1 Dylan Del Val & Kayla Del Val (GUARD/P) **Case No. 11CEPR00739**

Atty Hakker, Steve (pro per – maternal grandfather/Guardian)

Atty Lopez, Amy L (for Penny McKenzie – maternal grandmother/Petitioner)

Maternal Grandmother's Request for Court Ordered Visitation

Dylan Del Val		
Age: 6		
DOB: 7-21-05		
Kayla Del Val		
Age: 1		
DOB: 3-2-10		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	x
	Aff.Mail	x
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	x
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

PENNY MCKENZIE, maternal grandmother, is Petitioner.

STEVE HAKKER, maternal grandfather, was appointed Guardian of the Person on 10/24/11.

Father: **JESSE DEL VAL**

Mother: **MELISSA HAKKAR**

Paternal grandfather: UNKNOWN
Paternal grandmother: DECEASED

Petitioner states that she has always maintained a close and loving relationship with her grandchildren and the children and their mother lived with her on and off until August 2011 when petitioner had to as the children's mother to leave her home due to drug use. Petitioner states that since August 2011, she has had continued visitation at least once per week with the children. Petitioner states that she and guardian, Steve Hakkar, have a "Gentleman's Agreement" regarding visitation and Petitioner is requesting the following court ordered visitation schedule in order to keep the status quo:

- every second weekend of the month from Friday after school or 3:00pm until Sunday at 5:00pm. Additionally, every Friday after school or 3:00pm until 8:00pm. If Petitioner is unable to keep this visitation schedule due to a work conflict, she will notify Steve Hakkar with a 14 day written notice to reschedule the weekend within two weeks.
- Thanksgiving visitation from 11/25/11 at 10:00am - 11/26/11 at 5:00pm.
- Christmas visitation from 12/25/11 at 10:00am – 12/26/11 at 5:00pm.
- Easter visitation from Friday prior to Easter at 3:00pm until Saturday prior to Easter at 5:00pm

NEEDS/PROBLEMS/COMMENTS:

1. **Need *Notice of Hearing* with proof of service by mail at least 15 days before the hearing on:**
   - Steve Hakkar (guardian)
   -Melissa Hakkar (mother)
   - Jesse Del Val (father)
   Note: A proof of service attached to the Request for Court ordered visitation shows that the parties above were mailed a copy of the document on 10/21/11.
2. **Need Order.**

Reviewed by: JF

Reviewed on: 12/12/11

Updates:

Recommendation:

File 1 – Del Val

Dept. 303, 9:00 a.m. Tuesday, January 3, 2012

2 **Sark-Daniel Trust Created 5-6-1990** **Case No. 11CEPR00982**

Atty **Marchini, Joseph M (of BMJ, for Daniel L. Serimian – Beneficiary – Petitioner)**
Atty **Salisch, Victoria J.(of Lang, Richert & Patch, for Leslie A. Morgan)**
Atty **Jones, Timothy (of Wanger Jones Helsey, PC, for Donald Serimian and David Serimian)**

Petition for Order for Accounting, Surcharge of Trustee, Removal of Trustee, and Instructions to Partition, Terminate and Distribute Trust Estate [Prob. C. 15403, 15642, 16420, 16440, 17200(a), 17200(b)(7)]

Sarkis Serimian
DOD: 5-6-1990

Lionel Serimian
DOD: 1-12-08

	Aff.Sub.Wit.	
✔	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✔	Notice of Hrg	
✔	Aff.Mail	W
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

DANIEL L. SERIMIAN, Beneficiary, is Petitioner.

Petitioner states the Sark-Daniel Trust was created for the benefit of Petitioner under the will of Sarkis Serimian, which was recognized by the Court in its order for final distribution entered 7-10-1995 in 0419962-6.

DONALD M. SERIMIAN is the sole remaining trustee after the death of his brother, co-trustee **LIONEL M. SERIMIAN**.

Petitioner states the trust provides that should Donald M. Serimian no longer qualify as an acting trustee, his sons, **DAVID M. SERIMIAN** and **MARLON D. SERIMIAN**, along with Petitioner's sister **LESLIE A. (SERIMIAN) MORGAN** are nominated as co-trustees.

Petitioner states the trust provides that the trust shall terminate as of the latter of 12-31-05 or the date of death of the last to die of **LIONEL M. SERIMIAN** and **DONALD M. SERIMIAN** (the decedent's nephews and original co-trustees of this and the other trusts).

Petitioner states **LIONEL M. SERIMIAN** died 1-12-08, and the remaining sole trustee, **DONALD M. SERIMIAN**, suffered a stroke in or about 2010 which left him incapacitated and unable to qualify or serve as trustee. In addition, Petitioner states the trustee is in breach of his duties as trustee. The facts and specific duties violated by the now-incapacitated trustee, both independently and in collusion and concert with certain nominated successor co-trustee(s), and damages suffered, are set forth in a separate civil complaint (attached).

Petitioner states the trustee DONALD M. SERIMIAN and his son DAVID M. SERIMIAN, who has been acting as a de facto trustee, have unjustly enriched themselves and MARLON D. SERIMIAN, his other son.

Petitioner believes **DONALD M. SERIMIAN** is unfit to serve as trustee both as a result of his wrongful conduct and as a result of his incapacity due to the stroke he suffered in 2010. Under the terms of the trust, the duties of trustee would fall upon the aforementioned successors.

SEE PAGE 2

NEEDS/PROBLEMS/COMMENTS:

CONTINUED TO 3-5-12

Stipulation and Order filed 12-21-11

Reviewed by: skc
Reviewed on: 12-15-11
Updates: 12-21-11
Recommendation:
File 2 – Sark-Daniel

PAGE 2 OF 3 - SUMMARY (Continued):

However, Petitioner states that the trust provides that in the event of disagreement between more than two acting co-trustees, discretion may be exercised by the majority.

Petitioner states this structure would give **DAVID M. SERIMIAN** and **MARLON D. SERIMIAN** (parties adverse to Petitioner) full control over the trust, given their two-thirds majority interest as successor co-trustees (over **LESLIE A. (SERIMIAN) MORGAN**, whose interests are not adverse to Petitioner's). As a result of the conduct alleged in the civil complaint, dissention and insurmountable ill-will have arisen between the parties.

Accordingly, Petitioner states it is in the best interest of the beneficiary(ies) that the Court terminate the trust and distribute its assets to Petitioner.

The trust contains real and personal property located in Fresno County, specifically a 25% undivided interest in APN 389-121-05 (Warehouse Property) that is used by the Serimian family in its farming business, and may contain other real and personal property.

Petitioner states DONALD M. SERIMIAN, while serving as trustee, misused and misappropriated assets and that both he and de facto trustee **DAVID M. SERIMIAN** have failed and continue to fail to provide full and sufficient information concerning administration of the trust and to account to Petitioner in violation of the duties imposed by Probate Code §16062(a).

Petitioner states that attorneys for Donald and David agreed to provide access to partial information; however, the information provided is limited and seriously deficient. Moreover, despite the fact that Petitioner made it clear that he wanted all records preserved, accountants reviewing the information on behalf of Petitioner were recently advised by the trustees' accountants that all supporting records for 2004 and 2005 have been destroyed. Petitioner states these records are critical because the civil complaint specifically alleges that in 2005, Donald Serimian engaged in serious defalcations and fraudulent conduct with regard to trust assets. Records for 2004 are relevant because they would help illustrate the state of affairs.

Petitioner states that prior to being advised of such destruction of records, the attorneys for trustee had indicated willingness to provide them. Petitioner therefore believes that the purported destruction occurred in an effort to hide the trustee's culpable conduct and with full knowledge of Petitioner's request to preserve.

Petitioner states that despite repeated oral and written requests, individually and through counsel, that trustee provide information relating to the trust assets, the requests have been refused in violation of Probate Code §§ 16160-16061 except as noted previously.

Petitioner requests the Court compel the trustee to provide a full accounting concerning the administration of the trust and its assets under Probate Code §§ 17200(a) and (b)(7).

