to participate in these proceedings.

4. At the evidentiary hearing, substantial evidence was presented that Decedent had capacity to execute the will and other estate planning documents on December 1, 2008.

5. Substantial evidence was presented to contradict the assertion that Decedent’s December 1, 2008 will was invalid because at that time Decedent had child support proceedings

1 pending in Santa Barbara County (*Nayereh Singh v. Sukhjinder Singh*, Santa Barbara County
2 Case No. 1129458). In fact, no evidence was presented to demonstrate that said child support
3 proceedings precluded Decedent from executing the December 1, 2008 will or any other estate
4 planning documents on that date.

5 6. Objections to admission of the December 1, 2008 will made by Hamidi, the
6 former spouse of Decedent and formerly known as Nayereh Singh Deviyal, based on alleged
7 community property rights are without merit. Any such rights were fully and previously
8 adjudicated as reflected in the Order Confirming Arbitration Award filed on September 19, 1996
9 in San Luis Obispo County Superior Court Case DR 21502, a certified copy of which was
10 marked exhibit P0007 and entered into evidence.

11 7. No evidence was presented regarding the existence of any will executed at any
12 time by the Decedent benefitting Hamidi or his daughter Simran Singh ("Simran"). In fact, the
13 credible testimony of Messrs. Toews and McQueary disclosed that to their knowledge, no such
14 will ever existed.

15 8. Substantial evidence was also presented to show that Decedent was not unduly
16 influenced in the selection of the beneficiaries of his estate, including those named in the will
17 dated December 1, 2008.

18 9. Decedent's will of December 1, 2008 and Decedent's trust of the same date,
19 marked and entered into evidence as Exhibits P0008 and P0009 respectively, are valid.

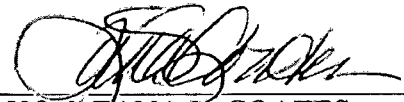
20 10. The evidence reflected that Hamidi and Simran were specifically disinherited by
21 Decedent's will dated December 1, 2008 and other estate planning documents executed at the
22 same time, and that such disinheritance was one of the principal reasons that Decedent undertook
23 the creation an estate plan at that time.

24 11. In its Opinion issued on November 17, 2022 concerning Hamidi's appeal of the
25 Court's March 10, 2022 order, the California Court of Appeals Second Appellate District,
26 Division Six found that the Court's award of \$6,500 in sanctions against Hamidi and in favor of
27 Iqbal was not an abuse of discretion. The Court of Appeal further opined that while it was not
28 going to authorize the Superior Court to revise the sanction award for the attorney's fees that

Iqbal incurred in defending against Hamidi's appeal, it would not preclude Iqbal from later seeking an award of fees from the Superior Court in connection with opposing Hamidi's appeal. As may be appropriate, this Court reserves jurisdiction to consider such a request by Iqbal at a later time.

IT IS SO ORDERED.

Dated: 1/10/2023



HON. TANA L. COATES
JUDGE OF THE SUPERIOR COURT

Appendix D

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California Code, Probate Code - PROB § 15407

Current as of January 01, 2023 | Updated by [FindLaw Staff](#)

(a) A trust terminates when any of the following occurs:

- (1) The term of the trust expires.
- (2) The trust purpose is fulfilled.
- (3) The trust purpose becomes unlawful.
- (4) The trust purpose becomes impossible to fulfill.
- (5) The trust is revoked.

(b) On termination of the trust, the trustee continues to have the powers reasonably necessary under the circumstances to wind up the affairs of the trust.

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8000. (a) At any time after a decedent's death, any interested person may commence proceedings for administration of the estate of the decedent by a petition to the court for an order determining the date and place of the decedent's death and for either or both of the following:

(1) Appointment of a personal representative.

(2) Probate of the decedent's will.

(b) A petition for probate of the decedent's will may be made regardless of whether the will is in the petitioner's possession or is lost, destroyed, or beyond the jurisdiction of the state.

(*Enacted by Stats. 1990, Ch. 79.*)

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8001. Unless good cause for delay is shown, if a person named in a will as executor fails to petition the court for administration of the estate within 30 days after the person has knowledge of the death of the decedent and that the person is named as executor, the person may be held to have waived the right to appointment as personal representative.

