



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.

(1) Third and Final Account and Report of Conservator; (2) Petition for Allowance of Fees for Attorney

DOD: 1-18-12	LINDA TERRY , Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Account period: 1-1-09 through 1-18-12	
	Accounting: \$43,204.81	
	Beginning POH: \$5,585.81	
	Ending POH: \$3,354.30 (\$953.37 cash plus furniture/personal property)	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory	Account period: 1-21-12 through 10-31-12	
<input type="checkbox"/> PTC	Accounting: \$3,354.30	
<input type="checkbox"/> Not.Cred.	Beginning POH: \$3,354.30	
<input checked="" type="checkbox"/> Notice of Hrg	Ending POH: \$0.00	
<input checked="" type="checkbox"/> Aff.Mail	Conservator: Not requested	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.	Attorney: \$1,250.00 (per local rule)	
<input type="checkbox"/> Pers.Serv.	Petitioner prays that:	
<input type="checkbox"/> Conf. Screen	1. Notice of Hearing be given as required by law;	
<input type="checkbox"/> Letters	2. The Court make an order approving allowing and settling the Third and Final Accounts;	
<input type="checkbox"/> Duties/Supp	3. The Court authorize payment of the attorney fee; and	
<input type="checkbox"/> Objections	4. Any and all further relief that the Court deems just and proper.	
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> 2620(c)		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: skc
		Reviewed on: 12-13-12
		Updates:
		Recommendation: SUBMITTED
		File 1 - Chapman

Atty O'Neill, Patricia B. (for Timothy Moore – Conservator – Petitioner)

Atty LeVan, Nancy (for Ken Dunn – Husband of Conservatee – Objector)

(1) Petition for Reimbursement of Conservator, for (2) Attorney Fees, and Instructions (Prob. C. 2642)

Age: 84	<p>TIMOTHY MOORE, Conservator of the Person, is Petitioner.</p> <p>PUBLIC GUARDIAN is Conservator of the Estate.</p> <p>Petitioner requests \$2,348.00 reimbursement of personal funds expended in connection with moving the Conservatee to a new (less expensive) facility, including \$348.00 paid to Attorney John Barrus for assistance with negotiations (which ultimately failed; however, Petitioner was successful in his petition to relocate the Conservatee), and the \$2,000.00 deposit paid to the facility (Palm Gardens).</p> <p>Petitioner requests \$2,075.00 for fees and costs incurred by Attorney Patricia Bone O'Neill in the sum of itemized at 8.2 hours @ \$200.00/hr plus \$435.00 in costs.</p> <p>Petitioner also describes a situation that occurred where the Conservatee was hospitalized (from a fall) and required extra care from Palm Gardens facility staff to be present for assistance during her hospitalization.</p> <p>Petitioner states he was directed by the Public Guardian to make arrangements for the supplemental care and have the bills sent to them; however, they initially refused to pay because of a confusion about the extent of the care required by Conservatee. In order to maintain the supplemental care, Petitioner paid from his personal funds, and sought reimbursement from the Public Guardian. Petitioner states the Public Guardian eventually reimbursed him and suggested that it would seek guidance from the Court regarding how to handle this in the future due to tension between Petitioner and the Public Guardian.</p> <p>Petitioner requests an order for reimbursement as requested, for attorney fees and costs, and for Instruction to both Conservator of the Person and Conservator of the Estate on how to handle supplemental expenses for the Conservatee's benefit.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><u>OFF CALENDAR</u></p> <p>Amended Petition filed 12-13-12 is set for hearing on 1-28-13.</p> <p>Minute Order 11-26-12: Terrence Moore objects to the reimbursement. Ms. LeVan objects to Timothy Moore being reimbursed and requests a continuance to review exhibits. Matter continued to 1/7/13 at which time the Court will hear any objections.</p>
Cont from 112612		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail W		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order X		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
<p>Reviewed by: skc</p> <p>Reviewed on: 12-13-12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2 - Dunn</p>		

(1) First and Final Report of Administrator on Waiver of Account and Petition for Settlement Thereof and (2) for Waiver of Administrator's Compensation for Ordinary Services and (3) for Allowance of Attorney's Fees for Ordinary Services and Extraordinary Services and for Final Distribution (Probate Code 10810, 10811, 10954, 12200)