Petitioner also states DONALD M. SERIMIAN as trustee should be surcharged in an amount equal to the aggregate of the following under Probate Code §§ 16420, 16440:

- Any loss or depreciation in value of the trust estate resulting from breach, with interest;
- Any profit made by the trustee through the breach, with interest;
- Any profit that would have accrued to the trust estate if the loss of profit is the result of the breach

Petitioner requests an award of attorneys' fees pursuant to any and all appropriate statutes and law, and to the extent this petition results in recovery of property which benefits all beneficiaries, Petitioner requests that the Court award attorneys' fees to Petitioner based on the so-called common fund and substantial benefit theories – reference: *Estate of Reade* (1948) 31 Cal.2d 669, 671-673 ["plaintiff who has succeeded in protecting, preserving or increasing a fund for the benefit of himself and others may be awarded compensation from the fund for the services of his attorney"].

Petitioner requests removal of the trustee for breaches of trust and other grounds pursuant to Probate Code §15642. Petitioner states the trustee is in breach and neither the trustee nor his sons are qualified to act, and in addition, the trustee is not competent to serve.

SEE PAGE 3

PAGE 3 OF 3 - SUMMARY (Continued):

Petitioner requests an order instructing distribution of the trust estate and terminating the trust pursuant to Probate Code §§ 15403 and 15409. Petitioner states that continuation of the trust is not necessary to carry out any material purpose of the trust, and five significant events or patterns of conduct warrant termination:

1. Lionel Serimian's death;
2. Donald M. Serimian's numerous breaches of trust, independently and in concert and collusion with his sons and successor co-trustees;
3. Donald M. Serimian's incapacity;
4. The dissention and ill-will among the parties; and
5. The tripartite co-trustee structure that would give control to parties adverse to Petitioner and lead to further erosion of the trust corpus.

Petitioner prays as follows:

1. **For an order compelling trustee Donald M. Serimian to report on matters concerning the administration of the trust and to account fully for all trust property;**
2. **For an order for surcharge of Donald M. Serimian;**
3. **For an order removing Donald M. Serimian as trustee of the trust;**
4. **For a finding that successor co-trustees David M. Serimian and Marlon D. Serimian are not qualified to act as co-trustees of the trust;**
5. **For an order vesting the trust property for the benefit of Petitioner Daniel L. Serimian;**
6. **For an order terminating the trust;**
7. **For an order instructing the trustee with regard to the proper distribution of trust assets;**
8. **For attorneys' fees and costs incurred or to be incurred by Petitioner; and**
9. **For such other orders as the court may deem just and proper.**

The attached complaint containing 24 allegations is titled:

DANIEL L. SERIMIAN and LESLIE A. MORGAN, in their individual and representative capacities for themselves and on behalf of D&L, Inc., a California corporation, AGNES SERIMIAN & SONS, SERIMCO RANCH, and MSDL SERIMIAN RANCH, Plaintiffs,

v.

DONALD M. SERIMIAN, individually and as trustee; DAVID M. SERIMIAN, individually and in his representative capacities; MARLON D. SERIMIAN; D&L, Inc., a California Corporation; AGNES SERIMIAN & SONS; SERIMCO RANCH, LLC; MCCLARTY FARMS, LLC; RAY MOLES; KRISTIE SERIMIAN; HANNAH SERIMIAN; BARBARA SERIMIAN; SAFECO TITLE INSURANCE COMPANY; WALTER M. HELM.; ELLEN ROSE HELMS; SECURITY TITLE INSURANCE COMPANY; LEON SERIMIAN; AMERICAN SECURITIES COMPANY, A CORPORATION; WELLS FARGO BANK, NATIONAL ASSOCIATION; CHICAGO TITLE INSURANCE COMPANY, A CALIFORNIA CORPORATION; and DOES 1 through 50, inclusive, Defendants.

Court records indicate case # 11CECG03770 has an upcoming hearing set for 3-5-12 in that case.

3 Daniel L. Serimian Trust 12-29-1978 Case No. 11CEPR00983

Atty Marchini, Joseph M (of BMJ, for Daniel L. Serimian – Beneficiary – Petitioner)
Atty Salisch, Victoria J.(of Lang, Richert & Patch, for Leslie A. Morgan)
Atty Jones, Timothy (of Wanger Jones Helsey, PC, for Donald Serimian and David Serimian)

Petition for Order for Accounting, Surcharge of Trustee, Removal of Trustee, and Instructions to Partition, Terminate and Distribute Trust Estate [Prob. C. 15403, 15642, 16420, 16440, 17200(a), 17200(b)(7)]

Sarkis Serimian
DOD: 5-6-1990

Lionel Serimian
DOD: 1-12-08

	Aff.Sub.Wit.	
✔	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✔	Notice of Hrg	
✔	Aff.Mail	W
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

DANIEL L. SERIMIAN, beneficiary, is Petitioner.

Petitioner states on 12-29-1978, **DONALD M. SERIMIAN** and **LIONEL M. SERIMIAN** established an irrevocable trust for the benefit of Petitioner.

DONALD M. SERIMIAN is the sole remaining trustee after the death of his brother, co-trustee **LIONEL M. SERIMIAN.**

Petitioner states the trust provides that the trust shall terminate when both trustees shall for any reason fail to qualify or cease to act, and the entire estate as then constituted shall be distributed to the beneficiary.

Petitioner states **LIONEL M. SERIMIAN** died 1-12-08, and the remaining sole trustee, **DONALD M. SERIMIAN**, suffered a stroke in or about 2010 which left him incapacitated and unable to qualify or serve as trustee. In addition, Petitioner states the trustee is in breach of his duties as trustee. The facts and specific duties violated by the now-incapacitated trustee, both independently and in collusion and concert with certain nominated successor co-trustee(s), and damages suffered, are set forth in a separate civil complaint (attached).

Petitioner states the trustee DONALD M. SERIMIAN and his son DAVID M. SERIMIAN, who has been acting as a de facto trustee, have unjustly enriched themselves and MARLON D. SERIMIAN, his other son.

Petitioner believes **DONALD M. SERIMIAN** is unfit to serve as trustee both as a result of his wrongful conduct and as a result of his incapacity due to the stroke he suffered in 2010.

Accordingly, Petitioner states it is in the best interest of the beneficiary(ies) that the Court terminate the trust and distribute its assets to Petitioner.

The trust contains real and personal property located in Fresno County, specifically a 25% undivided interest in six parcels of land. Schedule A also listed $3,000.00 cash from Agnes Serimian and $3,000.00 cash from Sarkis Serimian.

Petitioner states DONALD M. SERIMIAN, while serving as trustee, misused and misappropriated assets and that both he and de facto trustee **DAVID M. SERIMIAN** have failed and continue to fail to provide full and sufficient information concerning administration of the trust and to account to Petitioner in violation of the duties imposed by Probate Code §16062(a).

SEE PAGE 2

NEEDS/PROBLEMS/ COMMENTS:

CONTINUED TO 3-5-12

Stipulation and Order filed 12-21-11

Reviewed by: skc

Reviewed on: 12-15-11

Updates: 12-21-11

Recommendation:

File 3 - Serimian

Dept. 303, 9:00 a.m. Tuesday, January 3, 2012

PAGE 2 OF 2 - SUMMARY (Continued):

Petitioner states that attorneys for Donald and David agreed to provide access to partial information; however, the information provided is limited and seriously deficient. Moreover, despite the fact that Petitioner made it clear that he wanted all records preserved, accountants reviewing the information on behalf of Petitioner were recently advised by the trustees' accountants that all supporting records for 2004 and 2005 have been destroyed. Petitioner states these records are critical because the civil complaint specifically alleges that in 2005, Donald Serimian engaged in serious defalcations and fraudulent conduct with regard to trust assets. Records for 2004 are relevant because they would help illustrate the state of affairs.

Petitioner states that prior to being advised of such destruction of records, the attorneys for trustee had indicated willingness to provide them. Petitioner therefore believes that the purported destruction occurred in an effort to hide the trustee's culpable conduct and with full knowledge of Petitioner's request to preserve.

Petitioner states that despite repeated oral and written requests, individually and through counsel, that trustee provide information relating to the trust assets, the requests have been refused in violation of Probate Code §§ 16160-16061 except as noted previously.

Petitioner requests the Court compel the trustee to provide a full accounting concerning the administration of the trust and its assets under Probate Code §§ 17200(a) and (b)(7).

