

TERRY SNYDER, ESQ.  
 Attorney at Law  
 11 So. San Joaquin, #700  
 Stockton, CA 95202-3202  
 (209) 466-9700

Attorney for Plaintiff,

**FILED**  
 San Francisco County Superior Court  
 SEP 28 1988

DONALD W. DICKINSON, Clerk  
 BY *[Signature]*  
 Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO

RICHARD BERBERIAN,

CASE NO: 813484

Plaintiff,

DECLARATION OF  
 TERRY SNYDER

v.

HEARING DATE: 10/4/88

HAIG BERBERIAN, et, al,

*Sept 15 Dept. 1*

Defendants.

Attached hereto are true and correct certified copies  
 of the Probate Files in the Probate File of HAIG BERBERIAN,  
 on file with the Superior Court of California, County of  
 Stanislaus, Case #227436.

I declare under penalty of perjury that this declaration  
 is true and correct.

DATED: *9/21/88*

*[Signature]*  
 TERRY SNYDER

## PROOF OF SERVICE BY MAIL

I am a citizen of the United States and employed in the County of San Joaquin; I am over the age of eighteen (18) years and not a party to the within above-entitled action; my business address is 11 S. San Joaquin Street, Suite #700, Stockton California 95202.

On the 22nd day of September, 1988, I served the attached;

## DECLARATION OF TERRY SNYDER

by placing a true copy thereof, enclosed in a sealed envelope with postage prepaid thereon, first-class mail, in the United States Post Office Mail Box at Stockton, California and addressed to the following named person(s):

STEVEN B. SACKS, TITCHELL, MALTZMAN, MARK, BASS, OHLEYER & MISHELL

29th Floor, The Hartford Blvd., 650 California St.  
San Francisco, CA

JAMES WIEZEL, THALEN, MARRIN, HOHNSON & BRIDGES  
2 Embarcadero Center, San Francisco, CA 94111



I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed this 27 day of September, 1988, at Stockton, California.

Elaine Collins

ELaine Collins

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name): MELVYN I. MARK, DONALD L. FEURZEIG Address: 415/392-5600 TELEPHONE NO. TITCHELL, MALTZMAN, MARK, BASS, OHLEYER & MISHEL, APC 650 California Street, 29th Floor San Francisco, CA 94108		FOR COURT USE ONLY <div style="font-size: 2em; font-weight: bold; margin: 10px 0;">FILED</div> <div style="margin: 5px 0;">1987 OCT 14 PM 1 26</div> <div style="margin: 5px 0;">DAVID A. WILSON, CLERK</div> <div style="font-size: 1.5em; font-family: cursive; margin: 10px 0;">Sup. Hamilton</div> <div style="margin: 5px 0;">07/102</div>	
ATTORNEY FOR (Name): Petitioner SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS STREET ADDRESS: 800 - 11th Street MAILING ADDRESS: PO Box 1098 CITY AND ZIP CODE: Modesto, CA 95353 BRANCH NAME:		CASE NUMBER: 227436 HEARING DATE: NOV. 9, 1987 DEPT.: 3 TIME: 8:30AM	
ESTATE OF (NAME): HAIG BERBERIAN <div style="text-align: right; margin-top: -20px;">DECEDENT</div>			
PETITION FOR (For deaths after December 31, 1984)		<input checked="" type="checkbox"/> Probate of Will and for Letters Testamentary <input type="checkbox"/> Probate of Will and for Letters of Administration with Will Annexed <input type="checkbox"/> Letters of Administration <input type="checkbox"/> Letters of Special Administration <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): MODESTO BEE

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

2. Petitioner (name of each): DIANNE B. GAZARIAN requests that

a. ☒ decedent's will and ~~codicils~~ ~~if any~~ be admitted to probate.

b. ☐ (name): DIANNE B. GAZARIAN

be appointed (1) ☒ executor

(2) ☐ administrator with will annexed

(3) ☐ administrator

(4) ☐ special administrator

and Letters issue upon qualification.

c. ☒ authority be granted to administer under The Independent Administration of Estates Act ☒ with full authority under the act ☐ without authority to sell, exchange, or grant an option to purchase real property (limited authority).

d. ☒ bond not be required for the reasons stated in item 3d.

☐ \$ bond be fixed. It will be furnished by an authorized surety company or as otherwise provided by law. (Specify reasons in Attachment 2d if the amount is different from the minimum required by Probate Code, § 541.)  
☐ \$ in deposits in a blocked account be allowed. Receipts will be filed. (Specify institution and location):

3. a. Decedent died on (date): September 21, 1987 at (place): Modesto, CA

☒ a resident of the county named above.

