



## ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

**1A Louis Brosi, Sr. (Trust)**

**Case No. 07CEPR01213**

Atty David M. Gilmore and Ryan M. Janisse (for Cindy Snow Henry – Beneficiary – Petitioner)  
 Atty Armo, Lance (for Robert Snow)  
 Atty Paul Franco (for Louis Brosi, III)  
 Atty Wilson, Joshua G. (of Bakersfield, for Louis Brosi, Jr.)

**Notice of Motion and Motion to Compel Performance Under Settlement Agreement**

		<p><b>CINDY SNOW HENRY</b>, Trust beneficiary, filed Notice of Motion and Motion to Compel Performance Under Settlement Agreement on 3-15-11.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Continued from 12-10-12</u></p> <p><b>Note:</b> CINDY SNOW HENRY has filed a new Petition to Remove Trustee; Appoint Public Administrator as Trustee; Require Trustee Correct Title; and Compel Trustee to Account on 11-5-12 that is set for hearing on 1-2-13 at 9:00 am.</p> <p>1. The Court may require updated information regarding whether Petitioner intends to pursue a ruling on <u>this petition</u> with reference to the new petition filed 11-5-12.</p>
<b>Cont. from 121012</b>		<p>The petition seeks to have the court order <b>LOUIS BROSI, III</b> carry out the acts necessary to partition the property into three parcels anticipated and directed by the settlement reached 3-5-09.</p>	
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>		<p><b>LOUIS BROSI, JR.</b> filed Opposition on 4-28-11 stating that new issues have arisen since the settlement.</p>	
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>			
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<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			
			<p>Reviewed by: skc</p> <p>Reviewed on: 12-10-12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1A - Brosi</p>

**1A**



1C  
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**Louis Brosi, Sr. (Trust)**

David M. Gilmore and Ryan M. Janisse (for Cindy Snow Henry – Beneficiary – Petitioner)  
Armo, Lance (for Robert Snow)  
Paul Franco (for Louis Brosi, III)  
Wilson, Joshua G. (of Bakersfield, for Louis Brosi, Jr.)

Case No. 07CEPR01213

**Petition to Remove Trustee; to Appoint Public Administrator as Trustee; to Require Trustee Correct Title; and to Compel Trustee to Account [Prob. C. 17200, 15642]**

		<b>CINDY SNOW HENRY</b> , Trust beneficiary, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>Petitioner states:</b>	<u>Note:</u> This matter will be heard at 1:30 per Minute Order 12-10-12.
		<b>Background:</b> The Testamentary Trust of Louis Brosi Sr., was created under Louis Brosi's last will and testament. Louis Brosi, Jr., is designated as the trustee of the trust. Petitioner Cindy Snow Henry is a beneficiary. On 3-5-09, the parties entered into a Settlement Agreement recited into the record for the Court; however, there is no settlement document independent of the transcript, attached.	<u>Note:</u> See Pages 1A (Continued hearing on Notice of Motion and Motion to Compel Performance under Settlement Agreement) and 1B (Court Trial re: Status of Lot Split and Related Matters).
<input type="checkbox"/>	Aff.Sub. Wit.	<p>Petitioner states the trustee has taken no action to comply with the Settlement Agreement or otherwise administer the trust since its entry. Instead, he has taken active steps to interfere with the Settlement Agreement, including, without limitation, trying to stop the efforts of Louis Brosi, III, to have the property split into three equal parcels as provided in the Settlement Agreement. The Court entered an order to enjoin that interference. In addition, the trustee has taken no steps in more than 3½ years to provide any inventory or accounting or taken steps to comply with the terms of the trust.</p> <p>He resides on the trust property without rent for his exclusive use and enjoyment of the property, and has provided no accounting or other information to the beneficiaries. He is utilizing trust property to run a commercial nursery for his own personal benefit and boarding horses on the property. See Exhibits 2 and 3 (photos).</p> <p>Petitioner states that on 9-30-11, a deed was recorded (attached) whereby the trustee, in his individual capacity, transfers the trust property to his minor granddaughter, Ashlyn Brosi. The trustee has represented at various times that he would rescind or otherwise correct the deed, but has not.</p> <p style="text-align: center;"><b><u>SEE ADDITIONAL PAGES</u></b></p>	<p>1. Petitioner requests appointment of Public Administrator as Successor Trustee; however, it does not appear that the Public Administrator and County Counsel were sent Notice of Hearing or that an acceptance of trust has been signed pursuant to Probate Code §15600.</p>
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<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 12-10-12</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 1 - Brosi</b></p>