Petitioner also states DONALD M. SERIMIAN as trustee should be surcharged in an amount equal to the aggregate of the following under Probate Code §§ 16420, 16440:

- Any loss or depreciation in value of the trust estate resulting from breach, with interest;
- Any profit made by the trustee through the breach, with interest;
- Any profit that would have accrued to the trust estate if the loss of profit is the result of the breach

Petitioner requests an award of attorneys' fees pursuant to any and all appropriate statutes and law, and to the extent this petition results in recovery of property which benefits all beneficiaries, Petitioner requests that the Court award attorneys' fees to Petitioner based on the so-called common fund and substantial benefit theories – reference: *Estate of Reade* (1948) 31 Cal.2d 669, 671-673 ["plaintiff who has succeeded in protecting, preserving or increasing a fund for the benefit of himself and others may be awarded compensation from the fund for the services of his attorney"].

Petitioner requests removal of the trustee for breaches of trust and other grounds pursuant to Probate Code §15642. Petitioner states the trustee is in breach and neither the trustee nor his sons are qualified to act, and in addition, the trustee is not competent to serve.

Petitioner requests an order instructing distribution of the trust estate and terminating the trust pursuant to Probate Code §§ 15403 and 15409. Lionel Serimian's death coupled with Donald Serimian's incapacity, in addition to Donald Serimian's numerous breaches of trust, provide the legal grounds for terminating the trust.

Petitioner prays as follows:

1. **For an order compelling the trustee to report on matters concerning the administration of the trust and to account fully for all trust property;**
2. **For an order for surcharge of trustee Donald Serimian;**
3. **For an order removing Donald Serimian as trustee of the trust;**
4. **For an order vesting the trust property for the benefit of Petitioner Daniel L. Serimian;**
5. **For an order terminating the trust;**
6. **For an order instructing the trustee with regard to the proper distribution of trust assets;**
7. **For attorneys' fees and costs incurred or to be incurred by Petitioner; and**
8. **For such other orders as the court may deem just and proper.**

4 Leslie A. Serimian (Morgan) Trust 12-29-1978 Case No. 11CEPR00984

Atty Marchini, Joseph M (of BMJ, for Daniel L. Serimian – Beneficiary – Petitioner)
Atty Salisch, Victoria J.(of Lang, Richert & Patch, for Leslie A. Morgan)
Atty Jones, Timothy (of Wanger Jones Helsey, PC, for Donald Serimian and David Serimian)

Petition for Order for Accounting, Surcharge of Trustee, Removal of Trustee, and Instructions to Partition, Terminate and Distribute Trust Estate [Prob. C. 15403, 15642, 16420, 16440, 17200(a), 17200(b)(7)]

Sarkis Serimian
DOD: 5-6-1990

Lionel Serimian
DOD: 1-12-08

	Aff.Sub.Wit.	
✔	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✔	Notice of Hrg	
✔	Aff.Mail	W
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

LESLIE A. MORGAN (SERIMIAN), beneficiary, is Petitioner.

Petitioner states on 12-29-1978, **DONALD M. SERIMIAN** and **LIONEL M. SERIMIAN** established an irrevocable trust for the benefit of Petitioner.

DONALD M. SERIMIAN is the sole remaining trustee after the death of his brother, co-trustee **LIONEL M. SERIMIAN.**

Petitioner states the trust provides that the trust shall terminate when both trustees shall for any reason fail to qualify or cease to act, and the entire estate as then constituted shall be distributed to the beneficiary.

Petitioner states **LIONEL M. SERIMIAN** died 1-12-08, and the remaining sole trustee, **DONALD M. SERIMIAN**, suffered a stroke in or about 2010 which left him incapacitated and unable to qualify or serve as trustee. In addition, Petitioner states the trustee is in breach of his duties as trustee. The facts and specific duties violated by the now-incapacitated trustee, both independently and in collusion and concert with certain nominated successor co-trustee(s), and damages suffered, are set forth in a separate civil complaint (attached).

Petitioner states the trustee DONALD M. SERIMIAN and his son DAVID M. SERIMIAN, who has been acting as a de facto trustee, have unjustly enriched themselves and MARLON D. SERIMIAN, his other son.

Petitioner believes **DONALD M. SERIMIAN** is unfit to serve as trustee both as a result of his wrongful conduct and as a result of his incapacity due to the stroke he suffered in 2010.

Accordingly, Petitioner states it is in the best interest of the beneficiary(ies) that the Court terminate the trust and distribute its assets to Petitioner.

The trust contains real and personal property located in Fresno County, specifically a 25% undivided interest in six parcels of land. Schedule A also listed $3,000.00 cash from Agnes Serimian and $3,000.00 cash from Sarkis Serimian.

Petitioner states DONALD M. SERIMIAN, while serving as trustee, misused and misappropriated assets and that both he and de facto trustee **DAVID M. SERIMIAN** have failed and continue to fail to provide full and sufficient information concerning administration of the trust and to account to Petitioner in violation of the duties imposed by Probate Code §16062(a).

SEE PAGE 2

NEEDS/PROBLEMS/ COMMENTS:

CONTINUED TO 3-5-12

Stipulation and Order filed 12-21-11

Reviewed by: skc

Reviewed on: 12-15-11

Updates: 12-21-11

Recommendation:

File 4 - Serimian

Dept. 303, 9:00 a.m. Tuesday, January 3, 2012

PAGE 2 OF 2 - SUMMARY (Continued):

Petitioner states that attorneys for Donald and David agreed to provide access to partial information; however, the information provided is limited and seriously deficient. Moreover, despite the fact that Petitioner made it clear that he wanted all records preserved, accountants reviewing the information on behalf of Petitioner were recently advised by the trustees' accountants that all supporting records for 2004 and 2005 have been destroyed. Petitioner states these records are critical because the civil complaint specifically alleges that in 2005, Donald Serimian engaged in serious defalcations and fraudulent conduct with regard to trust assets. Records for 2004 are relevant because they would help illustrate the state of affairs.

Petitioner states that prior to being advised of such destruction of records, the attorneys for trustee had indicated willingness to provide them. Petitioner therefore believes that the purported destruction occurred in an effort to hide the trustee's culpable conduct and with full knowledge of Petitioner's request to preserve.

Petitioner states that despite repeated oral and written requests, individually and through counsel, that trustee provide information relating to the trust assets, the requests have been refused in violation of Probate Code §§ 16160-16061 except as noted previously.

Petitioner requests the Court compel the trustee to provide a full accounting concerning the administration of the trust and its assets under Probate Code §§ 17200(a) and (b)(7).

Petitioner also states DONALD M. SERIMIAN as trustee should be surcharged in an amount equal to the aggregate of the following under Probate Code §§ 16420, 16440:

- Any loss or depreciation in value of the trust estate resulting from breach, with interest;
- Any profit made by the trustee through the breach, with interest;
- Any profit that would have accrued to the trust estate if the loss of profit is the result of the breach

Petitioner requests an award of attorneys' fees pursuant to any and all appropriate statutes and law, and to the extent this petition results in recovery of property which benefits all beneficiaries, Petitioner requests that the Court award attorneys' fees to Petitioner based on the so-called common fund and substantial benefit theories – reference: *Estate of Reade* (1948) 31 Cal.2d 669, 671-673 ["plaintiff who has succeeded in protecting, preserving or increasing a fund for the benefit of himself and others may be awarded compensation from the fund for the services of his attorney"].

Petitioner requests removal of the trustee for breaches of trust and other grounds pursuant to Probate Code §15642. Petitioner states the trustee is in breach and neither the trustee nor his sons are qualified to act, and in addition, the trustee is not competent to serve.

Petitioner requests an order instructing distribution of the trust estate and terminating the trust pursuant to Probate Code §§ 15403 and 15409. Lionel Serimian's death coupled with Donald Serimian's incapacity, in addition to Donald Serimian's numerous breaches of trust, provide the legal grounds for terminating the trust.