DOD: 9-30-11	RICHARD HOWSER , Father and Administrator with Full IAEA without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Accounting is waived.	
<input type="checkbox"/> Aff.Sub.Wit.	I&A: \$213,500.00	
<input checked="" type="checkbox"/> Verified	POH: \$136,770.07 (cash)	
<input checked="" type="checkbox"/> Inventory	Administrator (Statutory): Waived	
<input checked="" type="checkbox"/> PTC	Attorney (Statutory): \$7,270.00	
<input checked="" type="checkbox"/> Not.Cred.	Attorney (Extraordinary): \$1,912.50 (for payment of and determination of debts and negotiations and conferences with creditors. Atty states unusual circumstances extended negotiation with the VA, per declaration)	
<input checked="" type="checkbox"/> Notice of Hrg	Reserve: \$500.00	
<input checked="" type="checkbox"/> Aff.Mail w	Distribution pursuant to intestate succession:	
Aff.Pub.	Richard Howser: \$127,087.07	
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
<input checked="" type="checkbox"/> Letters 1-26-12		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
<input checked="" type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
<input checked="" type="checkbox"/> FTB Notice		
		Reviewed by: skc
		Reviewed on: 12-13-12
		Updates:
		Recommendation:
		File 4 – Howser

(1) Petition for Final Distribution on Waiver of Account and for (2) Allowance of Compensation for Ordinary Services (Independent Administration) (Prob. C. 10400, et seq, 10951 and 1160 et seq)

DOD: 11-14-09		LINZY HUDSON , Administrator, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> The Court may require clarification: The Petition does not specify the interests to be received by each distributee. Intestate succession would be a 1/3 undivided interest each. Need order.
		Accounting is waived	
		I&A: \$115,000.00	
		POH: \$115,000.00 (mobile home in Friant, CA)	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	w	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters	4-26-12	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input type="checkbox"/>	Order	X	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
			<p>Distribution pursuant to intestate succession:</p> <p>Mobile home in Friant, CA., distributable to Linzy Hudson, Gary Hudson, and Steven Hudson.</p>
			<p>Reviewed by: skc</p> <p>Reviewed on: 12-13-12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5 – Hudson</p>

Age: 73	TEMPORARY EXPIRED 1-7-13	NEEDS/PROBLEMS/COMMENTS:
	BARNETT SEYMOUR SALZMAN , Proposed Conservatee, is Petitioner and requests that VANCE SEVERIN and TERRI SEVERIN , his brother-in-law and sister-in-law (brother and sister of Petitioner's wife, Stacy Salzman) be appointed as Co-Conservators of the Person with medical consent powers (see below) and of the Estate with bond of \$70,000.00.	Note: Public Guardian was appointed Temporary Conservator of the Person and Estate on 7-5-12. Pursuant to Trial Minute Order 9-25-12 on Public Guardian's Petition for Conservatorship, Vance Severin and Terri Severin were appointed Temporary Conservators of the Person and Estate without bond pending this petition.
Cont. from 110512, 120312	Voting rights NOT affected.	Note: The proposed Conservators live in Chico, CA and Agoura, CA.
Aff.Sub.Wit.	Petitioner also requests the Conservators be granted additional powers including the power to list and sell his residence without Court supervision pursuant to Probate Code §2591(c)(2), the power to engage the services of a CPA, the power to negotiate and sign rental contract(s) with an independent living and/or assisted living residential facility for Petitioner and his spouse, subject to approval by Petitioner and his spouse, Stacy Salzman. Petitioner states he is recovering from a stroke which has impacted his ability to communicate. Although he is improving with the assistance of speech therapy, he still requires someone to negotiate and contract on his behalf.	Note: On 12-10-12, the Temporary Conservators were authorized to sell the Conservatee's real property.
✓ Verified	Estimated Value of Estate: Personal property: Unknown Annual income: Unknown Real property: \$180,000.00	Minute Order 11-5-12: Mr. Motsenbocker can file ex parte petition ordering independent powers Re: escrow signing. Temporary Letters extended to 12/3/12. Continued to 12-3-12. Set on 3-22-13 for Filing of Inventory and Appraisal. Temporary Conservatorship extended to 12-3-12.
Inventory	Petitioner states his net income of approx. \$6,000.00/month is consumed by his monthly expenses. It is believed that his other significant asset, his personal residence, does not have equity as it is encumbered by a first and second mortgage. As a result, the parties have agreed to a bond in the amount of \$70,000.00.	Minute Order 12-3-12: Mr. Motsenbocker informs the Court that he will be filing an ex parte for the sale of the house. Continued to 1-7-13.
PTC	Petitioner states that although he <i>does not</i> lack the ability to give informed consent for medical treatment, he has agreed that the Co-Conservators should be given the power to consent to medical treatment on his behalf pursuant to Probate Code §2355.	Minute Order 12-10-12 (Ex Parte Application for Authority to Sell Interest in Real Property): Counsel is informed that a bond will be needed as previously discussed. The Court grants the petition and orders that any proceeds from the sale be placed in a blocked account. Escrow is directed to deposit the funds in the blocked account. The Court orders that Barnett Salzman not be removed from Fresno County. The Court extends the temporary conservatorship to 1/7/13. Petition granted. Order to be signed ex parte. Temp extended to 1/7/13.
Not.Cred.	SEE PAGE 2	SEE PAGE 2
Notice of Hrg X		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
✓ Letters X		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Investigation Reports have been filed as follows:

