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.

Dept. 303, 9:00 a.m. Thursday, January 5, 2012

1 Charles George Martin (Estate) Case No. 03CEPR01109

Atty Ramseyer, Ryan A. (for Charles Duane Martin – Successor Administrator – Petitioner)

Atty Ramirez, Jr., Edward R. (for Maria Elena Martin – Former Administrator)

Order to Show Cause Re: Contempt

DOD: 6-2-03			NEEDS/PROBLEMS/COMMENTS:
			<u>Continued to 1-12-12</u>
			See Order Continuing Hearing on Order to Show Cause re Contempt and for Service upon Alleged Contemnor's Attorney filed 12-21-11.
	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: skc
	Status Rpt		Reviewed on: 12-21-11
	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 1 - Martin

Dept. 303, 9:00 a.m. Thursday, January 5, 2012

2A **Louis Brosi, Sr. (Trust)** **Case No. 07CEPR01213**

Atty Keeler Jr., William J. (of DAK, for Cindy Snow Henry – Trust Beneficiary – Petitioner)
Atty Klassen, Kenton J. (of DAK, also for Cindy Snow Henry – Trust Beneficiary – Petitioner)
Atty Abrams, Robert C. (of Pascuzzi, Moore & Stoker, for Louis Brosi, Jr. – Trustee)
Atty Jaech, Jeffrey A. (of Caswell Bell, formerly for Louis Brosi, Jr. – Trustee)
Atty Paloutzian, Dirk (of BMJ, formerly for Louis Brosi, Jr. – Trustee)

Notice of Motion and Motion to Compel Performance Under Settlement Agreement

Louis Brosi, Sr.
DOD: 8-1-79

Stella Brosi
DOD: 10-29-05

Cont. from 051011, 070511, 082311, 091911 (Status Conf.), 101811, 121511

	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	

CINDY SNOW HENRY, Trust Beneficiary, is Petitioner.

Petitioner states on 3-5-09 the parties reached agreement and the settlement was placed on the record with parties and counsel present. **Petitioner seeks to have the court order Louis Brosi III to carry out the acts necessary to partition the property into three parcels anticipated and directed by the settlement.**

Petitioner states the land is still owned jointly by several parties: Louis Brosi, Jr., Doris Brosi, Petiitoner Cindy Snow Henry, and her brother Robert Snow; the settlement provided for partition of the property into three parcels.

Petitioner requests that the court compel Louis Brosi III to partition the parcel and pay the associated costs. Petitioner states Louis Brosi III has had more than two years, but to Petitioner's knowledge has made no effort to perform. Petitioner states that upon partition, the property can be used to earn income, provde collateral, or be sold for Petitioner's benefit or to pay off debts against the property.

Petitioner seeks relief to prevent the diminution of value of the property to be received by Petitioner. Petitioner states that during the past two years, what Louis Brosi III has effectively done by his failure to act or act in good faith is to run up interest charges against Petitioner and/or her property. Petitioner alleges that he has intentionally failed ot act in good faith and his true intent is to "steal" the property from Petitioner by his inaction.

Petitioner requests that the court order Louis Brosi III to take those actions necessary to complete the partition described in the settlement agreement and to present to Petitioner within 120 days the documents necessary to implement the division.

Louis Brosi, Jr.'s Opposition filed 4-28-11 states new issues have arisen since settlement.

SEE PAGE 2

NEEDS/PROBLEMS/COMMENTS:

Minute Order 5-10-11:
The matter is continued to 7-5-11 to allow Mr. Klassen an opportunity to receive the information from both counsel. Matter also set for status.

Minute Order 7-5-11: Matter continued to 8-23-11.

Minute Order 8-23-11:
Mr. Franco requests additional time to file a motion. The Court directs Mr. Franco to file his motion by 9-27-11. The Court sets a hearing on the pending motion for 10-18-11.

Note: No motion has been filed.

Minute Order 10-18-11: Mr. Franco informs the Court that Mr. Abrams will be substituting out as counsel. Mr. Franco further advises that Mr. Zangle is out of the country. The Court continues the matter to 12-15-11 and vacates the 11-14-11 hearing date.

Minute Order 12-15-11 (Motion to Compel): Mr. Franco informs the Court that an appraisal should be done by the end of January. Matter continued to 1-5-12.

Minute Order 12-15-11 (Status of Motion from 8-23-11): Mr. Franco informs the Court that they have filed an acceptance of the creditor's claim and are ready to proceed.

Note: Examiner notes that this statement appears to apply to the Estate of Thomas Brosi rather than this Louis Brosi, Sr., Trust case. Atty Franco represents Louis Brosi, III in the Estate of Thomas Brosi (Page 3).