Petitioner prays as follows:

9. **For an order compelling the trustee to report on matters concerning the administration of the trust and to account fully for all trust property;**
10. **For an order for surcharge of trustee Donald Serimian;**
11. **For an order removing Donald Serimian as trustee of the trust;**
12. **For an order vesting the trust property for the benefit of Petitioner Leslie A. Morgan (Serimian);**
13. **For an order terminating the trust;**
14. **For an order instructing the trustee with regard to the proper distribution of trust assets;**
15. **For attorneys' fees and costs incurred or to be incurred by Petitioner; and**
16. **For such other orders as the court may deem just and proper.**

5 Sark-Leslie Trust Created 5-6-1990 **Case No. 11CEPR00985**

Atty Marchini, Joseph M (of BMJ, for Daniel L. Serimian – Beneficiary – Petitioner)
Atty Salisch, Victoria J.(of Lang, Richert & Patch, for Leslie A. Morgan)
Atty Jones, Timothy (of Wanger Jones Helsey, PC, for Donald Serimian and David Serimian)

Petition for Order for Accounting, Surcharge of Trustee, Removal of Trustee, and Instructions to Partition, Terminate, and Distribute Trust Estate [Prob. C. 15403, 15642, 16420, 16440, 17200(a), 17200(b)(7)]

Sarkis Serimian
DOD: 5-6-1990

Lionel Serimian
DOD: 1-12-08

	Aff.Sub.Wit.	
✔	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✔	Notice of Hrg	
✔	Aff.Mail	W
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

LESLIE A. MORGAN (SERIMIAN) is Petitioner.

Petitioner states the Sark-Leslie Trust was created for the benefit of Petitioner under the will of Sarkis Serimian, which was recognized by the Court in its order for final distribution entered 7-10-1995 in 0419962-6.

DONALD M. SERIMIAN is the sole remaining trustee after the death of his brother, co-trustee **LIONEL M. SERIMIAN**.

Petitioner states the trust provides that should Donald M. Serimian no longer qualify as an acting trustee, his sons, **DAVID M. SERIMIAN** and **MARLON D. SERIMIAN**, along with Peittioner's brother **DANIEL L. SERIMIAN** are nominated as co-trustees.

Petitioner states the trust provides that the trust shall terminate as of the latter of 12-31-05 or the date of death of the last to die of **LIONEL M. SERIMIAN** and **DONALD M. SERIMIAN** (the decedent's nephews and original co-trustees of this and the other trusts).

Petitioner states **LIONEL M. SERIMIAN** died 1-12-08, and the remaining sole trustee, **DONALD M. SERIMIAN**, suffered a stroke in or about 2010 which left him incapacitated and unable to qualify or serve as trustee. In addition, Petitioner states the trustee is in breach of his duties as trustee. The facts and specific duties violated by the now-incapacitated trustee, both independently and in collusion and concert with certain nominated successor co-trustee(s), and damages suffered, are set forth in a separate civil complaint (attached).

Petitioner states the trustee DONALD M. SERIMIAN and his son DAVID M. SERIMIAN, who has been acting as a de facto trustee, have unjustly enriched themselves and MARLON D. SERIMIAN, his other son.

Petitioner believes **DONALD M. SERIMIAN** is unfit to serve as trustee both as a result of his wrongful conduct and as a result of his incapacity due to the stroke he suffered in 2010. Under the terms of the trust, the duties of trustee would fall upon the aforementioned successors.

SEE PAGE 2

NEEDS/PROBLEMS/COMMENTS:

CONTINUED TO 3-5-12

Stipulation and Order filed 12-21-11

Reviewed by: skc
Reviewed on: 12-15-11
Updates: 12-21-11
Recommendation:
File 5 – Sark-Leslie

PAGE 2 OF 3 - SUMMARY (Continued):

However, Petitioner states that the trust provides that in the event of disagreement between more than two acting co-trustees, discretion may be exercised by the majority.

Petitioner states this structure would give **DAVID M. SERIMIAN** and **MARLON D. SERIMIAN** (parties adverse to Petitioner) full control over the trust, given their two-thirds majority interest as successor co-trustees (over **DANIEL M. SERIMIAN**, whose interests are not adverse to Petitioner's). As a result of the conduct alleged in the civil complaint, dissention and insurmountable ill-will have arisen between the parties.

Accordingly, Petitioner states it is in the best interest of the beneficiary(ies) that the Court terminate the trust and distribute its assets to Petitioner.

The trust contains real and personal property located in Fresno County, specifically a 25% undivided interest in APN 389-121-05 (Warehouse Property) that is used by the Serimian family in its farming business, and may contain other real and personal property.

Petitioner states DONALD M. SERIMIAN, while serving as trustee, misused and misappropriated assets and that both he and de facto trustee **DAVID M. SERIMIAN** have failed and continue to fial to provide full and sufficient information concerning administration of the trust and to account to Petitioner in violation of the duties imposed by Probate Code §16062(a).

Petitioner states that attorneys for Donald and David agreed to provide access to partial information; however, the information provided is limited and seriously deficient. Moreover, despite the fact that Petitioner made it clear that he wanted all records preserved, accountants reviewing the information on behalf of Petitioner were recently advised by the trustees' accountants that all supporting records for 2004 and 2005 have been destroyed. Petitioner states these records are critical because the civil complaint specifically alleges that in 2005, Donald Serimian engaged in serious defalcations and fraudulent conduct with regard to trust assets. Records for 2004 are relevant because they would help illustrate the state of affairs.

Petitioner states that prior to being advised of such destruction of records, the attorneys for trustee had indicated willingness to provide them. Petitioner therefore believes that the purported destruction occurred in an effort to hide the trustee's culpable conduct and with full knowledge of Petitioner's request to preserve.

Petitioner states that despite repeated oral and written requests, individually and through counsel, that trustee provide information relating to the trust assets, the requests have been refused in violation of Probate Code §§ 16160-16061 except as noted previously.

Petitioner requests the Court compel the trustee to provide a full accounting concerning the administration of the trust and its assets under Probate Code §§ 17200(a) and (b)(7).

Petitioner also states DONALD M. SERIMIAN as trustee and DAVID M. SERIMIAN as de facto trustee should be surcharged in an amount equal to the aggregate of the following under Probate Code §§ 16420, 16440:

- Any loss or depreciation in value of the trust estate resulting from breach, with interest;
- Any profit made by the trustee through the breach, with interest;
- Any profit that would have accrued to the trust estate if the loss of profit is the result of the breach

Petitioner requests an award of attorneys' fees pursuant to any and all appropriate statutes and law, and to the extent this petition results in recovery of property which benefits all beneficiaries, Petitioner requests that the Court award attorneys' fees to Petitioner based on the so-called common fund and substantial benefit theories – reference: *Estate of Reade* (1948) 31 Cal.2d 669, 671-673 ["plaintiff who has succeeded in protecting, preserving or increasing a fund for the benefit of himself and others may be awarded compensation from the fund for the services of his attorney"].

Petitioner requests removal of the trustees for breaches of trust and other grounds pursuant to Probate Code §15642. Petitioner states the trustee is in breach and neither the trustee nor his sons are qualified to act, and in addition, the trustee is not competent to serve.

SEE PAGE 3

PAGE 3 OF 3 - SUMMARY (Continued):

Petitioner requests an order instructing distribution of the trust estate and terminating the trust pursuant to Probate Code §§ 15403 and 15409. Petitioner states that continuation of the trust is not necessary to carry out any material purpose of the trust, and five significant events or patterns of conduct warrant termination:

6. Lionel Serimian's death;
7. Donald M. Serimian's numerous breaches of trust, independently and in concert and collusion with his sons and successor co-trustees;
8. Donald M. Serimian's incapacity;
9. The dissention and ill-will among the parties; and
10. The tripartite co-trustee structure that would give control to parties adverse to Petitioner and lead to further erosion of the trust corpus.

Petitioner prays as follows:

10. For an order compelling the trustee to report on matters concerning the administration of the trust and to account fully for all trust property;

11. For an order for surcharge of trustee Donald M. Serimian;

12. For an order removing Donald M. Serimian as trustee of the trust;

13. For a finding that successor co-trustees David M. Serimian and Marlon D. Serimian are not qualified to act as co-trustees of the trust;

14. For an order <u>partitioning</u> the trust estate and vesting the trust property for the benefit of Petitioner Leslie A. Morgan;

15. For an order terminating the trust;

16. For an order instructing the trustee with regard to the proper <u>division</u> of trust assets;

17. For attorneys' fees and costs incurred or to be incurred by Petitioner; and

18. For such other orders as the court may deem just and proper.

The attached complaint containing 24 allegations is titled:

DANIEL L. SERIMIAN and LESLIE A. MORGAN, in their individual and representative capacities for themselves and on behalf of D&L, Inc., a California corporation, AGNES SERIMIAN & SONS, SERIMCO RANCH, and MSDL SERIMIAN RANCH, Plaintiffs,

v.