7-3-12: Public Guardian's Probate Conservatorship Investigation Report (Public Guardian's Petition)

7-10-12: Court Investigator's Report re: Temporary Conservatorship (Public Guardian's Petition)

8-1-12: Court Investigator's Report re General Conservatorship (Public Guardian's Petition)

12-7-12: Court Investigator's Supplemental Report re General Conservatorship (Severins' Petition)

NEEDS/PROBLEMS/COMMENTS:

1. Petitioner requests the Conservators be granted authority to negotiate on behalf of both Petitioner and his spouse, Stacy Salzman. The Court cannot make orders with regard to the spouse. The order has been interlined to exclude reference to powers on behalf of the spouse Stacy Salzman.
2. Petitioner states his income of approx. \$6,000.00/month (\$72,000.00/year) is consumed by his monthly expenses, and his residence, which will ultimately be sold, has no equity, as it is encumbered by a first and a second mortgage; therefore, the parties agree to a bond in the amount of \$70,000.00.

However, based on the estimated income, Examiner calculates that bond should be at least \$79,200.00, including an amount for cost of recovery pursuant to Probate Code §2320(c)(4) and Cal. Rules of Court 7.207. Examiner also notes that this calculation may be inaccurate due to the unknown value of any other personal property.

The Court may require bond of \$79,200.00 at this time, and will review upon the filing of the first account for adjustment as appropriate.

Update: Once the real property is sold, the Court may require blocked account for the proceeds.

If required, the Court will set status hearing for filing of the bond on Friday, 3-22-13
(along with the filing of the I&A, which is already set)

7A
Atty
Atty
Atty
Atty

Betty Jean Chrest (CONS/PE)
Marshall, Jared C. (for Petitioners Diana Rodrigues and Robert Chrest)
Helon, Marvin T. (Court-appointed Counsel for the Conservatee)
Matthes, Heather (Pro Per – Granddaughter – Objector)
Kruthers, Heather (for Public Guardian)