Updates:

Contacts: Reviewed 12-22-11

Recommendation:

Reviewed by: skc

File 2A - Brosi

Dept. 303, 9:00 a.m. Thursday, January 5, 2012

2A Louis Brosi, Sr. (Trust) Case No. 07CEPR01213

Atty Keeler Jr., William J. (of DAK, for Cindy Snow Henry – Trust Beneficiary – Petitioner)
Atty Klassen, Kenton J. (of DAK, also for Cindy Snow Henry – Trust Beneficiary – Petitioner)
Atty Abrams, Robert C. (of Pascuzzi, Moore & Stoker, for Louis Brosi, Jr. – Trustee)
Atty Jaech, Jeffrey A. (of Caswell Bell, formerly for Louis Brosi, Jr. – Trustee)
Atty Paloutzian (of BMJ, formerly for Louis Brosi, Jr. – Trustee)

Notice of Motion and Motion to Compel Performance Under Settlement Agreement

Summary (Continued):

Louis Brosi, Jr.'s Opposition filed 4-28-11 states new issues have arisen since settlement:

- In addition to the partition, the settlement required that Petitioner's parcel would secure three deeds of trust with interest only payable quarterly by Petitioner and all due in five years, including:
  - Note secured by 1st deed of trust payable to Louis Brosi III for $117,000.00
  - Note secured by 2nd deed of trust payable to Louis Brosi, Sr., and Doris Brosi for $50,000.00
  - Note secured by 3rd deed of trust payable to Louis Brosi III for 1/3 of the partition costs, capped at $30,000.00. (Louis Brosi III was to front the costs for the parcel maps.)

- Petitioner has failed to make payments on any of the notes to date.

- Respondent is informed and believes that Louis Brosi III does not have the financial ability to front the costs as originally anticipated.

- The $30,000.00 cap on Petitioner's note for 1/3 of the cost of the maps is insufficient to cover her 1/3 share.

- There are required use easements and road and other public dedications along Chestnut that should be excluded from the gross parcel prior to determining the size of each of the three parcels.

- The trust has no funds and no income. Louis Brosi, Jr., and his wife Susan Brosi have been advancing personal funds annually, and Louis Brosi, Jr., is not receiving trustee fees for administering the trust.

Respondent concludes that based on Petitioner's non-performance and non-compliance with this court's order, her motion to compel should be denied.

Respondent requests the court order mediation to resolve the details of the new issues.

2B **Louis Brosi, Sr. (Trust)** **Case No. 07CEPR01213**

Atty Saldana, Val W. (of Lang, Richert & Patch)
Atty Keeler Jr., William J. (of DAK, for Cindy Snow Henry – Trust Beneficiary – Petitioner)
Atty Klassen, Kenton J. (of DAK, also for Cindy Snow Henry – Trust Beneficiary – Petitioner)
Atty Abrams, Robert C. (of Pascuzzi, Moore & Stoker, for Louis Brosi, Jr. – Trustee)
Atty Jaech, Jeffrey A. (of Caswell Bell, formerly for Louis Brosi, Jr. – Trustee)
Atty Paloutzian, Dirk (of BMJ, formerly for Louis Brosi, Jr. – Trustee)

Status Hearing

Louis Brosi, Sr. DOD: 8-1-79		
Stella Brosi DOD: 10-29-05		
	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	

NEEDS/PROBLEMS/COMMENTS:

Note: This status hearing may be a calendar error; however, because there appears to be a new attorney/party listed (Val W. Saldana of Lang, Richert & Patch), Examiner did not remove the hearing from the calendar.

Updates:

Contacts: Reviewed 12-22-11

Recommendation:

Reviewed by: skc

File 2A - Brosi

2B

Dept. 303, 9:00 a.m. Thursday, January 5, 2012

4 Margaret Archuleta (CONS/PE) **Case No. 10CEPR00897**

Atty Motsenbocker, Gary L (for Conservator Antoinette Hernandez)

Probate Status Hearing Re: Filing of Inventory and Appraisal

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	

ANTOINETTE HERNANDEZ was appointed conservator of the person and estate on 12/14/10.

Letters issued on 5/6/11.

Inventory and Appraisal filed on 8/19/11 showing an estate valued at $110,115.33.

Next status hearing for the filing of the first account is scheduled for October 4, 2012.