(Enacted by Stats. 1990, Ch. 79.)

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(1) The date and place of the decedent's death.

(2) The street number, street, and city, or other address, and the county, of the decedent's residence at the time of death.

(3) The name, age, address, and relation to the decedent of each heir and devisee of the decedent, so far as known to or reasonably ascertainable by the petitioner.

(4) The character and estimated value of the property in the estate.

(5) The name of the person for whom appointment as personal representative is petitioned.

(b) If the decedent left a will:

(1) The petitioner shall attach to the petition a photographic copy of the will. In the case of a holographic will or other will of which material provisions are handwritten, the petitioner shall also attach a typed copy of the will.

(2) If the will is in a foreign language, the petitioner shall attach an English language translation. On admission of the will to probate, the court shall certify to a correct translation into English, and the certified translation shall be filed with the will.

(3) The petition shall state whether the person named as executor in the will consents to act or waives the right to appointment.

(Enacted by Stats. 1990, Ch. 79.)

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8003. (a) The hearing on the petition shall be set for a day not less than 15 nor more than 30 days after the petition is filed. At the request of the petitioner made at the time the petition is filed, the hearing on the petition shall be set for a day not less than 30 nor more than 45 days after the petition is filed. The court may not shorten the time for giving the notice of hearing under this section.

(b) The petitioner shall serve and publish notice of the hearing in the manner prescribed in Chapter 2 (commencing with Section 8100).

(*Enacted by Stats. 1990, Ch. 79.*)

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8004. (a) If appointment of the personal representative is contested, the grounds of opposition may include a challenge to the competency of the personal representative or the right to appointment. If the contest asserts the right of another person to appointment as personal representative, the contestant shall also file a petition and serve notice in the manner provided in Article 2 (commencing with Section 8110) of Chapter 2, and the court shall hear the two petitions together.

(b) If a will is contested, the applicable procedure is that provided in Article 3 (commencing with Section 8250) of Chapter 3.

(*Enacted by Stats. 1990, Ch. 79.*)

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3439.04. (a) A transfer made or obligation incurred by a debtor is voidable as to a creditor, whether the creditor's claim arose before or after the transfer was made or the obligation was incurred, if the debtor made the transfer or incurred the obligation as follows:

(1) With actual intent to hinder, delay, or defraud any creditor of the debtor.

(2) Without receiving a reasonably equivalent value in exchange for the transfer or obligation, and the debtor either:

(A) Was engaged or was about to engage in a business or a transaction for which the remaining assets of the debtor were unreasonably small in relation to the business or transaction.

(B) Intended to incur, or believed or reasonably should have believed that the debtor would incur, debts beyond the debtor's ability to pay as they became due.

(b) In determining actual intent under paragraph (1) of subdivision (a), consideration may be given, among other factors, to any or all of the following:

(1) Whether the transfer or obligation was to an insider.

(2) Whether the debtor retained possession or control of the property transferred after the transfer.

(3) Whether the transfer or obligation was disclosed or concealed.

(4) Whether before the transfer was made or obligation was incurred, the debtor had been sued or threatened with suit.

(5) Whether the transfer was of substantially all the debtor's assets.

(6) Whether the debtor absconded.

(7) Whether the debtor removed or concealed assets.

(8) Whether the value of the consideration received by the debtor was reasonably equivalent to the value of the asset transferred or the amount of the obligation incurred.

(9) Whether the debtor was insolvent or became insolvent shortly after the transfer was made or the obligation was incurred.

(10) Whether the transfer occurred shortly before or shortly after a substantial debt was incurred.

(11) Whether the debtor transferred the essential assets of the business to a lienor that transferred the assets to an insider of the debtor.

(c) A creditor making a claim for relief under subdivision (a) has the burden of proving the elements of the claim for relief by a preponderance of the evidence.

(Amended by Stats. 2015, Ch. 44, Sec. 6. (SB 161) Effective January 1, 2016.)

Appendix E

APPENDIX D

Here, Petitioner provides the Court with a timeline of events to help further support and illustrate the abuse of power and position of Tana L. Coates and her partiality to Ike M. Iqbal and Buttery.