Case No. 12CEPR01002

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

Age: 82		<p>TEMP (PUBLIC GUARDIAN) EXPIRES 1-7-13</p> <p>DIANA RODRIGUES and ROBERT CREST, daughter and son, are Petitioners and request appointment of Ms. Rodrigues as Conservator of the Person with medical consent powers and dementia medication and placement powers, and Mr. Chrest as Conservator of the Estate with bond of \$161,916.00.</p> <p>PUBLIC GUARDIAN was appointed Temporary Conservator on 11-15-12.</p> <p>Capacity Declaration was filed 11-5-12.</p> <p>Estimated Value of Estate:</p> <table> <tr> <td>Personal property:</td> <td>\$ 126,500.00</td> </tr> <tr> <td>Annual income:</td> <td>\$ 20,696.00</td> </tr> <tr> <td>Cost of Recovery:</td> <td>\$ 14,917.60</td> </tr> <tr> <td>Total Bond Required:</td> <td>\$ 161,915.60</td> </tr> </table> <p>Petitioners state the proposed Conservatee's daughter Deborah Covey, who has not been involved with her life for approx. 10 years, and her daughter, Heather Covey-Mathes, took the proposed Conservatee from her home for three days without informing other family members and without returning phone calls as to her whereabouts, took her to an attorney and coerced her into signing a will, advance health care directive and power of attorney in late October 2012. The will provides Ms. Covey-Mathes with a \$10,000.00 bequest, but excludes all other grandchildren. The proposed Conservatee suffers from dementia, including significant short-term memory loss, and lacks capacity to execute such documents. Petitioners caught Ms. Covey-Mathes attempting to take control of a bank account using the POA, and also recently received a check from the proposed Conservatee in the amount of \$5,000.00 despite her limited financial resources and lack of capacity. Petitioners fear ongoing abuse of the POA.</p> <p>Petitioners also filed a separate Heather Matthes (Granddaughter) Filed an Objection on 11-13-12.</p> <p style="text-align: center;">SEE ADDITIONAL PAGES</p>	Personal property:	\$ 126,500.00	Annual income:	\$ 20,696.00	Cost of Recovery:	\$ 14,917.60	Total Bond Required:	\$ 161,915.60	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 11-15-12 (Temp): Based on Mr. Marshall's declaration, the Court finds that proper notice has been given to all parties. The Court appoints the Public Guardian as temporary conservator of the person and estate. The temporary expires on 1/7/13. The General Hearing remains set for 1/7/13. Any powers of attorney are ordered void and of no force and effect. The Court orders that no person shall alter any accounts, checking and/or savings. The Court further orders that counsel be appointed for the Conservatee at her expense and subject to her ability to pay. Counsel is directed to submit an order. Temporary Letters extended to 1/7/13.</p> <p>If this petition goes forward:</p> <ol style="list-style-type: none"> 1. Need video receipt. 2. Capacity Declaration is silent regarding administration of dementia (psychotropic) medications. The Court may require additional information. 3. Need order, letters.
Personal property:	\$ 126,500.00										
Annual income:	\$ 20,696.00										
Cost of Recovery:	\$ 14,917.60										
Total Bond Required:	\$ 161,915.60										
Aff.Sub.Wit.											
✓	Verified										
Inventory											
PTC											
Not.Cred.											
✓	Notice of Hrg										
✓	Aff.Mail		W								
Aff.Pub.											
Sp.Ntc.											
✓	Pers.Serv.		W								
Conf. Screen											
Letters			X								
Duties/Supp											
✓	Objections										
Video Receipt			X								
CI Report											
9202											
Order		X									
Aff. Posting											
Status Rpt											
UCCJEA											
✓	Citation										
FTB Notice											

7A

Objection filed 11-13-12 by Heather Matthes states the Petitioners are not making sound decisions with the proposed conservatee's finances. In October and November 2012, they convinced her to open escrow on a trailer in Vacaville, CA for #1,000.00, close a trust account, write a \$5,000.00 check to Dowling Aaron Incorporated to represent Diana Rodrigues and Robert Chrest. Objector states Petitioners are planning to move the proposed Conservatee to Vacaville to an unfamiliar environment, away from family, life-long friends, established relationships with medical personnel, and against the proposed conservatee's expressed wishes to stay in the Fresno/Clovis area, which can create confusion for someone they claim has mental instability.

Objector states Petitioners have not allowed her or her immediate family, or Betty's friends to speak or visit with Betty, they have been isolating her, and are bullying her into a constant state of fear.

Objector states that, knowing that no peaceful resolution can come from this unfortunate situation with all family members involved, she asks that Petitioners cease and desist all financial transactions with Betty Chrest and that a neutral party from the Public Guardian's office be appointed to protect and prolong her future.

Objector further requests that all family members be allowed visitation privileges.