☐ 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. Street address, city, and county of decedent's residence at time of death: 501 Northwood Drive  
 Modesto, CA 95350  
 Stanislaus County

c. Character and estimated value of the property of the estate

Personal property: \$ Unknown at this time

Annual gross income from Unknown at this time

(1) ☐ real property: \$ Unknown at this time

(2) ☐ personal property: \$ Unknown at this time

Total: \$ Unknown at this time

Real property: \$ Unknown at this time

d. ☒ Will waives bond. ☐ Special administrator is the named executor and the will waives bond.

☐ All beneficiaries are adults and have waived bond, and the will does not require a bond. (Affix waiver as Attachment 3d.)

☐ All heirs at law are adults and have waived bond. (Affix waiver as Attachment 3d.)

☐ Sole personal representative is a corporate fiduciary.

(Continued on reverse)

ESTATE OF (NAME):

HAIG BERBERIAN

SE NUMBER:

224

DECEDENT

3. e. ☐ Decedent died intestate.  
☒ Copy of decedent's will dated: 9/28/84 ☐ codicils dated: \_\_\_\_\_ are affixed as Attachment 3e.  
☐ The will and all codicils are self-proving (Probate Code, § 329).
- f. Appointment of personal representative (check all applicable boxes)
- (1) Appointment of executor or administrator with will annexed  
☒ Proposed executor is named as executor in the will and consents to act.  
☐ No executor is named in the will.  
☐ Proposed personal representative is a nominee of a person entitled to Letters. (Affix nomination as Attachment 3f(1).)  
☐ Other named executors will not act because of ☐ death ☐ declination ☐ other reasons (specify in Attachment 3f(1)).
- (2) Appointment of administrator  
☐ Petitioner is a person entitled to Letters. (If necessary, explain priority in Attachment 3f(2).)  
☐ Petitioner is a nominee of a person entitled to Letters. (Affix nomination as Attachment 3f(2).)  
☐ Petitioner is related to the decedent as (specify): \_\_\_\_\_
- (3) ☐ Appointment of special administrator requested. (Specify grounds and requested powers in Attachment 3f(3).)
- g. Proposed personal representative is a ☒ resident of California ☐ nonresident of California (affix statement of permanent address as Attachment 3g) ☐ resident of the United States ☐ nonresident of the United States.
4. ☒ Decedent's will does not preclude administration of this estate under The Independent Administration of Estates Act.
5. a. (Complete in all cases) The decedent is survived by  
 (1) ☒ spouse ☐ no spouse  
 (2) ☒ child as follows: ☒ natural or adopted ☐ natural adopted by a third party ☐ step ☐ foster  
☐ no child  
 (3) ☐ issue of a predeceased child ☒ no issue of a predeceased child
- b. Petitioner ☒ has no ☐ has actual knowledge of facts reasonably giving rise to a parent-child relationship under Probate Code section 6408(b).
- c. ☒ All surviving children and issue of predeceased children have been listed in item 8.
6. (Complete if decedent was survived by (1) a spouse but no issue (only a or b apply); or (2) no spouse or issue. Check the first box that applies)
- a. ☐ The decedent is survived by a parent or parents who are listed in item 8.  
 b. ☐ The decedent is survived by issue of deceased parents, all of whom are listed in item 8.  
 c. ☐ The decedent is survived by a grandparent or grandparents who are listed in item 8.  
 d. ☐ The decedent is survived by issue of grandparents, all of whom are listed in item 8.  
 e. ☐ The decedent is survived by issue of a predeceased spouse, all of whom are listed in item 8.  
 f. ☐ The decedent is survived by next of kin, all of whom are listed in item 8.  
 g. ☐ The decedent is survived by parents of a predeceased spouse or issue of those parents, if both are predeceased, all of whom are listed in item 8.
7. ☐ (Complete only if no spouse or issue survived the decedent) Decedent's predeceased spouse ☐ died not more than 15 years before decedent owning an interest in real property ☐ died not more than five years before decedent owning personal property totaling \$10,000 or more. (Check only the first box that applies)
- a. ☐ The decedent is survived by issue of a predeceased spouse, all of whom are listed in item 8.  
 b. ☐ The decedent is survived by a parent or parents of the predeceased spouse who are listed in item 8.  
 c. ☐ The decedent is survived by issue of a parent of the predeceased spouse, all of whom are listed in item 8.  
 d. ☐ The decedent is survived by next of kin of the decedent, all of whom are listed in item 8.  
 e. ☐ The decedent is survived by next of kin of the predeceased spouse, all of whom are listed in item 8.
8. Listed in Attachment 8 are the names, relationships, ages, and residence or mailing addresses of all persons mentioned in decedent's will and codicils, whether living or deceased, and all persons checked in items 5, 6, and 7, so far as known to petitioner, including stepchild and foster child heirs, devisees, and legatees to whom notice is to be given under Probate Code section 1201.
9. ☒ Number of pages attached: 5  
 Date: 10/3/87

(SIGNATURE OF PETITIONER\*)

(SIGNATURE OF PETITIONER\*)

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

Date: October 3, 1987

Dianne B. Gazarian

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER\*)

\*All petitioners must sign the petition. Only one need sign the declaration.