NEEDS/PROBLEMS/COMMENTS:

OFF CALENDAR. **Inventory and Appraisal filed on 8/19/11.**

Reviewed by: KT
Reviewed on: 12/20/11
Updates:
Recommendation:
File 4 – Archuleta

5 Richard Howard Smith (Estate) Case No. 11CEPR00704

Atty McBride, Julia C (of Valencia, for Holly Sweeney – Daughter – Petitioner)

Atty Burnside, Leigh W (of DAK, for Charlene Smith – Surviving Spouse – Objector)

Petition for Letters Administration (Prob. C. 8002, 10450)

DOD: 8-13-10		
Cont. from 091511, 111611		
	Aff.Sub.Wit.	
✔	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✔	**Notice of Hrg**	
✔	**Aff.Mail**	W/O
	Aff.Pub.	X
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	X
	Duties/Supp	X
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

HOLLY SWEENEY, daughter, is Petitioner and requests appointment as Administrator with Limited IAEA and bond set at $6,000.00.

Limited IAEA – *Need publication*

Decedent died intestate

Residence: Fresno
Publication: *Need publication*

Estimated value of estate: $0

Probate Referee: Steven Diebert

Petitioner also filed a Creditor's Claim alleging misappropriation of trust assets by the decedent.

Objection filed by Charlene Smith, surviving spouse, states there is a will and codicil (attached) that names Objector as the nominated executor. However, there are no assets subject to a probate administration. Objector states the estate consisted of joint tenancy assets including real property and bank accounts, all of which passed to Objector by right of survivorship.

Therefore, there is no need for a probate administration.

Further, even if the decedent had died intestate, Objector has priority of appointment over Petitioner pursuant to Probate Code §§ 8461 and 8462.

Objector prays for an order:

1. Denying the Petition in its entirety;
2. Awarding costs incurred to Objector; and
3. Granting any and all other relief the Court deems just and proper.

NEEDS/PROBLEMS/COMMENTS:

<u>Note</u>: This matter has been continued twice at Petitioner's request; however, nothing further has been filed by Petitioner.

<u>The following issues remain for Petitioner</u>:

1. **Need clarifying information in support of this *Petition*, which states at Item 3(c) that there is no property in the estate without explaining the reason the *Petition* has been filed. *Creditor's Claim* filed 8/12/2011 may provide some information, as the claimant is the Petitioner and "RH/PH Smith RL Trust A & B dated 11/7/1995" in the amount of $650,000.00; *Creditor's Claim* indicates the claimants are the Beneficiary and Trustee of the Irrevocable Trust, the dates of the claim are 2001 through 2010, and the facts supporting the claim are stated as follows: "Amounts owed to Richard Howard Smith and Patricia H. Smith Revocable Living Trust, dated 11/7/1995, including subtrusts A and B, by Decedent due to misappropriation of assets of the Trust. The damages are unascertained at this time. The figure of $650,000.00 represents the original value of Trust B plus estimated net appreciation/gains relating to said assets."**
2. **Item 8 of the *Petition* does not state the relationship to Decedent of the persons listed.**
3. **Need *Affidavit of Publication* pursuant to Probate Code §§ 8120 – 8124, and Local Rule 7.9.**
4. **Need *Duties and Liabilities of Personal Representative* form, and *Confidential Supplement to Duties and Liabilities of Personal Representative* form, pursuant to Local Rule 7.10.1 and Probate Code § 8404.**
5. **Need proposed order and proposed letters.**

<u>For Objector</u>:

1. **The Court may require clarification regarding the attorney's fees requested.**
2. **Need proposed order.**

Reviewed by: LEG / skc	
Reviewed on: 12-21-11	
Updates:	
Recommendation:	
File 5 - Smith	

Dept. 303, 9:00 a.m. Thursday, January 5, 2012

7 Cieanna Catuiza (GUARD/P) **Case No. 11CEPR00966**

Atty Hopper, Cindy J (for Petitioners Maria Simas and Anthony Simas)

Atty Jones, Angel M (pro per Objector/mother)

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

Age: 2 years
DOB: 8/10/09

Cont. from

	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
	Aff.Mail	
	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 EXPIRES 1/5/12

MARIA SIMAS, paternal grandmother and **ANTHONY SIMAS,** paternal step-grandfather, are petitioners.

Father: **MICHAEL CATUIZA, Jr**. – *personally served on 10/27/11*.

Mother: **ANGEL JONES** – *personally served on 10/27/11*.

Paternal grandfather: Arthur Catuiza – *served by mail on 12/20/11*.
Maternal grandfather: Unknown
Maternal grandmother: Mary Jones – *deceased.*

Petitioners state the minor has resided in their care since she was approximately 3 days old however she has maintained a relationship with her parents. The father was also residing with the petitioners up until October 17, 2011 when they state they kicked him out due to his continued drug use. Petitioners allege both parents are addicted to drugs and smoke in the home while the minor is present. Recently while the minor was in the care of her mother or her maternal great grandmother she was molested. On 9/8/11 Petitioners state they took the minor to the doctor and the doctor found there was possible sexual molestation.

