

ORIGINAL

FILED
LOS ANGELES SUPERIOR COURT

JUL 23 2009

JOHN A. CLARKE, CLERK
M. Dewey
BY M. DEWEY, DEPUTY

1 PAUL GORDON HOFFMAN, ESQ. (SBN 71243)
2 JERYLL S. COHEN, ESQ. (SBN 125392)
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4 A Professional Corporation
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9 Attorneys for Special Administrators, John Branca and
10 John McClain

DATE OF HEARING

8-3-09 0-5 8:30

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

ok to set 8/3/09, PS, 7/23/09
8:30 a.m.

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In the Estate of

MICHAEL JOSEPH JACKSON,

Deceased.

Case No. BP 117 321

~~REDACTED~~
**PETITION FOR ORDER AUTHORIZING
PAYMENT FAMILY ALLOWANCE TO
KATHERINE ESTHER JACKSON**

Probate Code §6540(b)(2)

[FILED CONDITIONALLY UNDER
SEAL]

Date: August 3, 2009
Time: 8:30 a.m.
Dept.: 5
Judge: Hon. Mitchell L. Beckloff

ST/OSBI: MARYTEL LEVDEIN
RECEIPT #: P196772014
DATE PAID: 07/23/09 11:01:14
PAYMENT: \$200.00
RECEIVED:
CHECK: 200.00
CASH:
CHARGE:
CARD:

PETITION FOR ORDER AUTHORIZING PAYMENT OF FAMILY ALLOWANCE
TO KATHERINE ESTHER JACKSON

BP 117 321

07/23/09

1 Branca/McClain Petition for Probate seeks to have admitted to probate the Last Will of Michael
2 Joseph Jackson dated July 7, 2002 (the "Will"), which Messrs. Branca and McClain lodged with
3 the Court on July 1, 2009. The Will names Messrs. Branca and McClain as the Executors of the
4 Will. The Branca/McClain Petition for Probate seeks to have Messrs. Branca and McClain
5 appointed the Executors of the Will.

6 6. On July 6, 2009, this Court held a hearing on the competing Petitions for
7 Appointment of Special Administrator of the Estate. This Court granted the Branca/McClain
8 Petition Re Special Administrator and appointed Messrs. Branca and McClain as the Special
9 Administrators of the Estate, over-ruling the objections filed by Mrs. Jackson and denying the
10 Jackson Petition for Appointment of Special Administrator. Letters of Special Administration
11 were issued to Messrs. Branca and McClain (collectively, the "Special Administrators") on
12 July 14, 2009.

13 7. A hearing is scheduled for August 3, 2009 on the competing Petitions, i.e., the
14 Branca/McClain Petition for Probate and the Jackson Petition for Appointment of Administrator
15 (collectively, the "Competing Petitions").

16 8. The sole beneficiary under the Will is the Michael Jackson Family Trust (the
17 "Trust"). Messrs. Branca and McClain are the currently serving Co-Trustees of the Trust. The
18 Minor Children are beneficiaries under the Trust.

19 9. No Inventory and Appraisal has yet been filed.

20 **FAMILY ALLOWANCE**

21 10. The Special Administrators are informed and believe that during Michael
22 Jackson's lifetime, Mrs. Jackson was actually and wholly dependent upon Michael Jackson for
23 her support. Pursuant to Probate Code Section 6540(b), Mrs. Jackson is entitled to such
24 reasonable family allowance out of the Estate as the Court in its discretion determines is
25 necessary for her maintenance according to her circumstances during the administration of the
26 Estate. Prob. Code § 6540(b)(2). The Special Administrators may obtain an order authorizing
27 the payment of a family allowance for Mrs. Jackson's benefit upon a noticed motion. Prob. Code

1 §§ 6540(b) and 6541.

2 11. To the Special Administrators' knowledge, no individuals other than the Minor
3 Children and Mrs. Jackson are entitled to a family allowance in this Estate. (The Special
4 Administrators are also filing an *Ex Parte* Petition for Order Authorizing the Payment of a
5 Family Allowance for the Benefit of the Minor Children simultaneously with the filing of this
6 Petition.)

7 12. The Special Administrators are informed and believe that Mrs. Jackson has no
8 other sources of income currently available other than social security income.