1C

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**Petitioner states the trustee is required to be represented by counsel: No person can appear in Court for another person unless the person is an active member of the State Bar. Cal. B&P Code §6125.**

The Trustee is not represented by counsel at this time. Petitioner states "a trust is not a legal personality and the trustee is the proper person to sue or be sued on behalf of a trust. However, a trustee's duties in connection with his or her office do not include the right to present argument in propria persona in courts of the state, because in this capacity such trustee would be representing the interests of others and would therefore be engaged in the unauthorized practice of law. *Ziegler v. Nickel*, (1998) 64 Cal.App.4th 545, 548."

Petitioner states the trustee has cycled through numerous attorneys in this matter and alleges that he fires his counsel as means to further delay trust administration. As of the filing of this petition, the trustee is representing himself in *propia persona*. Such representation constitutes the unauthorized practice of law in California and is improper.

**Petitioner seeks an order removing trustee on grounds that he refuses to retain counsel to represent the interests of others as beneficiaries of the trust as required by law, in addition to his repeated failures to perform his duties as trustee.**

*[Examiner's Update: Pursuant to Substitution of Attorney filed 12-10-12, the trustee is now represented by Joshua G. Wilson of Darling & Wilson, Bakersfield, CA.]*

**Petitioner requests order removing trustee for breach of trust and appointing Public Administrator as successor trustee.** Petitioner states the court's inherent authority to suspend a trustee's powers and remove for cause (cites provided). A trustee has a duty to take reasonable steps to preserve trust property; however, he has purportedly transferred the trust property to his minor granddaughter. Transferring trust property to an individual who is to a beneficiary does not preserve trust property and is a violation of the trustee's fiduciary duty, and was done to avoid complying with the trust.

Petitioner states the trustee has a duty to not use or deal with trust property for his own benefit per § 16004(a), but is currently residing rent-free and running two different businesses for his own personal profit on trust property, and transferred trust property to his granddaughter. All of these actions constitute violation of trust terms and his fiduciary duties, and trustee's duty to avoid conflicts of interest. He is engaged in self-dealing and no effort is made to account for his actions.

**Petitioner also states hostility between the trustee and beneficiaries is good cause for removal** (cite provided). The trustee's behavior towards all beneficiaries is hostile and has resulted in a contentious trust administration. Removal is also appropriate for his refusal to take any action to close the trust or account, and ignores the direction of the court. He has utterly and completely failed to act as trustee.

**For the foregoing reasons, Petitioner requests the Court order the trustee's removal and appoint the Public Administrator as successor trustee.**

**Petitioner further requests the trustee be personally sanctioned for his actions. All of his actions are in bad faith as his stated goal is to avoid complying with the terms of the trust.**

**Petitioner states the trustee bears costs of removal and should bear his own attorney fees** (cites provided).

**SEE ADDITIONAL PAGES**

**Petitioner requests order compelling account.** In addition to removal of the trustee, Petitioner requests the Court order him to account for his actions from the date of the Settlement Agreement (March 2009) through present.

Petitioner anticipates the trustee will argue he has no duty to account because accounting was waived in 2009'; however, this argument is fallacious because the waiver, if effective at all, is only as to events to the date of settlement. Since then, he has done nothing to administer the trust, violated numerous fiduciary duties, used the property for free, and ran at least two businesses on the property without accounting to beneficiaries.

**Petitioner states the trustee should be surcharged for his undue gain for such breaches.**

**Petitioner prays for an Order as follows:**

1. Removing Louis Brosi, Jr., as trustee of the Testamentary Trust of Louis Brosi, Sr.
2. Ordering Louis Brosi, Jr., account for his actions as trustee in the manner prescribed in Probate Code §1060-1064 from March of 2009 through the present;
3. Appointing the Public Administrator as successor trustee of the trust;
4. Ordering Louis Brosi, Jr., bear his own costs and attorney fees for defense of this action; Ordering Louis Brosi, Jr., retitle the Trust property in the name of the trust; and
5. For all other orders the Court deems just and proper.