Objections of Angel Jones, mother, filed on 12/15/11 states she can provide the minimal standards of care. She has no mental or physical disabilities. She has worked full time at the IRS for the past ten years and has her own apartment. She has no criminal history. Included with the objections is a drug test taken 11/7/11 showing negative results for all drugs tested.]

Court Investigator Julie Negrete's Report filed 12/15/11.

NEEDS/PROBLEMS/COMMENTS:

1. **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. **Unknown maternal grandfather.**

For Objector:

1. **Need proof of service of the Objections on:**
   a. **Maria Simas (petitioner/paternal grandmother)**
   b. **Anthony Simas (petitioner/paternal step-grandfather)**
   c. **Cindy Hopper (attorney for petitioners)**

Reviewed by: KT

Reviewed on: 12/21/11

Updates:

Recommendation:

File 7 - Catuiza

Dept. 303, 9:00 a.m. Thursday, January 5, 2012

8 John Barry Prendergast aka John Barry aka John Prendergast (Estate) Case No. 11CEPR01022
Atty Sullivan, Robert L (for Laurie Barry Prendergast – Petitioner)

Ancillary **Probate Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)**

DOD: 1/30/11		
Cont. from		
	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	
	9202	
√	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

LAURIE BARRY PRENDERGAST, surviving spouse and named executor without bond, is Petitioner.

Petitioner is a resident of Centre Island, New York.

Full IAEA – o.k.

Will dated: 8/22/06

Residence – Centre Island, New York
Publication – Fresno Business Journal

Estimated value of estate:
Real Property: $200,000.00

Total: $200,000.00

PROBATE REFEREE: STEVEN DIEBERT

NEEDS/PROBLEMS/COMMENTS:

1. **Petitioner is a resident of New York state; Court may require bond if proposed personal representative resides outside of California, even if the will waives bond, pursuant to CA Rule of Court 7.201(b) and Cal. Prob. C. § 8571**

NOTES:

- **This is an ancillary probate proceeding with the primary proceeding taking place in New York state, as Decedent's Will was executed in New York under that state's laws.**
- **Petitioner attaches Exemplification of Probate Petition, Last Will of Decedent, Letters Testamentary issued 9/22/11 to Petitioner in the Surrogate's Court of the County of Nassau, New York, as well as that Court's *Decree of Probate*, which indicates the Court's satisfaction with the genuineness of the Will and the validity of its execution. (PrC §6113(b)).**
- **Subject real property of this petition is located in Tollhouse, CA.**

Reviewed by: NRN
Reviewed on: 12/21/11
Updates:
Recommendation:
File 8 - Prendergast

Dept. 303, 9:00 a.m. Thursday, January 5, 2012

9 **Madeline Juliette Hurley (Estate)** **Case No. 11CEPR01043**

Atty **Boyett, Deborah K. (for Jack C. Hurley – Son – Petitioner)**

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 10-28-11			**JACK C. HURLEY**, Son and named alternate executor without bond, is Petitioner.
			RANDALL G. HURLEY, named alternate co-executor, declines to serve.
	Aff.Sub.Wit.	S/P	Full IAEA – *Need publication*
✔	**Verified**		
	Inventory		Will dated 12-15-94
	PTC		
	Not.Cred.		Residence: Fresno
✔	**Notice of Hrg**		Publication: *Need publication*
✔	**Aff.Mail**	W	
	Aff.Pub.	X	**Estimated value of estate:**
	Sp.Ntc.		Personal property: $214,018.76
	Pers.Serv.		
	Conf. Screen		
✔	**Letters**		**Probate referee: Rick Smith**
✔	**Duties/Supp**		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✔	**Order**		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

1. **Need proof of publication pursuant to Probate Code §§ 8120-8124.**

<u>Note</u>: Letters submitted 12-21-11 are signed by the Petitioner but are not dated.

Reviewed by: skc

Reviewed on: 12-21-11

Updates:

Recommendation:

File 9 - Hurley

Dept. 303, 9:00 a.m. Thursday, January 5, 2012

11 Judith Petrutis (CONS/P) **Case No. 11CEPR01054**

Atty Sanoian, Joanne (for Adrianne M. Petrutis Brewer – Daughter – Petitioner)

Atty Istanboulian, Flora (Court-appointed for Proposed Conservatee)

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

Age: 69		
DOB: 11-3-42		
	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	X
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
✓	Citation	
	FTB Notice	

NO TEMPORARY – none requested

ADRIANNE M. PETRUTIS BREWER, daughter, is Petitioner and requests appointment as Conservator of the Person with medical consent and dementia medication and placement powers.

Voting rights affected.

Capacity Declaration filed 12-13-11.