9 13. The Minor Children are currently living with Mrs. Jackson in a residence that the
10 Special Administrators believe belongs to the Estate (the "Residence"). The Special
11 Administrators are informed and believe that Mrs. Jackson has occupied the Residence for more
12 than thirty years and that during Michael Jackson's life, all of the expenses of the Residence were
13 paid by Michael Jackson without any charge to Mrs. Jackson. As the Special Administrators
14 are informed and believe that the Residence is owned by the Estate, the Special Administrators
15 are continuing to pay the expenses related to the Residence, including without limitation,
16 mortgage, maintenance, insurance, property taxes, gardener, and utilities. ¹ The request for a
17 family allowance for Mrs. Jackson, as well as the request for a family allowance for the benefit of
18 the Minor Children (set forth in a separate Petition), does not include an allowance for housing
19 expenses because Mrs. Jackson and the Minor Children are currently residing in the Residence,
20 all of the expenses of which are being paid from the Estate.

21 14. Based upon information that Mrs. Jackson has provided to the Special
22 Administrators' certified public accounting, the Special Administrators are informed that Mrs.
23 Jackson's estimated average monthly expenses, collectively, are as set forth on Exhibit A

24
25 _____
26 ¹The Special Administrators are also informed and believe that other members of Michael
27 Jackson's extended family, in addition to Mrs. Jackson and the Minor Children, have been and
28 are currently residing in the Residence (members of Michael Jackson's family other than Mrs.
Jackson and the Minor Children are collectively referred to as the "Extended Family").

1 attached to this Petition and incorporated by this reference. Exhibit A is filed conditionally under
2 seal. The Special Administrators are also informed that all of such expenses were paid by
3 Michael Jackson during his life. Therefore, the Special Administrators request that the Court
4 authorize them to pay a family allowance from the assets of the Estate in the amount of
5 [REDACTED] per month is necessary for Mrs. Jackson's maintenance.

6 15. The Special Administrators do not have sufficient information at this time to
7 determine to what extent the requested family allowance might benefit the Extended Family as
8 opposed to Mrs. Jackson and the Minor Children. The Special Administrators reserve the right
9 to request a modification of the amount of the family allowance when additional information is
10 received.

11 16. The Special Administrators believe that the projected cash flow and the assets of
12 the Estate are sufficient to cover the payment of this amount as a family allowance for Mrs.
13 Jackson's benefit for the period of time for which it is requested in this Petition.

14 17. The Special Administrators are still in the process of gathering financial
15 information, marshaling the assets and analyzing the income and cash-flow needs of the Estate.
16 However, the Special Administrators are informed and believe, and therefore allege, that the
17 Estate assets consist of real and personal property exceeding \$500 million and that the Estate is
18 solvent. Since the commencement of the Special Administration, and continuing, the Special
19 Administrators have been actively and aggressively working to marshal the assets of the Estate
20 and to negotiate new business agreements to be submitted to the Court for approval pursuant to
21 the Order Appointing Special Administrator. Recently, the Special Administrators were
22 successful in recovering from one of Michael Jackson's former financial advisors approximately
23 \$5.5 million in cash, which is now in the possession and control of the Special Administrators.
24 The Special Administrators have also recovered substantial amounts of tangible personal
25 property. In addition, the Special Administrators are in the process of negotiating numerous
26 business agreements for the benefit of the Estate, several of which the Special Administrators
27 anticipate will be submitted to the Court for approval pursuant to the Order Appointing Special

1 Administrator, within the next week and which the Special Administrators expect will generate
2 for the Estate tens of millions of dollars of revenues.

3 18. Therefore, the Special Administrators request that this Court authorize them to
4 pay to Mrs. Jackson [REDACTED] per month as a family allowance for her benefit through the date
5 of the hearing on the Competing Petitions, commencing as of the date of Mr. Jackson's death
6 (June 25, 2009), subject to modification and extension as additional information is received by
7 the Special Administrators and the Inventory and Appraisal is filed.

8 19. Persons entitled to notice of this hearing have been given to the interested parties
9 entitled to notice in this matter. Persons entitled to notice are listed on the attached Exhibit "B",
10 which is incorporated here by this reference.

11 20. Requests for Special Notice have been filed on behalf of the Attorney General of
12 the State of California and AEG.