DONALD M. SERIMIAN, individually and as trustee; DAVID M. SERIMIAN, individually and in his representative capacities; MARLON D. SERIMIAN; D&L, Inc., a California Corporation; AGNES SERIMIAN & SONS; SERIMCO RANCH, LLC; MCCLARTY FARMS, LLC; RAY MOLES; KRISTIE SERIMIAN; HANNAH SERIMIAN; BARBARA SERIMIAN; SAFECO TITLE INSURANCE COMPANY; WALTER M. HELM.; ELLEN ROSE HELMS; SECURITY TITLE INSURANCE COMPANY; LEON SERIMIAN; AMERICAN SECURITIES COMPANY, A CORPORATION; WELLS FARGO BANK, NATIONAL ASSOCIATION; CHICAGO TITLE INSURANCE COMPANY, A CALIFORNIA CORPORATION; and DOES 1 through 50, inclusive, Defendants.

Court records indicate case # 11CECG03770 has an upcoming hearing set for 3-5-12 in that case.

6 Sark-Lionel Trust Created 7-10-1995 Case No. 11CEPR00986

Atty Marchini, Joseph M (of BMJ, for Daniel L. Serimian – Beneficiary – Petitioner)
Atty Salisch, Victoria J.(of Lang, Richert & Patch, for Leslie A. Morgan)
Atty Jones, Timothy (of Wanger Jones Helsey, PC, for Donald Serimian and David Serimian)

Petition for Order for Accounting, Surcharge of Trustee, Removal of Trustee and Instructions to Partition, Terminate and Distribute Trust Estate [Prob. C. 15403, 15642, 16420, 16440, 17200(a), 17200(b)(7)]

Sarkis Serimian
DOD: 5-6-1990

Lionel Serimian
DOD: 1-12-08

	Aff.Sub.Wit.	
✔	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✔	Notice of Hrg	
✔	Aff.Mail	W
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

DANIEL L. SERIMIAN and LESLIE A. MORGAN, Beneficiaries, are Petitioners.

Petitioners state the Sark-Lionel Trust was created for the benefit of their father **LIONEL M. SERIMIAN** under the will of Sarkis Serimian, which was recognized by the Court in its order for final distribution entered 7-10-1995 in 0419962-6.

DONALD M. SERIMIAN is the sole remaining trustee after the death of his brother, co-trustee and beneficiary **LIONEL M. SERIMIAN**.

Petitioners state the trust provides that should Donald M. Serimian no longer qualify as an acting trustee, his sons, **DAVID M. SERIMIAN** and **MARLON D. SERIMIAN**, along with Petitioner's sister **LESLIE A. (SERIMIAN) MORGAN** are nominated as co-trustees.

Petitioners state the trust provides that the trust shall terminate as of the date of death of the beneficiary and assets be distributed to his issue, or their trusts, if in existence.

Petitioners state **LIONEL M. SERIMIAN** died 1-12-08, and the remaining sole trustee, **DONALD M. SERIMIAN**, suffered a stroke in or about 2010 which left him incapacitated and unable to qualify or serve as trustee. In addition, Petitioners state the trustee is in breach of his duties as trustee. The facts and specific duties violated by the now-incapacitated trustee, both independently and in collusion and concert with certain nominated successor co-trustee(s), and damages suffered, are set forth in a separate civil complaint (attached).

Specifically, Petitioners state that in addition to failing to terminate and distribute at Lionel's death, trustee DONALD M. SERIMIAN and his son DAVID M. SERIMIAN, who has been acting as a de facto trustee, have unjustly enriched themselves and MARLON D. SERIMIAN, his other son.

Petitioners believe **DONALD M. SERIMIAN** is unfit to serve as trustee both as a result of his wrongful conduct and as a result of his incapacity due to the stroke he suffered in 2010. Under the terms of the trust, the duties of trustee would fall upon the aforementioned successors.

SEE PAGE 2

NEEDS/PROBLEMS/ COMMENTS:

CONTINUED TO 3-5-12

Stipulation and Order filed 12-21-11

Reviewed by: skc
Reviewed on: 12-15-11
Updates: 12-21-11
Recommendation:
File 6 – Sark-Lionel

PAGE 2 OF 3 - SUMMARY (Continued):

However, Petitioners state that the trust provides that in the event of disagreement between more than two acting co-trustees, discretion may be exercised by the majority.

Petitioners state this structure would give **DAVID M. SERIMIAN** and **MARLON D. SERIMIAN** (parties adverse to Petitioners) full control over the trust, given their two-thirds majority interest as successor co-trustees (over **LESLIE A. (SERIMIAN) MORGAN**, whose interests are not adverse to Petitioner Daniel's). As a result of the conduct alleged in the civil complaint, dissention and insurmountable ill-will have arisen between the parties.

Accordingly, Petitioners state it is in the best interest of the beneficiaries that the Court terminate the trust and distribute its assets to Petitioners. ***(Note: Although the Trust requires distribution to the beneficiaries' trusts, if in existence, Petitioners have concurrently brought petitions (Pages 2 and 5) to terminate those trusts. Here, Petitioners seek instructions regarding distrubtion.)***

The trust contains real and personal property located in Fresno County, specifically a 16.6667% undivided interest in four ranches and three other properties that are used by the Serimian family in its farming business, and may contain other real and personal property.

Petitioners state DONALD M. SERIMIAN, while serving as trustee, misused and misappropriated assets and that both he and de facto trustee **DAVID M. SERIMIAN** have failed and continue to fail to provide full and sufficient information concerning administration of the trust and to account to Petitioners in violation of the duties imposed by Probate Code §16062(a).

Petitioners state that attorneys for Donald and David agreed to provide access to partial information; however, the information provided is limited and seriously deficient. Moreover, despite the fact that Petitioners made it clear that they wanted all records preserved, accountants reviewing the information on behalf of Petitioners were recently advised by the trustees' accountants that all supporting records for 2004 and 2005 have been destroyed. Petitioners state these records are critical because the civil complaint specifically alleges that in 2005, Donald Serimian engaged in serious defalcations and fraudulent conduct with regard to trust assets. Records for 2004 are relevant because they would help illustrate the state of affairs.

Petitioners state that prior to being advised of such destruction of records, the attorneys for trustee had indicated willingness to provide them. Petitioners therefore believe that the purported destruction occurred in an effort to hide the trustee's culpable conduct and with full knowledge of Petitioners' request to preserve.

Petitioners state that despite repeated oral and written requests, individually and through counsel, that trustee provide information relating to the trust assets, the requests have been refused in violation of Probate Code §§ 16160-16061 except as noted previously.

Petitioners request the Court compel the trustee to provide a full accounting concerning the administration of the trust and its assets under Probate Code §§ 17200(a) and (b)(7).

Petitioners also state DONALD M. SERIMIAN as trustee should be surcharged in an amount equal to the aggregate of the following under Probate Code §§ 16420, 16440:

- Any loss or depreciation in value of the trust estate resulting from breach, with interest;
- Any profit made by the trustee through the breach, with interest;
- Any profit that would have accrued to the trust estate if the loss of profit is the result of the breach

Petitioners request an award of attorneys' fees pursuant to any and all appropriate statutes and law, and to the extent this petition results in recovery of property which benefits all beneficiaries, Petitioners request that the Court award attorneys' fees to Petitioners based on the so-called common fund and substantial benefit theories – reference: *Estate of Reade* (1948) 31 Cal.2d 669, 671-673 ["plaintiff who has succeeded in protecting, preserving or increasing a fund for the benefit of himself and others may be awarded compensation from the fund for the services of his attorney"].

Petitioners request removal of the trustee for breaches of trust and other grounds pursuant to Probate Code §15642. Petitioners state the trustee is in breach and neither the trustee nor his sons are qualified to act, and in addition, the trustee is not competent to serve.