Petitioner states the proposed conservatee has been diagnosed with dementia and needs supervision and help with all activities of daily living.

Petitioner states conservatorship of the estate is not required at this time. The proposed conservatee and her spouse have a family trust in which he has management and control of trust assets. The proposed conservatee signed a durable power of attorney in 2007 that nominates Petitioner as agent and as conservator (attached).

Court Investigator Jennifer Daniel to provide report.

NEEDS/PROBLEMS/COMMENTS:

Voting rights affected – need minute order

Court Investigator to provide report.

Reviewed by: skc

Reviewed on: 12-21-11

Updates:

Recommendation:

File 11 - Petrutis

Dept. 303, 9:00 a.m. Thursday, January 5, 2012

12 Lucille McCaslin (CONS/PE) **Case No. 03CEPR01182**

Atty LeVan, Nancy J. (for Pat Miranda, Conservator)

Probate Status Hearing Re: Termination of Proceeding for Deceased Conservatee (Prob. C. § 1860, et seq.)

DOD: 5-5-09		
Cont. from 083011, 101911		
	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**	X
	UCCJEA	
	Citation	
	FTB Notice	

PAT MIRANDA, daughter, was appointed Temporary Conservator of the Person and Estate with bond of $30,000.00 on 8-22-03. Bond was filed and Temporary Letters issued on 8-22-03.

Pat Miranda was later appointed general Conservator of the Person and Estate with bond of $30,000.00 and Letters issued on 9-30-03.

On 7-15-11, the court set this status hearing for termination of conservatorship for deceased conservatee.

Status Reports filed by Attorney LeVan states an account is in process.

The report states the Conservator has had "problems with her husband rifling through all of her paperwork and forging checks to acquire funds from the Conservator's personal accounts. All of this has been occurring since the death of the Conservatee."

Attorney and Conservator understand the conservatorship has gone on long after the Conservatee's death, but due to serious complications with the Conservator's life, getting the items needed for the accounting was put on the "back burner." Right now, Conservator is unemployed and focusing on saving her house from foreclosure.

Attorney LeVan requested a 45 day continuance and then a 60-day continuance to file the account and petition for termination.

As of 12-19-11, nothing further has been filed.

NEEDS/PROBLEMS/COMMENTS:

<u>Note</u>: On 8-30-11, Attorney LeVan requested a 45-day continuance to file the accounting and petition for termination. On 10-19-11, Attorney LeVan requested a 60-day continuance due to medical issues and assured the Court that this will be the last continuance requested.

<u>As of 12-19-11, nothing further has been filed</u>.

1. **Need final account/petition for termination.**

Updates:

Contacts: Reviewed 12-19-11

Recommendation:

Reviewed by: skc

File 12 - McCaslin

Dept. 303, 9:00 a.m. Thursday, January 5, 2012

13 Steven Scarbrough (GUARD/P)

Case No. 01CEPR00676

Atty Cabral, Frank H. (Pro Per – Co-Guardian – Petitioner)
Atty Cabral, Rochelle E. (Pro Per – Co-Guardian – Petitioner)

Petition for Termination of Guardianship

Age: 14
DOB: 11-19-97

	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	
	Clearances	
✔	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

FRANK H. CABRAL and **ROCHELLE E. CABRAL**, Brother and Sister-in-law and current Guardians appointed 1-29-09, are Petitioners.

Note: Kenneth and Michelle Cabral, uncle and aunt, served as Guardians from 10-11-01 through 1-29-09.

Father: Gary Cabral *(Deceased)*
Mother: Kimberly Ann Alberg

Paternal Grandfather: Rudy Cabral
Paternal Grandmother: Rosemary Cabral *(Deceased)*

Maternal Grandfather: Allen Scarbrough
Maternal Grandmother: Peggy Scarbrough *(Deceased)*

Additional siblings: Gary Cabral, Lisa Petz, Joe Cabral

Petitioners request termination of the guardianship due to uncontrollable actions such as run-away, lighting fires at school, waving a lit lighter near their infant and mother-in-law, disobey teachers at school, stealing, drug abuse, demonstrations of sexual act.

Court Investigator Jo Ann Morris filed a report on 12-21-11.

NEEDS/PROBLEMS/COMMENTS:

Note: This minor is currently under the jurisdiction of the Juvenile Delinquency Court.