- In August 2021, Tana L. Coates denied Petitioner's first continuance request and held a solo Informal Discovery Conference ("IDC") with Buttery to collude on a Motion to Compel which Tana L. Coates used to unjustly and illegally order monetary discovery sanctions against Petitioner in the amount of \$6,500.
- In September 2021, during the Readiness Conference, Tana L. Coates was vicious and cruel to Petitioner, not letting her speak, putting her on mute, and refusing to discuss the IDC, saying *"we're not going to talk about it."* (4 CT 912-936.)
- In November 2021, Petitioner requested a spokesperson for hearings, but Tana L. Coates never did anything regarding this request and there was no one present on behalf of Petitioner in the courtroom on December 7th, 2022. (4 CT 946-948.)
- Tana L. Coates failed to stop Buttery's abuse, harassment, and bullying of Petitioner with his weaponization of the discovery process and incessant emailing, and she failed to respond to Petitioner's request for a protective order against Buttery which further emboldened his misconduct. (3 CT 709-832.)
- Buttery is an abusive, harmful, liar attorney. He has defamed and slandered Petitioner and has violated Petitioner's 1st and 14th amendment rights by targeting Petitioner's important religious days of observation by sending emails of frivolous filings and scheduling hearings to intentionally, purposefully, knowingly, and willfully impose mental anguish on Petitioner. (2 CT 548-561.)
- Buttery has actual and constructive knowledge of Petitioner's religion and important days of observation and used this information to continue to attack Petitioner. In order to protect herself, Petitioner, sent multiple cease-and desist-email notices to Buttery and his staff to refrain from emailing any correspondence to Petitioner.
- On October 26th, 2022, Petitioner filed with the S.L.O. Superior Court to disqualify, recuse, and remove Tana L. Coates from Petitioner's creditor's claim case because of Coates' blatant biased, prejudiced, discriminatory, and intentionally harmful orders and actions against Petitioner.
- On November 3rd, 4th, and 7th, 2022, Petitioner filed with the Superior Court to continue all matters until Tana L. Coates was removed and recuse from Petitioner's creditor's claim case. (10 CT 2813-2818, 10 CT 2831-2841, 10 CT 2809-2812.)
- On November 4th, 2022, Tana L. Coates had her clerk send Coates' statement refusing to recuse herself to Petitioner's personal email, even after Petitioner had provided the court clerk with a new email address to receive correspondence and in defiance of the substantiated evidence

showing that Tana L. Coates is compromised and intentionally, purposefully supported and sided with Buttery throughout this case. (10 CT 2819-2830.)

- On November 9th, 2022, Petitioner filed her declaration with the Superior Court objecting and opposing Tana L. Coates' statement and called for her immediate recusal and removal. (10 CT 2947 - 11 CT 3001, 11 CT 3002-3083, 11 CT 3084-3092.)
- On November 9th, 2022, Tana L. Coates, in defiance of Petitioner's motion to disqualify and remove Coates' from her creditor's claim case, outright blatantly, vindictively, and willfully denied Petitioner's meritorious and timely Motion to Compel Ike M. Iqbal and wrongfully and illegally dismissed Petitioner's valid contest of the December 1st, 2008 will and trust. (11 CT 3093-3099, 11 CT 3126-3130)
- On November 21st, 2022, Petitioner filed with the S.L.O. County Superior Court her declaration to transfer her creditor's claim and probate case from the S.L.O Probate court to a Criminal/Civil court elsewhere because of Tana L. Coates failure to recuse herself from the case. (11 CT 3131-3301.)
- On November 29th, 2022, Petitioner, in order to protect herself from further harm and damage, completed a form to transferred her case from the S.L.O. County Superior Court probate court presided by Tana L. Coates to a Criminal/Civil court elsewhere. (12 CT 3485-3494.)
- On November 30th, 2022, during the Status Conference, Tana L. Coates and Buttery were aware Petitioner transferred her creditor's claim case out of Tana L. Coates' biased, prejudiced, and discriminative courtroom to a Criminal/Civil court elsewhere as shown in the Case Summary. (13 CT 3602-3638.)