LAST WILLOFHAIG BERBERIAN

I, HAIG BERBERIAN, a resident of the County of Stanislaus, State of California, declare this to be my Last Will and revoke all previous wills and codicils I may have made.

FIRST: I am married to ISABEL BERBERIAN, who is referred to in this Will as "my wife". I have one child whose name is DIANNE BERBERIAN GAZARIAN ("my daughter"). I have had no children who are deceased and survived by descendants.

SECOND: I nominate my daughter to serve as Executor of my Will. My daughter shall have the power to designate the immediate and all subsequent successor Executors to serve if she or any successor to her is or becomes unwilling or unable to serve. If no designated successor is willing and able to serve or if no designation is made, I nominate ARNOLD GAZARIAN as successor Executor.

My Executor may appoint a bank to serve as co-Executor. All successor Executors shall have the same powers and authority as the original Executor. No bond shall be required of any sole or co-Executor. As used in this Will, unless the context clearly indicates otherwise, the term "Executor" shall include any person representing my estate and shall include the plural and all genders as appropriate.

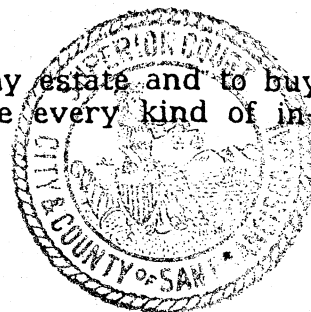
I direct that my Executor, while administering my estate, shall have the following powers in addition to all others conferred by law.

A. To sell, dispose of, encumber, or lease any property in my estate with or without notice, either publicly or privately, in the manner and on the terms that my Executor deems best. If my wife or my daughter is acting as an Executor of my estate, my wife or my daughter shall have the power to buy assets of my estate, to exchange assets for those of my estate, or to otherwise self-deal as long as any such transaction is for full and adequate consideration.

B. To partition and allot my estate in prorated shares or in undivided interests or otherwise and to distribute all or any part of it in cash or in kind or partly in both as my Executor, in her discretion, decides.

C. To hold, for as long as my Executor deems advisable and at my estate's risk rather than my Executor's, any and all property that I may own at the time of my death.

D. To invest and reinvest any money in my estate and to buy or otherwise acquire every kind of property and to make every kind of in-



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205



vestment, specifically including but not limited to interest-bearing accounts; corporate obligations of every kind; stocks, preferred or common, including stock of any corporate Executor; mortgage participations; shares of investment trusts; investment companies; mutual funds; common trust funds including funds administered by any Executor; general partnerships; limited partnerships (as either a general or limited partner); joint ventures; and unincorporated business enterprises.

E. To settle and compromise claims either in favor of or against my estate whenever and however he deems proper; to give full receipts and discharges; and to perform all other acts necessary or incidental to such settlements.

F. To continue to operate and retain an interest in each and every business that I am operating or I own at the time of my death.

G. To have all the rights, powers, and privileges of an owner with respect to bonds, shares of stock, and other securities in my estate, including but not limited to the power to give proxies, vote, and pay costs, assessments, and other sums deemed expedient by my Executor for protecting the interests of my estate; to participate in voting trusts, pooling agreements, foreclosures, reorganizations, consolidations, mergers, and liquidations and, in connection with such participation, to deposit securities with and transfer title to any protective or other committee on terms my Executor deems advisable; to exercise or to sell stock subscriptions or conversion rights; to accept and receive, for the benefit of my estate, any securities or other property received through exercising any of the foregoing powers.

H. To make adjustments in the rights of any beneficiary or their principal or income accounts to compensate for the consequences of any tax decision or election or of any investment or administrative decision that my Executor believes has had the effect, directly or indirectly, of preferring one or more beneficiaries over any others.

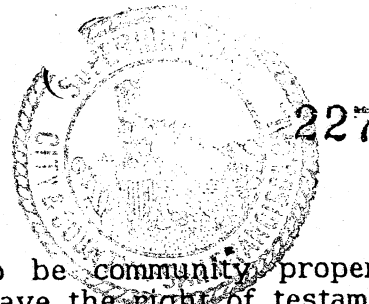
I. To select the valuation date and to determine whether any or all of the allowable administration expenses in my estate shall be used as estate tax or income tax deductions in determining the Federal estate tax and income tax liabilities of my estate.