1. **Need Notice of Hearing (GC-020)**
2. **Need proof of service of Notice of Hearing on all relatives at least 15 days prior to the hearing per Probate Code §§ 1460(b)(5), 1510 or consent and waiver of notice or declaration of due diligence on:**
   - **Steven Scarbrough (minor, age 14)**
   - **Person or agency having legal custody of minor *(Note: Minor is currently a ward of the Juvenile Court.)***
   - **Kimberly Ann Alberg (Mother)**
   - **Rudy Cabral (Paternal Grandfather)**
   - **Allen Scarbrough (Maternal Grandfather)**
   - **Gary Cabral (sibling)**
   - **Lisa Petz (sibling)**
   - **Joe Cabral (sibling)**

Reviewed by: skc
Reviewed on: 12-21-11
Updates: 12-22-11
Recommendation:
File 13 - Scarbrough

Dept. 303, 9:00 a.m. Thursday, January 5, 2012

14 Gage Vargas, Justin Vargas & Anthony Castillo (GUARD/P)

Case No. 08CEPR00728

Atty **Hernandez, De Ann (pro per Guardian/paternal aunt)**

Atty **Castillo, Crystal (pro per Petitioner/mother)**

Petition for Termination of Guardian

Gage age: 4 years DOB: 8/12/2007		
Anthony age: 5 years DOB: 9/22/2006		
Justin age: 6 years DOB: 12/1/2005		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	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	

CRYSTAL CASTILLO, mother, is petitioner.

DEANNA HERNANDEZ, paternal aunt, was appointed guardian on 11/20/2008.

Father: **FABIAN VARGAS** – *declaration of due diligence filed on 12/5/11*.

Paternal grandfather: Juan Carlos Vargas – *declaration of due diligence filed on 12/5/11*.
Paternal grandmother: Stella Sanchez
Maternal grandfather: John Castillo – *declaration of due diligence filed on 12/5/11*.
Maternal grandmother: Cecilia Rader – *declaration of due diligence filed on 12/5/11*.

Petitioner states she is fully able to raise and provide for her children. She is currently in a stable relationship and has been for over a year. She also has a stable home for a year. She has helped her significant other raise his two daughters. She is no longer abusing substances in any way shape or form. Petitioner feels it is in the best interest of her children to return to her care.

Court Investigator Dina Calvillo's Report filed 12/21/11.

NEEDS/PROBLEMS/COMMENTS:

1. **Need *Notice of Hearing*. (Note: a proof of service of the *Notice of Hearing* has been filed but he *Notice of Hearing* has not. Also, the proof of service does not say which documents were served.)**

2. **Need proof of service of the Notice of Hearing on:**
   a. **Stella Sanchez (paternal grandmother)**
   b. **Juan Vargas (paternal grandfather)** *if court does not dispense with notice.*
   c. **John Castillo (maternal grandfather)** *if court does not dispense with notice.*
   d. **Cecilia Rader (maternal grandmother)** *if court does not dispense with notice.*

<u>Note:</u> Minute order dated 4/29/10 granted supervised visits to the mother every Saturday from 10 a.m. to 12 p.m. supervised by DeAnn Hernandez.

Reviewed by: KT
Reviewed on: 12/21/11
Updates:
Recommendation:
File 14 – Vargas & Castillo

Dept. 303, 9:00 a.m. Thursday, January 5, 2012

15 Jeremiah Colasanti (GUARD/P) **Case No. 11CEPR00713**

Atty Bryant, Heidi (Pro Per – Step-Mother – Guardian)

Atty Boyer, Patricia Anne – Maternal Grandmother)

Petition for Modification of Visitation

Age: 6		
DOB: 6-12-05		
	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	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

HEIDI BRYANT, Guardian, is Petitioner.

Father: Joshua Colasanti
Mother: Jenna Colasanti
Paternal Grandfather: Unknown
Paternal Grandmother: Charlene Masseria
Maternal Grandfather: Deceased
Maternal Grandmother: Patricia Boyer
Siblings: Jaiden Colasanti (2), Desiree Colasanti (10)

Petitioner states Maternal Grandmother Patricia Boyer has a history of abusing her medication and has called for Jeremiah heavily under the influence of her medication. When they spoke, it was difficult to understand what she was saying. She allowed Jeremiah to speak to her, and when he got off the phone, he said his grandmother doesn't sound good. In addition, Patricia Boyer has mentioned bringing Jeremiah out of Fresno County for their visits. Petitioner is concerned for Jeremiah's safety being alone and traveling with Patricia Boyer being heavily under the influence.

Petitioner requests to be allowed to supervise the visits because Jeremiah's safety is greatly at risk and she is very worried and scared for him.

On 12-8-11, based on this petition filed ex parte, the Court set the matter for noticed hearing and modified Patricia Boyer's visitation to supervised pending further order of the Court. A copy of the order setting the matter for hearing and requiring notice to Patricia Boyer was mailed to Petitioner on 12-8-11.

NEEDS/PROBLEMS/COMMENTS:

Note: On 11-28-11, the Court ordered unsupervised visits for Maternal Grandmother Patricia Boyer Saturdays 9 am-6 pm. Based on this ex parte petition, visits were revised to supervised and the matter was set for hearing.