13 WHEREFORE, the Special Administrators pray for an Order of this Court that:

14 1. Authorizes and directs the Special Administrators to pay to Mrs. Jackson the sum
15 of \$ [REDACTED] per month as a family allowance from funds of the Estate, commencing as of June
16 25, 2009, the date of Michael Jackson's date of death, and continuing through the date of the
17 hearing on the Competing Petitions; and

18 2. For such other and further relief as the Court deems just and proper.

19
20 Dated: July 23, 2009

Respectfully submitted,

21 **HOFFMAN, SABBAN & WATENMAKER**
22 **A Professional Corporation**

23
24 By: 

25 **PAUL GORDON HOFFMAN**
26 **Attorneys for John Branca and**
27 **John McClain, the Special Administrators of**
28 **the Decedent's Estate**

-6-

PETITION FOR ORDER AUTHORIZING PAYMENT OF FAMILY ALLOWANCE

BP 117 321

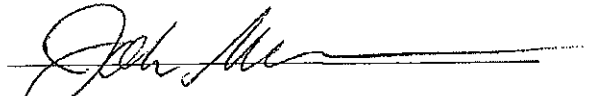
TO KATHERINE ESTHER JACKSON

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VERIFICATION

I, John McClain, Special Administrator of the Estate of Michael Joseph Jackson, an Applicant in the above-entitled matter, declare that I have read the foregoing **PETITION FOR ORDER AUTHORIZING PAYMENT OF FAMILY ALLOWANCE TO KATHERINE ESTHER JACKSON**, and know its contents. It is true of my knowledge, except to those matters which are stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this document is executed on July 22, 2009, at Los Angeles, California.


JOHN McCLAIN

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VERIFICATION

I, John Branca, Special Administrator of the Estate of Michael Joseph Jackson, an Applicant in the above-entitled matter, declare that I have read the foregoing **PETITION FOR ORDER AUTHORIZING PAYMENT OF FAMILY ALLOWANCE TO KATHERINE ESTHER JACKSON**, and know its contents. It is true of my knowledge, except to those matters which are stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this document is executed on July 22, 2009, at Los Angeles, California.



JOHN BRANCA



10/10/10

Estate of Michael J. Jackson
Exhibit A
Estimated Monthly Expenses
for Mrs. Jackson

Filed Conditionally Under Seal

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022420

RECEIVED
30, FOR RECEIVED
APPROXIMATELY 1999

670-22-3701
AMERICAN OVERSIGHT

Estate of MICHAEL JOSEPH JACKSON, Deceased

EXHIBIT B

<u>Name & Relationship</u>	<u>Age</u>	<u>Address</u>
John Branca, named Co-Executor and named successor Co-Trustee of the Michael Jackson Family Trust	Adult	c/o Ziffren Brittenham Branca Fischer Gilbert- Lurie, Stiffman & Cook 1801 Century Park West Los Angeles, CA 90067
John McClain, named Co-Executor, and named successor Co- Trustee of the Michael Jackson Family Trust	Adult	
Katherine Jackson, Mother, Beneficiary under the Michael Jackson Family Trust, Guardian of Minor Children	Adult	4641 Hayvenhurst Avenue Encino, CA 91436
Prince Michael Jackson, Jr., son, beneficiary under the Michael Jackson Family Trust	Minor DOB: 1997	4641 Hayvenhurst Avenue Encino, CA 91436
Paris Michael Katherine Jackson, son, beneficiary under the Michael Jackson Family Trust	Minor DOB: 1998	4641 Hayvenhurst Avenue Encino, CA 91436
Prince Michael Joseph Jackson, II, son, beneficiaries under the Michael Jackson Family Trust	Minor DOB: 2002	4641 Hayvenhurst Avenue Encino, CA 91436
Edmund G. Brown, Jr. Attorney General for the State of	N/A	Attorney General's Office California Department of Justice

Estate of MICHAEL JOSEPH JACKSON, Deceased

EXHIBIT B

<u>Name & Relationship</u>	<u>Age</u>	<u>Address</u>
California (Also Filed Request for Special Notice)		Attn: Charitable Trusts Section 1515 K. Street Sacramento, CA 94244-2550

Additional Request for Special Notice:

AEG Live LLC
Kathie Jorrie, Esq.
Luce Forward Hamilton & Scripps, LLP
601 S. Figueroa Street Suite 3900
Los Angeles, 90017