SEE PAGE 3

PAGE 3 OF 3 - SUMMARY (Continued):

Petitioners request an order instructing distribution of the trust estate and terminating the trust pursuant to Probate Code §§ 15403 and 15409.

Although Lionel Serimian's death alone provides the legal basis for terminating the trust, Petitioners state four additional significant events or patterns of conduct further warrant termination:

11. Donald M. Serimian's numerous breaches of trust, independently and in concert and collusion with his sons and successor co-trustees;
12. Donald M. Serimian's incapacity;
13. The dissention and ill-will among the parties; and
14. The tripartite co-trustee structure that would give control to parties adverse to Petitioners and lead to further erosion of the trust corpus.

Petitioners pray as follows:

19. For an order compelling trustee Donald M. Serimian to report on matters concerning the administration of the trust and to account fully for all trust property;

20. For an order for surcharge of trustee Donald M. Serimian;

21. For an order removing Donald M. Serimian as trustee of the trust;

22. For a finding that successor co-trustees David M. Serimian and Marlon D. Serimian are not qualified to act as co-trustees of the trust;

23. For an order vesting the trust property for the benefit of Petitioners Daniel L. Serimian and Leslie A. Morgan;

24. For an order terminating the trust;

25. For an order instructing the trustee with regard to the proper distribution of trust assets;

26. For attorneys' fees and costs incurred or to be incurred by Petitioner; and

27. For such other orders as the court may deem just and proper.

The attached complaint containing 24 allegations is titled:

DANIEL L. SERIMIAN and LESLIE A. MORGAN, in their individual and representative capacities for themselves and on behalf of D&L, Inc., a California corporation, AGNES SERIMIAN & SONS, SERIMCO RANCH, and MSDL SERIMIAN RANCH, Plaintiffs,

v.

DONALD M. SERIMIAN, individually and as trustee; DAVID M. SERIMIAN, individually and in his representative capacities; MARLON D. SERIMIAN; D&L, Inc., a California Corporation; AGNES SERIMIAN & SONS; SERIMCO RANCH, LLC; MCCLARTY FARMS, LLC; RAY MOLES; KRISTIE SERIMIAN; HANNAH SERIMIAN; BARBARA SERIMIAN; SAFECO TITLE INSURANCE COMPANY; WALTER M. HELM.; ELLEN ROSE HELMS; SECURITY TITLE INSURANCE COMPANY; LEON SERIMIAN; AMERICAN SECURITIES COMPANY, A CORPORATION; WELLS FARGO BANK, NATIONAL ASSOCIATION; CHICAGO TITLE INSURANCE COMPANY, A CALIFORNIA CORPORATION; and DOES 1 through 50, inclusive, Defendants.

Court records indicate case # 11CECG03770 has an upcoming hearing set for 3-5-12 in that case.

7 Selina Pasillas (CONS/PE) **Case No. 11CEPR01030**

Atty **Kruthers, Heather H. (for the Public Guardian – Petitioner)**

Atty **Wright, Janet L. (court-appointed for Conservatee – Objector)**

Petition for Appointment of Probate Conservator of the Person and Estate (Prob. C.1820, 1821, 2680-2682)

Age: 86 years		
DOD: 8/14/25		
	Aff.Sub.Wit.	
√	Verified	
	Inventory	
	PTC	
	Not.Cred.	
√	Notice of Hrg	
√	Aff.Mail	w
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
√	Objections	
	Video Receipt	
	CI Report	x
	9202	
√	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
√	Citation	
	FTB Notice	

TEMPORARY LETTERS EXPIRE 1/3/12

PUBLIC GUARDIAN is Petitioner and requests appointment as Conservator of the Person and Estate without bond. Temporary Conservatorship of the person and estate was granted *ex parte* on 11/17/11 and at the hearing on the Temporary Petition on 11/30/11.

Note: On 11/28/11, the Court appointed Janet Wright as attorney for the Conservatee.

Estimated Value of the Estate:

Personal property	-	$ 129.24
Annual income	-	$5,736.00
Total		**$5,865.24**

Declaration of Sue Yie, M.D., filed on 11/16/11, supports request for medical consent powers and dementia powers for the administration of dementia medications and secured placement.

Voting Rights Affected

PROBATE REFEREE: STEVEN DIEBERT

Please see attached pages

NEEDS/PROBLEMS/COMMENTS:

Court Investigator Advised Rights on 11/17/11.

Voting Rights Affected Need Minute Order

Minute Order dated 11/30/11 states: Ruth Hill informs the Court that she is objecting to the petition, and is in the process of hiring an attorney. The Court orders that any power of attorney previously given to any party regarding health care and finances be suspended. The Court extends the temporary to 1/3/12. Ms. Kruthers is directed to prepare the order. The General Hearing remains set for 1/3/12.

~~***As of 12/15/11, no Objection to the Petition has been filed.***~~

Proposed Conservatee Selina Pasillas filed an Objectionon 12-28-11.

See attached pages

Reviewed by: NRN / skc

Reviewed on: 12/15/11

Updates: 12/28/11, 12-29-11

Recommendation:

File 7 - Pasillas

Dept. 303, 9:00 a.m. Tuesday, January 3, 2012

Cont'd:

Petitioner states conservatee resides at Nazareth House, and was reportedly diagnosed with dementia in December 2010 (*Capacity Declaration* indicates the dementia diagnosis was made by the hospice physician on 3/5/11). Petitioner learned of conservatee through Hinds Hospice in June 2011, as there was concern about her failing health and her daughter RuthAnn's management of the finances and interference with her care (conservatee's husband also resided at Nazareth House prior to his death on 7/8/11). Petitioner also received a referral from APS on 8/2/11; Petitioner's subsequent investigation determined that although conservatee was healthy and safe, it was only because she was in a facility that was meeting her needs. Through its investigation, Petitioner has determined that conservatee's money had been moved or withdrawn from several bank accounts just before and after her husband's death, and that conservatee's daughter RuthAnn had access to all those accounts. Furthermore, RuthAnn attempted to have her mother sign a power of attorney while at Nazareth House; despite being advised that her mother did not have the capacity to sign such documents, RuthAnn provided Cititbank with a power of attorney executed 8/20/11. RuthAnn currently lives in the conservatee's home and claims all of the furniture belongs to her. Conservatee also has a son who lives out of state.

Petitioner seeks:

- **Appointment as conservator over conservatee's person and estate**, in order to make medical decisions and ensure conservatee's continued proper care, and to also marshal conservatee's assets and use them for her care, including an overdue bill from the Nazareth House (RuthAnn has not been paying for proposed conservatee's care);
- **Appointment as successor trustee of the Manuel and Selina Pasillas Revocable Trust**, dated 8/23/10;
- **A Court order revoking any and all powers of attorney**, whether for healthcare or for finances.the authority to sell conservatee's personal residence as well as her personal property, and finally,
- **Court authorization to retain the services of a licensed real estate broker** to assist in the sale of the residence.

Court Investigator Jennifer Young's Report, filed 12/22/11.

***Declaration of Janet Wright, filed 11/29/11*, states she met with the Conservatee, who likes where she is currently residing and hopes to remain there (Nazareth House); Conservatee stated she will not object to the temporary guardianship with the Public Guardian as temporary conservator of both person and estate (Conservatee realizes that there are some problems with her financial affairs). If after the financial issues have been resolved, and the Court determines that a Conservatorship is required, Conservatee will request the appointment of her son and daughter as co-conservators.**

***Objection to Establishment of Conservatorship, filed 12/28/11 by Proposed Conservatee Selina Pasillas,* states she does not need a conservator at this time because she is capable of managing her own affairs. If the Court determines conservatorship is required, the appropriate person to serve is her son, Joe Pasillas, as he is very level-headed. Mrs. Pasillas understands that there are concerns regarding the state of her financial affairs, including the source and amount of her monthly income. She is comfortable with her current placement at Nazareth House, but if it is determined that sufficient funds are available to secure her personal residence and care, she would like to return home. If the Court deems it necessary to continue the temporary conservatorship with the Public Guardian acting as Temporary Conservator to further investigate the issue, Mrs. Pasillas will agree to the continuation of the temporary conservatorship at this time. Mrs. Pasillas remains confident athat the funds are available and the Public Guardian will no longer be needed.**

Cont'd:

NEEDS/PROBLEMS/COMMENTS Cont'd:

1. **Petitioner requests court authority to sell Decedent's residence and all furniture and furnishings within the residence pursuant to PrC §2540; need supporting declaration, pursuant to §2540(b).**
2. **In addition to conservator, Petitioner requests appointment as successor trustee of the Manuel and Selina Pasillas Revocable Trust dated 8/23/10 so as to protect the trust assets; however, the Trust matter is not before this Court – need separate petition (and a new trust case file opened) for appointment of a successor trustee.**

8 **Earle Ivers Ellson (Estate)** **Case No. 11CEPR01038**

Atty **Franco, Paul C. (for Mark F. Ellson – Petitioner)**

Petition for Probate of Will and for Letters Testamentary (Prob. C. 8002, 10450)

DOD: 8/26/11		
Cont. from		
√	**Aff.Sub.Wit.**	
√	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
√	**Notice of Hrg**	
√	**Aff.Mail**	
√	**Aff.Pub.**	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
√	**Letters**	
√	**Duties/Supp**	
	Objections	
	Video Receipt	
	CI Report	
	9202	
√	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

MARK F. ELLSON, son and named personal representative without bond, is Petitioner.