Motion to be Relieved as Counsel

DOD: 06/30/05	<b>GARY L. MOTSENBOCKER</b> , attorney for Administrator, PATRICIO ALCORTA, is Petitioner.		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Note:</u> If the Petition is granted, Status hearings will be set as follows:</p> <ul style="list-style-type: none"> <li>Friday, February 1, 2013 at 9:00 am in Dept. 303 for filing of the Accounting and Petition for Final Distribution</li> </ul>
	PATRICIO ALCORTA was appointed Administrator with full IAEA without bond on 01/06/11.		
	Letters were issue on 01/06/11.		
	Inventory & Appraisal showing the value of the estate at \$245,000.00 was filed on 07/26/11.		
	<b>Petitioner states</b> he has continuing difficulty communicating with the Administrator. The Administrator is refusing to provide information requested by counsel that is needed and necessary to bring this matter to a conclusion.		
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Aff.Sub.Wit.			
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Inventory			
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Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	w/		
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Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			Reviewed by: JF
			Reviewed on: 12/11/12
			Updates:
			Recommendation:
			File 3 - Alcorta

**Former Successor Co-Trustees Philip and Debra Hudson's Amended and Final Account for Accounting Period of 10/19/2004-4/5/2011**

<p><b>Marjorie C. Hudson</b>  <b>Resigned: 10-19-04</b>  <b>DOD: 7-27-12</b></p>	<p><b>PHILIP and DEBRA HUDSON</b>, Former Successor Co-Trustees of the <b>HUDSON TESTAMENTARY TRUST</b> dated November 17, 1986 created by <b>MARJORIE C. HUDSON</b> (deceased) on 11-17-85, are Petitioners.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>
	<p><b>History:</b> In the Preliminary and Partial Account heard 11-15-12, Petitioners stated due to the voluminous number of bank accounts utilized during the accounting period and the related bank statements which had to be subpoenaed, collected and line-item reviewed and entry by an accounting assistant, the length of time that Petitioners acted as Successor Co-Trustees, and the very lengthy amount of time which has passed since Petitioners acted as Co-Trustees, Petitioners respectfully request that they be allowed to augment this preliminary accounting and prepare an even more detailed accounting for the Court's review and approval.</p>	<p>1. Petition is not verified pursuant to Probate Code §§ 1021, 1023.</p> <p>2. Need proof of service of Notice of Hearing at least 30 days prior to the hearing per Probate Code §17200 on Fresno County Public Guardian. (As previously noted for the last hearing, County Counsel was served, but Public Guardian was not served.)</p> <p>3. Petitioners request compensation for their services as co-trustees at 1% of the total assets for each year served. The Court may require clarification with reference to Cal. Rules of Court 7.776 (factors for consideration).</p>
<p><b>Aff.Sub.Wit.</b></p>	<p>The Trust nominated Philip Hudson and his wife Debra Hudson (Petitioners) as Successor Co-Trustees should Marjorie C. Hudson die or become unable to act. Marjorie C. Hudson resigned her position as Trustee on 10-19-04, appointing Petitioners as Successor Co-Trustees.</p>	<p><b>Reviewed by:</b> skc</p>
<p><b>Verified</b></p>	<p>On 12-7-09, Palm Village Retirement Community filed a Petition on Marjorie C. Hudson's behalf seeking to have the <b>FRESNO COUNTY PUBLIC GUARDIAN</b> appointed as her conservator. The Public Guardian was appointed as Conservator of her person and estate on 2-9-10; however, Petitioners remained as Successor Co-Trustees of the Trust.</p>	<p><b>Reviewed on:</b> 12-10-12</p>
<p><b>Inventory</b></p>	<p>On 4-5-11, pursuant to a petition by the Public Guardian, Petitioners were removed as Successor Co-Trustees and the Public Guardian was appointed Successor Trustee.</p>	<p><b>Updates:</b></p>
<p><b>PTC</b></p>	<p><b>Amended and Final Account period:</b>  <b>10-19-04 through 4-5-11</b></p>	<p><b>Recommendation:</b></p>
<p><b>Not.Cred.</b></p>	<p>Accounting: \$1,005,034.19          Beginning POH: \$492,023.80          Ending POH: \$135,099.98 (residence and household furniture and furnishings only)</p>	<p><b>File 4B - Hudson</b></p>
<p><b>Notice of Hrg</b></p>	<p><b>SEE ADDITIONAL PAGES</b></p>	
<p><b>Aff.Mail</b></p>		
<p><b>Aff.Pub.</b></p>		
<p><b>Sp.Ntc.</b></p>		
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<p><b>Status Rpt</b></p>		
<p><b>UCCJEA</b></p>		
<p><b>Citation</b></p>		
<p><b>FTB Notice</b></p>		

Page 2

**Beginning POH consisted of the residence in Reedley and furniture and furnishings, plus \$356,923.80 in cash and mutual funds.**

**Receipts total \$513,010.39** and include capital gains, various deposits, dividends, interest, long-term gains, and Social Security income.