J. To file joint income tax returns if permitted by law and pay all or part of any taxes due on such returns as my Executor deems proper and to pay any additional amount owing from any joint income tax returns I have filed, without collecting any part of any such amount from the other party to those returns.

THIRD: In any instance in which my wife and I have taken title to property or to undivided interests in it as joint tenants with rights of survivorship we did so for convenience only. Such property came from community property sources, and we did not intend to change its character when we took title as joint tenants. We agree that all property interests held in

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joint tenancy shall constitute and continue to be community property in accordance with their source and that we each have the right of testamentary disposition over our individual interests.

FOURTH: I intend by this Will to dispose of any separate property I own and my share of our community property. I confirm to my wife her share of our community property. I specifically refrain from exercising any power of appointment that I may have at the time of my death.

FIFTH: I have not entered into any contracts either to make or not to revoke wills.

SIXTH: I give the residue of my estate to the acting Trustee of the HAIG AND ISABEL BERBERIAN REVOCABLE TRUST created by me and my wife by an agreement dated October 28, 1983, as amended and restated by an agreement of the same date as this Will, to be added to and administered as part of that trust according to its terms and those of any amendments made to it before my death. If for any reason the instructions of the preceding sentence are invalid or cannot be carried out, or if the HAIG AND ISABEL BERBERIAN REVOCABLE TRUST has failed or been revoked, then I give the residue of my estate on the same terms and conditions as those stated in the agreement creating the HAIG AND ISABEL BERBERIAN REVOCABLE TRUST, including any amendments thereto made before my death, and for this purpose I incorporate by reference the provisions of that agreement into this Will.

SEVENTH: I direct that all expenses of my last illness and funeral, all expenses of administering my estate, all expenses of safekeeping or packing any specifically bequeathed tangible personal property or transporting it to its recipient, and all inheritance, estate, or other death taxes (excluding any additional tax imposed by Section 2032A of the Internal Revenue Code of 1954, as amended, and any generation-skipping transfer tax) attributable to my probate estate or any portion of it because of my death shall be paid in accordance with the provisions of the HAIG AND ISABEL BERBERIAN REVOCABLE TRUST referred to in Article SIXTH of this Will. However, amounts directed to be paid by the Trustee, but certified by the Trustee as exceeding the principal out of which the Trustee is directed to provide for payment, shall be paid by my Executor. Any such amount payable by my Executor shall be charged generally against the principal of my residuary estate without seeking reimbursement or recovery from any person. No such expenses or taxes shall be paid from amounts otherwise excluded from my gross estate. My Executor shall enforce all rights to reimbursement for or recovery of, and provide for payment of, any death taxes attributable to property in which I have a qualifying income interest for life or over which I have a power of appointment.

EIGHTH: If my wife and I should die simultaneously or under circumstances that make it difficult or impossible to determine who died first, my wife shall conclusively be presumed to have died before me for purposes of this Will.

H. B.

NINTH: I have omitted intentionally and with full knowledge any of my heirs for whom this Will fails to provide.

TENTH: If any person or representative of a person either attempts or voluntarily aids another's attempt to contest this Will or otherwise frustrate any of its intentions, or to impose a constructive trust on any property I own wholly or partly when I die, I specifically disinherit each such person and direct that all property I had left to him be instead added proportionately to the shares of my estate left to all others. If everyone for whom this Will provides participates in an attempt to contest or frustrate it, I leave my entire estate to my heirs at law, excluding any such participant, as they are defined by the California laws of succession that are in effect at the time of that eventuality.

ELEVENTH: If any provision of this Will is unenforceable, the remaining provisions shall nevertheless be carried out.

THIS BEING MY LAST WILL, I have signed it below on this 28 day of September, 1984.

Haig Berberian  
HAIG BERBERIAN

On the date written below HAIG BERBERIAN declared to us, the undersigned, that this document, consisting of 4 pages including the page signed by us as witnesses, was his Will and requested us to act as witnesses to it. He thereupon signed this Will in our presence, all of us being present at the same time. We now, at his request, in his presence, and in the presence of each other, sign our names as witnesses.

At this time HAIG BERBERIAN is over the age of majority and is of sound mind.

Executed on Sept 28, 1984, at Modesto, California.

We declare under penalty of perjury that the foregoing is true and correct.

Myrtle M. ...

Residing at

Robert S. ...

Residing at

Kyle, Co

Modesto, CA