Will dated: 10/19/09

Full IAEA – *need; o.k.*

Residence – Fresno
Publication – *need; Fresno Business Journal*

Estimated value of estate:
Personal property $105,000.00
Total: $105,000.00

PROBATE REFEREE: STEVEN DIEBERT

NEEDS/PROBLEMS/COMMENTS:

1. ~~**Need affidavit of publication, pursuant to Probate Code §8124.**~~
2. **Item 8 of petition does not include the date of death of Decedent's spouse or his deceased brother. If a beneficiary, heir, child, spouse, or registered domestic partner in any action before the Probate Court is deceased, that person's date of death shall be included in the petition, pursuant to Local Rule 7.1.1D.**

Reviewed by: NRN
Reviewed on: 12/15/11
Updates: 12/21/11; 12/28/11
Recommendation:
File 8 - Ellson

9 **Matsushige Ando (Estate)** **Case No. 09CEPR00310**

Atty **Ratzlaff, Ruth E (for Sam Ando Executor)**

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution (Prob. C. 12200, et seq); Failure to File Inventory and Appraisal

DOD: 2/10/07	**SAM ANDO** was appointed Executor of the estate will full IAEA and without bond on 4/19/2009.	**NEEDS/PROBLEMS/COMMENTS:**
	Inventory and appraisal was due 8/19/09.	**Continued from 11/2/11. Minute order states if documents are filed by 1/3/12 then no appearance will be necessary. Counsel to file a Petition to Terminate Proceedings for Lack of Assets to close the estate.**
Cont. from 092811, 110211	First account or petition for final distribution was due 4/19/2010.	**<u>Note:</u> Sam Adno was formerly represented by Roger Krouskup. A substitution of attorney was filed on 9/8/11 substituting in Ruth Ratzlaff.**
Aff.Sub.Wit.	This status hearing was set for the filing of the inventory and appraisal and the filing of a first account or petition for final distribution.	**1. Petition to Terminate Proceedings or current status report.**
Verified	**Status Report of Sam Ando filed on 11/1/11** states investigation by his new attorney disclosed that all the decedent's assets were either jointly owned or the assets of the living trust with his predeceased wife. Consequently there are no known assets to inventory or account to the probate court.	
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		**Reviewed by: KT**
Status Rpt		**Reviewed on: 12/15/11**
UCCJEA		**Updates:**
Citation		**Recommendation:**
FTB Notice		**File 9- Ando**

Dept. 303, 9:00 a.m. Tuesday, January 3, 2012

10 **Rajinder Kaur (Estate)** **Case No. 10CEPR00660**

Atty **Singh, Harpreet**

Probate Status Hearing Re: Filing of the Petition for Final Distribution

Age:			NEEDS/PROBLEMS/COMMENTS:
DOD:			
Cont. from			**OFF CALENDAR.** Proceedings terminated by Minute Order dated 9/20/11.
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		Reviewed by: KT
	Status Rpt		Reviewed on: 12/15/11
	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 10 - Kaur

Dept. 303, 9:00 a.m. Tuesday, January 3, 2012

11 Roy Rodriguez, Sr. (CONS/PE) **Case No. 10CEPR00935**

Atty Kruthers, Heather H (for Conservator/Public Guardian)

Atty Boyett, Deborah K. (Court appointed for Conservatee)

Probate Status Hearing Re: Filing of the First Account

Age: 62 years DOB: 10/4/1949	**PUBLIC GUARDIAN** was appointed as conservator of the person and estate on 11/30/10. Inventory and appraisal filed showing the estate valued at $1,472.08. First account is now due.	NEEDS/PROBLEMS/COMMENTS: 1. **Need first account or current status report.**
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: KT
Status Rpt		Reviewed on: 12/15/11
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 11 - Rodriguez

12 **Jeffrey Lee Tarasevic (Estate)** **Case No. 10CEPR00952**

Atty **Tarasevic, Michael James**

Probate Status Hearing Re: Filing of the Petition for Final Distribution

Age:			NEEDS/PROBLEMS/COMMENTS:
DOD:			**OFF CALENDAR.** Petition for Final Distribution was continued to 2/27/12.
Cont. from			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		Reviewed by: KT
	Status Rpt		Reviewed on: 12/15/11
	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 12 - Tarasevic

13 Adelinda Miller-Sanders and Jessika Ramirez (GUARD/P)

Case No. 0650744

Atty Dunn, Rebecca Louise (pro per Petitioner/aunt)

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

Age: 6 years		
DOB: 3/18/2005		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	X
✓	Conf. Screen	
✓	Letters	
✓	Duties/Supp	
	Objections	
	Video Receipt	
C	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

TEMPORARY EXPIRES 1/3/2012

REBECCA LOUISE DUNN, maternal aunt, is petitioner.

Father: **GERARDO RAMIREZ** – *Declaration of Due Diligence filed on 11/9/11.*

Mother: **KASTINA MARIE MILLER**

Paternal grandparents: Not listed.
Maternal grandfather: Barry Miller – *consents and waives notice.*
Maternal grandmother: Linda Ray Chambers – *consents and waives notice.*

Petitioner states mom has been in and out of prison her entire life. She is going back to prison again.

Court Investigator JoAnn Morris' Report filed on 12/16/11.

NEEDS/PROBLEMS/COMMENTS:

This petition is as to JESSIKA only.

1. **Need *Notice of Hearing.***
2. **Need proof of personal service of the *Notice of Hearing* along with a copy of the Petition or consent and waiver of notice or declaration of due diligence on:**
   a. **Kastina Miller (mother)**
   b. **Gerardo Ramirez** – *if court does not dispense with notice.*
3. **Need proof of service of the *Notice of Hearing* along with a copy of the Petition or consent and waiver of notice or declaration of due diligence on:**
   a. **Paternal grandparents.**

Reviewed by: KT
Reviewed on: 12/15/11
Updates:
Recommendation:
File 13 – Miller-Sanders & Ramirez

Dept. 303, 9:00 a.m. Tuesday, January 3, 2012

Pro Per Serrato, Matilda A. (Pro Per Petitioner, sister)
Pro Per Mata, Jaime (Pro Per Petitioner, brother)

Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820, 1821, 2680-2682)

Age: 48 years		
DOB: 7/10/1963		
Cont. from 112211		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	X
✓	Conf. Screen	
✓	Cap. Decl.	
✓	Duties/Supp	
	Objections	
✓	Video Receipt	
✓	CI Report	
	9202	
✓	Order	
✓	Letters	
	Status Rpt	
	UCCJEA	
	Citation	X
	FTB Notice	

NO TEMPORARY REQUESTED

MATILDA A. SERRATO, sister, and **JAIME MATA**, brother, are Petitioners and request appointment as Conservator of the PERSON with medical consent powers.

Capacity Declaration was filed 11-29-11.

Petitioners state the proposed Conservatee was born with epilepsy, cerebral palsy and mentally delayed brain function, and she requires constant support and supervision throughout the day, including assistance with preparation of meals and eating, dressing, bathing, and grooming. Petitioners state the proposed Conservatee has always lived with their mother, who is now in too poor of health to care for the proposed Conservatee, and Petitioner Matilda currently resides with the proposed Conservatee and cares for her daily and Co-Petitioner Jaime assists their mother and Matilda with meeting the proposed Conservatee's needs and provides back-up care and support.