**Disbursements total \$861,542.07 and are categorized by Petitioners as:**

- Accountant Fees (Total \$2,655.00)
- Advance – Phil & Debra (Total \$372,308.11)
- Attorney Fees (Total \$95.99)
- Bank Service Charges (Total \$14,034.83, less refund of \$683.65)
- Cable/Internet (Total \$4,322.31)
- Care Home (Total \$159,663.22)
- Caregiver Expense (Total \$88,400.02)
- Clothing (Total \$15,181.53)
- Doctors (Total \$7,585.00)
- Donations (Total \$40.00)
- Fuel (Total \$1,115.07)
- Furniture and Appliances (Total \$7,249.39)
- Groceries (Total \$10,822.11)
- Health Insurance Supplement (Total \$10,091.65)
- House Remodel/Repairs (Total \$69,391.65)
- Household Supplies (Total \$3,056.75)
- Insurance Expense (Total \$7,001.57)
- Misc Expenses (Total \$4,687.56)
- Opening Balance Equity Total (\$56.33)
- Payroll Tax Expense (Total \$20,230.26)
- Prescriptions (Total 8,686.69)
- Restaurant (Total \$210.11)
- Safe Deposit Box (Total \$90.00)
- Subscriptions (Total \$118.40)
- Taxes (Total \$32,187.51)
- Utilities (Total \$21,282.16)
- Yard Care (Total \$1,662.50)
- **Total: \$861,542.07**

**Petitioners allege and believe that just and reasonable compensation for their services would be 1% of the total assets for each year they served as Co-Trustees, and request compensation of \$18,572.95. Petitioners request that advances be offset against compensation.**

**Petitioners pray that:**

1. Notice of hearing of this account has been given as required by law;
2. The Court make an order approving, allowing and settling this Amended Final Account;
3. Petitioners be given an offset against any advances they are adjudged to have received in the amount of \$18,572.95, which is the amount of compensation they would receive as the acting Successor Co-Trustees for the time period of the account;
4. That any distribution Mr. Hudson is entitled to as a beneficiary be credited as an advance for any funds Petitioners are adjudged to have used for their personal expenses for the time period of the account; and
5. Such other further relief be granted as the Court considers proper.

Atty Motsenbocker, Gary L. (for David Davis – Administrator)  
 Motion to be Relieved as Counsel

DOD: 07/25/11	<b>GARY L. MOTSENBOCKER</b> , attorney for Administrator, DAVID DAVIS, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note: A status hearing re Failure to File a First Account or Petition for Final Distribution is set for March 22, 2013. Clerk's Certificate of Mailing shows that Notice of Status Hearing was mailed to David Davis and G.L. Motsenbocker on 11/15/12.</b>
Cont. from	DAVID DAVIS was appointed Administrator with full IAEA without bond on 01/11/12.	
<input type="checkbox"/> Aff.Sub.Wit.	Letters were issue on 01/12/12.	
<input checked="" type="checkbox"/> Verified	Inventory & Appraisal, Partial No. 1 showing the value of the estate at \$291,344.45 was filed on 04/10/12 and Inventory & Appraisal, Final showing additional estate assets in the amount of \$34,500.00 was filed on 04/16/12.	
<input type="checkbox"/> Inventory	<b>Petitioner states</b> he has continuing difficulty communicating with the Administrator. The Administrator is refusing to provide information requested by counsel that is needed and necessary to bring this matter to a conclusion.	
<input type="checkbox"/> PTC		
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		Reviewed by: JF
		Reviewed on: 12/11/12
		Updates:
		Recommendation:
		File 5 - Davis

Atty Steen, Stephanie (pro per – non-relative/Petitioner)

Atty Steen, Gregory A. (pro per – non-relative/Petitioner)