Note: There is also a current visitation order allowing supervised visits with the parents as long as they are clean and sober (8-25-11).

Note: Patricia Boyer lives in Merced.

1. **Need Notice of Hearing.**
2. **Need proof of service of Notice of Hearing at least 15 days prior to the hearing on Patricia Boyer.**
3. **The Court may also require notice to parents.**

Reviewed by: skc

Reviewed on: 12-21-11

Updates:

Recommendation:

File 15 - Colasanti

Dept. 303, 9:00 a.m. Thursday, January 5, 2012

16A Nicholas Balero, Alyssa Duarte, Lucas Duarte, Starr Duarte and Dominick Duarte (GUARD/P) Case No. 11CEPR00774

Atty Perez, Rosie (pro per Petitioner/paternal grandmother)

Petition for Appointment of Guardian of the Person (Petitioner Rosie Perez)

Nicholas age: 10 years DOB: 1/30/01		
Alyssa age: 9 years DOB: 2/12/02		
Lucas age: 8 years DOB: 12/27/02		
Starr age: 6 years DOB: 7/6/05		
Dominick age: 3 years DOB: 5/28/08		
Cont. from 110111		
	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	

THERE IS NO TEMPORARY.
No temporary was requested.

ROSIE PEREZ, paternal grandmother, is petitioner.

Nicholas's father: **UNKNOWN**

Father of remaining minors: **LUCAS PEREZ DUARTE** – *consents and waives notice.*

Mother: **VANESSA BALERO** – *personally served on 9/6/11.*

Nicholas' paternal grandparents: Unknown

Paternal grandfather of remaining minors: Lucas Duarte – *consents and waives notice.*
Maternal grandfather: Manuel Balero – *served by mail on 9/8/11.*
Maternal grandmother: Julie Salinas – *served by mail on 9/8/11.*

Petitioner states the children have lived with her on and off since 2009. Petitioner states she provides a stable home and supports them. The children were living with her since 2/2011. The mother came and picked up the children 8/2011. The children are now living with different relatives.

Court Investigator Charlotte Bien's Report filed on 10/21/11

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

NEEDS/PROBLEMS/COMMENTS:

<u>Note:</u> Please see competing Petition filed by maternal grandmother Julie Salinas on page 16B

<u>Note:</u> Petition states the identity of Nicholas' father and paternal grandparents is unknown. Declarations of Due Diligence were filed on 9/6/11.

Reviewed by: KT
Reviewed on: 12/20/11
Updates:
Recommendation:
File 16A – Duarte & Balero

Dept. 303, 9:00 a.m. Thursday, January 5, 2012

16B Nicholas Balero, Alyssa Duarte, Lucas Duarte, Starr Duarte and Dominick Duarte (GUARD/P) **Case No. 11CEPR00774**

Atty Salinas, Julie

Petition for Appointment of Guardian of the Person (Petitioner Julie Salinas)

Nicholas age: 10 years DOB: 1/30/01		
Alyssa age: 9 years DOB: 2/12/02		
Lucas age: 8 years DOB: 12/27/02		
Starr age: 6 years DOB: 7/6/05		
Dominick age: 3 years DOB: 5/28/08		
Cont. from 110111		
	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	X
	Duties/Supp	
	Objections	
	Video Receipt	
✓	CI Report	
	9202	
	Order	X
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

THERE IS NO TEMPORARY.
No temporary was requested.

JULIE SALINAS, maternal grandmother, is petitioner.

Nicholas's father: **UNKNOWN**

Father of remaining minors: **LUCAS PEREZ DUARTE**

Mother: **VANESSA BALERO**

Nicholas' paternal grandparents: Unknown

Paternal grandfather of remaining minors: Lucas Duarte
Paternal grandmother of remaining minors: Rosie Perez
Maternal grandfather: Manuel Balero

Petitioner states her grandchildren have been through a lot and they need someone to be there full time and to give them some kind of stability.

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

NEEDS/PROBLEMS/COMMENTS:

<u>Note:</u> Please see competing Petition filed by paternal grandmother, Rosie Perez on page 16A.