Court Investigator Julie Negrete's *Report* was filed 11/15/2011.

NEEDS/PROBLEMS/COMMENTS:

Court Investigator Advised Rights on 11/14/2011.

Voting Rights Affected – Need *Minute Order*.

1. Need proof of service of *Notice of Hearing* with a copy of the *Petition* showing notice was mailed at least 15 days before the hearing pursuant to Probate Code § 1822 for the following persons:
   - Roman Mata, brother;
   - Paul Mata, brother;
   - Leroy Mata, brother.
2. **Need proof of mailed service of the *Notice of Hearing* with a copy of the *Petition* showing notice was mailed at least 30 days before the hearing to the regional center pursuant to Probate Code § 1822(e).**

Reviewed by: LEG/skc
Reviewed on: 12-19-11
Updates:
Recommendation:
File 14 - Mata

Atty Mason-Wilson, Marcia (pro per Petitioner/maternal grandmother) **Petition for Appointment of Guardian of the Person (Prob. C. 1510)**

Age: 17 years
DOB: 8/16/1994

	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	W/O
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
✓	Conf. Screen	
✓	Letters	
✓	Duties/Supp	
	Objections	
	Video Receipt	
✓	CI Report	
✓	Clearances	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

TEMPORARY EXPIRES 1/3/12

MARIA MASON, maternal grandmother, is petitioner.

Father: **DAMIEN MACLEOD** – *Declaration of Due Diligence filed on 10/21/11.*

Mother: **ALICIA MARIE VALE** – *deceased.*

Paternal grandfather: Tim MacLeod – *served by mail on 10/26/11*
Paternal grandmother: Unknown
Maternal grandfather: Virgil Charles Vale – *deceased.*

Minor Kendra Marie Vale- *consents and waives notice.*

Petitioner states mom passed away in September. The minor's biological father has never been in her life and her stepfather has never formally adopted her. Currently the minor has no medical or dental coverage. If appointed as guardian Petitioner states she could place the minor on her employer's insurance.

Court Investigator Samantha Henson filed a report on 12-22-11.

NEEDS/PROBLEMS/COMMENTS:

1. **Petitioner filed a declaration of due diligence for the father, Damien MacLeod. If the court does not dispense with notice to the father will need: Proof of personal service of the *Notice of Hearing* along with a copy of the petition or consent and waiver of notice for father, Damien MacLeod.**
2. **Proof of service on the paternal grandfather, Tim MacLeod does not indicate that the *Notice of Hearing* was served with a copy of the petition as required.**

Reviewed by: KT / skc
Reviewed on: 12/16/11
Updates: 12/23/11
Recommendation:
File 15 - Vale

16 Alexandrea Regalado, Armando Regalado, Ezekiel Regalado, Justin Sanchez and Benjamin Gonzales (GUARD/P) Case No. 11CEPR00960

Atty Gonzales, Sandra (pro per Paternal grandmother)
Atty Sanchez, Yvonne E. (pro per Petition/maternal grandmother)

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

Alexandrea age: 8 years DOB: 3/6/03		
Armando age 7 years DOB: 3/7/04		
Ezekiel age: 1 year DOB: 11/17/10		
Justin age: 5 years DOB: 11/6/06		
Benjamin age: 1 month DOB: 10/3/11		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
	Aff.Mail	W/
	Aff.Pub.	
	Sp.Ntc.	
✓	Pers.Serv.	W/
✓	Conf. Screen	
✓	Letters	
✓	Duties/Supp	
	Objections	
	Video Receipt	
✓	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

Temporary Granted to Yvonne Sanchez as to ALEXANDREA, ARMONDO, EZEKIEL AND JUSTIN only Expires 1/3/2012

YVONNE SANCHEZ, maternal grandmother, is petitioner.

Alexandrea, Armando & Ezekiel's father: **ARMANDO REGALADO** – *personally served on 11/4/11*

Justin's father: **FERNANDO ZAPATA –** *declaration of due diligence filed on 10/25/11*

Benjamin's Father: **SERGIO GONZALES** – *personally served on 11/1/11*

Mother: **AMBREA SANCHEZ –** *consents and waives notice.*

Alexandrea, Armando & Ezekiel's paternal grandfather: unknown
Alexandrea, Armando & Ezekiel's paternal grandmother: Gracie Regalado – *served on 11/1/11*
Justin's paternal grandfather: unknown
Justin's paternal grandmother: unknown
Benjamin's paternal grandfather: unknown
Benjamin's paternal grandmother: Sandra Gonzales – *served on 11/1/11*
Maternal grandfather: not listed.

Petitioner states both parents are absent. Mother is in a drug program. Father of Alexandrea, Armando & Ezekiel is in prison. Justin's father is a gang member with whereabouts unknown and Benjamin's father is not to be near his child because of drug use.

Court Investigator Charlotte Bien's Report filed 12/12/11

NEEDS/PROBLEMS/COMMENTS:

Competing petition for guardianship of <u>Benjamin only</u> filed by the paternal grandmother, Sandra Gonzales is set for hearing on 1/4/12. Sandra Gonzales is temporary guardian of Benjamin. The temporary for Benjamin expires on 1/4/12.

1. **Need proof of personal service of the *Notice of Hearing* along with a copy of the *Petition for Appointment of Guardian*, <u>or</u> *Consent and Waiver of Notice* <u>or</u> *Declaration of Due Diligence* on:**
   a. **Fernando Zapata (Justin's father)** *if court does not dispense with notice.*

2. **Need proof of service of the *Notice of Hearing* along with a copy of the *Petition for Appointment of Guardian* <u>or</u> *Consent and Waiver of Notice* <u>or</u> *Declaration of Due Diligence* on:**
   a. **Paternal grandparents of Alexandrea, Armando & Ezekiel.**
   b. **Paternal grandparents of Justin**
   c. **Paternal grandfather of Benjamin**
   d. **Maternal grandfather**

Reviewed by: KT
Reviewed on: 12/16/11
Updates: 12/20/11
Recommendation:
File 16 – Gonzales, Regalado, Sanchez

Petition for Appointment of Temporary Guardianship of the Person (Prob. C. 2250)

Asia age 12 years DOB: 2/27/1999		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	X
✓	Conf. Screen	
✓	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

GENERAL HEARING 2/21/2012

TANYA WASHINGTON, maternal aunt, is petitioner.

Father: **UNKNOWN** – *Declaration of Due Diligence filed on 12/19/11.*

Mother: **KIMBERLY LOFTIS**

Paternal grandparents: Unknown
Maternal grandfather: Felson Washington – *Consent and Waiver of Notice filed 12-27-11*

Maternal grandmother: Dorothy Washington – *Consent and Waiver of Notice filed 12-27-11*

Minor: Asia Foster – *Consent and Waiver of Notice filed 12-27-11*

Sister: Shanae Williams – *Consent and Waiver of Notice filed 12-27-11*

Sister: Te'asha Williams – *Consent and Waiver of Notice filed 12-27-11*

Brother: Clyde Foster – *Consent and Waiver of Notice filed 12-27-11*

Petitioner states she needs to be able to make legal and medical decisions and to take her to the doctor when she gets sick.

NEEDS/PROBLEMS/COMMENTS:

This petition is as to ASIA only. Guardianship of Clyde was previously granted to Petitioner Tanya Washington on 2/2/2011.

1. **Need *Notice of Hearing*.**

2. **Need proof of personal service of the *Notice of Hearing* along with a copy of the *Temporary Petition* or *Consent and Waiver of Notice* or *Declaration of Due Diligence* on:**
   a. **Kimberly Loftis (mother)**
   ~~b. Asia Foster (minor, age 12)~~
   c. **Unknown (father)** *if court does not dispense with notice.*

Declaration of Due Diligence for Mother filed 12-27-11 states she is somewhere on the streets due to her longtime drug use and criminal background.

3. **UCCJEA is incomplete. Need residence information for 2006 – 11/2010.**

Reviewed by: KT / skc
Reviewed on: 12/20/11
Updates: 12/29/11
Recommendation:
File 17 - Foster