Atty Lopez, Amy (for Sherry & Donald Richardson/paternal grandparents -competing Petitioners)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 2	<b><u>TEMPORARY EXPIRES 01/02/13</u></b>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b><u>CONTINUED FROM 11/01/12</u></b>                  Minute Order from 11/01/12 states:                  Also present in the courtroom are Robin Daves and James Crawford. Mother is in favor of the petition. The Court on its own motion grants a temporary guardianship in favor of Stephanie &amp; Gregory Steen. The temporary expires on 01/02/13. The Court continues the hearing on the permanent petition to 01/02/13. The Court directs that there be reasonable visitation between the child and the paternal grandparents.</p> <p><b>Note:</b> Sherry &amp; Donald Richardson, paternal grandparents, have filed a competing temporary &amp; general petition (Page 10B).</p> <p style="text-align: center;"><b>1. Need CI Report and Clearances – CI to provide.</b></p>
	<p><b>STEPHANIE STEEN</b> and <b>GREGORY STEEN</b>, non-relatives, are Petitioners.</p> <p>Father: <b>JOSHUA RICHARDSON</b> – <i>currently incarcerated; personally served on 09/10/12</i></p> <p>Mother: <b>TIFFANY RICHARDSON</b> – <i>personally served on 09/10/12</i></p> <p>Paternal grandfather: DON RICHARDSON – <i>served by mail on 10/05/12</i></p> <p>Paternal grandmother: SHERRY RICHARDSON – <i>served by mail on 10/05/12</i></p> <p>Maternal grandfather: PATRICK JUSTESEN – <i>served by mail on 10/05/12</i></p> <p>Maternal grandmother: ROBIN DAVES – <i>served by mail on 10/05/12</i></p> <p><b>Petitioners state</b> that the father is currently incarcerated and the mother has admitted that she is currently using meth, abusing several prescription drugs and dealing drugs. She is homeless, jobless and has shown little regard for Jessie's safety. Petitioners state that they have known Tiffany (mother) since she was a child and she has even lived in their home previously. Petitioners states that the mother asked them to care for Jessie and has signed a Power of Attorney for Minor Child appointing Petitioners as attorney-in-fact in regards to Jessie's care. Jessie currently is living with them.</p> <p><b>Court Investigator Dina Calvillo filed a report on 10/25/12. .</b></p> <p><b>Court Investigator Dina Calvillo filed a report on – NEED REPORT.</b></p>	
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Status Rpt		
✓ UCCJEA		
Citation		
FTB Notice		

Atty Steen, Stephanie (pro per – non-relative/Petitioner)

Atty Steen, Gregory A. (pro per – non-relative/Petitioner)

Atty Lopez, Amy (for Sherry & Donald Richardson/paternal grandparents -competing Petitioners)

**Petition for Appointment of Guardian of the Person (Prob. C. 1510)**

Age: 2	<p align="center"><b><u>TEMPORARY GRANTED TO THE STEENS ON</u></b> <b><u>11/01/12; EXPIRES 01/02/13</u></b></p> <p><b>SHERRY RICHARDSON</b> and <b>DONALD RICHARDSON</b>, paternal grandparents, are Petitioners.</p> <p>Father: <b>JOSHUA RICHARDSON</b> – <i>currently incarcerated; Consent &amp; Waiver of Notice filed 10/22/12</i></p> <p>Mother: <b>TIFFANY RICHARDSON</b> – <i>personally served 10/26/12</i></p> <p>Maternal grandfather: <b>PATRICK JUSTESEN</b> – <i>served by mail on 10/24/12</i></p> <p>Maternal grandmother: <b>ROBIN DAVES</b> – <i>served by mail on 10/24/12</i></p> <p><b>Petitioners allege</b> that they can provide Jessie with a safe, stable and loving home. They state they are very bonded with Jessie and have known and loved her since birth. Petitioners further states that they will make sure that Jessie has appropriate visits with her parents and their extended families. They strongly believe that Jessie needs to be surrounded with family during this difficult time.</p> <p><b>Court Investigator Dina Calvillo filed a report on 12/10/12.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li><b>Need Notice of Hearing.</b></li> <li><b>Petitioners provided separate Letters of Guardianship for Donald Richardson &amp; Sherry Richardson. Need revised Letters with both parties listed.</b></li> </ol>	
Cont. from			
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<input checked="" type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
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		Reviewed by: JF	
		Reviewed on: 12/11/12	
		Updates:	
		Recommendation:	
		File 10B - Richardson	