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. **Vanessa Balero (mother)**
   b. **Lucas Duarte (father)**
   c. **Unknown (father of Nicholas)**
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. **Nicholas' unknown paternal grandparents**
   b. **Lucas Duarte (paternal grandfather)**
   c. **Rosie Perez (paternal grandmother)**
   d. **Manuel Balero (maternal grandfather)**
4. **Need Duties of Guardian**
5. **Need Order**
6. **Need Letters**

Reviewed by: KT
Reviewed on: 12/20/11
Updates:
Recommendation:
File 16A – Duarte & Balero

Dept. 303, 9:00 a.m. Thursday, January 5, 2012

17 Isaac Ybarra & Alex Colmenero (GUARD/P) Case No. 11CEPR00971

Atty Guerrero, Sally (Pro Per – Maternal Grandmother – Petitioner)

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

Isaac Tony Ybarra (16) DOB: 3-24-95		
Alex Colmenero (15) DOB: 11-12-96		
	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	
	CI Report	X
	Clearances	X
✔	**Order**	
	Aff. Posting	
	Status Rpt	
✔	**UCCJEA**	
	Citation	
	FTB Notice	

NO TEMPORARY – none requested

SALLY GUERRERO, Maternal Grandmother, is Petitioner.

Father (Isaac): Not listed
Paternal Grandfather (Isaac): Not listed
Paternal Grandmother (Isaac): Not listed

Father (Alex): Not listed
Paternal Grandfather (Alex): Not listed
Paternal Grandmother (Alex): Not listed

Mother: Gina Christina Guerrero
Maternal Grandfather: Not listed

Siblings: Leticia Guerrero, Eddie Guerrero, Gary Guerrero

Petitioner states guardianship is necessary to be there for them when Mother or Father are not able to, and for their well-being. Petitioner states she has been like a mother to them, and they call her Mom too.

Per the UCCJEA, Isaac has lived with Petitioner for 13 years and Alex has lived with her for four months.

Court Investigator Jennifer Young to provide report, clearances.

NEEDS/PROBLEMS/COMMENTS:

Court Investigator to provide report.

Note: This Probate Court has no jurisdiction to make orders regarding minor Isaac Tony Ybarra. Court records indicate that this minor is a ward of the Juvenile Court.

If this matter goes forward for minor Alex, the following issues exist:

1. **Need Notice of Hearing.**
2. **Need proof of personal service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 or consent and waiver of notice or declaration of due diligence on:**
   - Isaac Tony Ybarra (minor, age 16)
   - Alex Colmenaro (minor, age 15)
   - Gina Christina Guerrero (Mother)
   - Isaac's father
   - Alex' father
3. **Need proof of service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 or consent and waiver of notice or declaration of due diligence on:**
   - Isaac's paternal grandfather
   - Isaac's paternal grandmother
   - Alex' paternal grandfather
   - Alex' paternal grandmother
   - Liticia Guerrero (sibling)
   - Eddie Guerrero (sibling)
   - Gary Guerrero (sibling)
   (Note: Siblings ages 12 and older should be served. If siblings are minors, a copy should also be sent to the parent or guardian with whom they reside.)
4. **UCCJEA (GC-120) is incomplete. Need Alex' residence history for the past five years, and need information regarding whether there are any other cases regarding custody of these minors (#4-#6).**
5. **Petitioner lists her own address as mother's address. The Court may require clarification. Does the mother live with Petitioner also?**

Reviewed by: skc

Reviewed on: 12-21-11

Updates:

Recommendation:

File 17 – Ybarra & Colmenero

Dept. 303, 9:00 a.m. Thursday, January 5, 2012

18 Sam Johnson and Jessie Johnson (Det Succ) Case No. 11CEPR01002

Atty Johnson, Robert L. (pro per Petitioner/son)

Atty Johnson, Susie (pro per Petitioner/daughter-in-law)

Petition to Determine Succession to Real Property (Prob. C. 13151)

Sam DOD: 10/3/1994		
Jessie DOD: 8/29/1993		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	
	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	

ROBERT JOHNSON, son, and **SUSIE JOHNSON**, daughter-in-law, are petitioners.

40 days since DOD.

No other proceedings

I & A – NEED

NEEDS/PROBLEMS/COMMENTS:

1. **Petition includes two decedents. A separate petition is needed for each decedent. Therefore need this petition to be amended to include only one of the decedents and another petition to be filed for the remaining decedent.**
2. **Petition was filed using a fee waiver. Please note: prior to any order granting distribution of the property all costs of administration, including filing fees, must be paid.**
3. **Petition is defective in the following areas, including but not limited to:**
   a. **Need inventory and appraisal**
   b. **There is no attachment 11 including the legal description and decedent's interest in the property.**
   c. **#9a(3) of the petition was not answered re: issue of predeceased child.**
   d. **The petition indicates the decedents died intestate. The petition also indicates that both petitioners succeed to the property. Pursuant to intestate succession only Robert succeeds to the property therefore only Robert should petition.**

Reviewed by: KT
Reviewed on: 12/22/11
Updates:
Recommendation:
File 18 - Johnson

Dept. 303, 9:00 a.m. Thursday, January 5, 2012