Objector provides rebuttals "in response to the "wildly untrue claims" in the Petition:

- Objector states Betty Chrest was driven to see Attorney Val Dornay, insisting that Petitioners were forcing her to move to Vacaville against her will, and asked Objector for help. Betty Chrest met with the attorney privately, free from any outside influences, behind closed doors, while Heather and her husband John waited outside. Dborah Covey was not present, she was working in Vacaville, CA.
- After Betty Chrest informed Val Dornay that checks were missing, Mr. Dornay urged Objector to take her to the banks, close her accounts, and open new accounts to protect her from fraudulent activities.
- In regards to Heather receiving a \$5,000.00 check, there was never a check written. The only money Betty has ever given to Heather was placed into a savings account as a gift to Heather after Heather graduated from nursing school months ago, since Heather is Betty's only grandchild to have graduated from a four-year university and has always had constant contact with Betty and involved her in family activities.
- In regards to Ms. Covey and Ms. Matthew taking Betty from her home for days: Ms. Covey was not in Fresno at this time and it is not unusual for Betty Chrest to visit and stay with Heather for several days. Petitioners were aware of this as they stated through text and online messages from Diana Rodrigues and her children to Heather Matthes.
- In regards to medications: Heather is a registered nurse and is most qualified to administer and monitor Betty's medications.
- Objector attaches a handwritten note from Betty Chrest.

Court Investigator Charlotte Bien to file report.

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

Age: 63		<u>NO TEMPORARY REQUESTED</u>		NEEDS/PROBLEMS/COMMENTS:		
		<p>GLORIA S. HEDGES, sister, is petitioner and requests appointment as Conservator of the person, with medical consent powers.</p>		<p>Court Investigator Jennifer L. Young to provide:</p> <ol style="list-style-type: none"> 1) CI Report 2) Advisement of Rights 		
Cont. from		<p>Declaration of Nicholas J. Orme, M.D., 10/31/2012 supports request for medical consent powers.</p>				
	Aff.Sub.Wit.					
✓	Verified	<p>Petitioner states: Mr. Hedges, the proposed conservatee, is 63 years old who has never been gainfully employed he is unable to provide for his basic day to day needs due to a mental deficiency. He is totally dependent on others to provide for his daily need. He needs to reside in a sheltered environment which provides supervision and direction due to his intellectual limitations.</p>				
	Inventory					
	PTC					
	Not.Cred.					
✓	Notice of Hrg					
	Aff.Mail					
✓	Aff.Pub.	w/				
	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					
			Reviewed by: LV			
			Reviewed on: 12/13/2012			
			Updates:			
			Recommendation:			
			File 8 - Hedges			

Petition to Terminate Trust [Prob. C. 15403]

	<p>JESSICA MARKOWICZ and DINA TSU TSU STANTON, beneficiaries, are Petitioners.</p> <p>Petitioners state:</p> <p>The EDWARD W. SWORDS TESTAMENTARY TRUST was created under the will of Edward W. Swords pursuant to Order dated 1-19-96.</p> <p>GARY L. MOTSENBOCKER is Trustee.</p> <p>Petitioners state continuance of the trust is not necessary to carry out any material purpose of the trust. Every beneficiary consents to termination (Exhibit B).</p> <p>All beneficiaries have completed their educational pursuits and do not anticipate any new endeavors. As such, the material purpose of the trust has been fulfilled.</p> <p>Petitioners state that although the trust instrument specifically identifies the beneficiaries, it also references their issue in another section.</p> <p>Petitioners pray for an order:</p> <ol style="list-style-type: none"> 1. Terminating the trust; 2. For costs herein; and 3. For such other orders as the court may deem proper. <p>CATHERINE SHARBAUGH has been appointed as Guardian Ad Litem of any unborn issue; however, is not authorized to waive or disclaim any substantive rights of the represented party without further order of the Court.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Examiner notes that:</u></p> <ul style="list-style-type: none"> • The trust at Page 7 states: “The trustee shall pay to any of the children named above, or their issue, for educational purposes, in an amount which will be in the sole discretion of the trustee, to aid and assist them in their educational pursuits.” • The trust at Page 9 states the trust shall terminate on any of the following events: <ul style="list-style-type: none"> - exhaustion of the assets; - demise of all of the children named above “If the termination of said trust results from the demise of all of said children, all assets still remaining in the hands of the trustee shall be distributed to the then living issue of the said children, share and share alike.”
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		
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Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 12-13-12
		Updates:
		Recommendation:
		File 9 - Swords

Atty Tucker, Eugene (Pro Per – Co-Executor)

Atty Tucker, James (Pro Per – Co-Executor)

Atty Amey, Dorothy (Pro Per – Co-Executor)

Status Re: Filing of the First Account or Petition for Final Distribution

DOD: 12-13-04	EUGENE TUCKER, JAMES TUCKER, and DOROTHY AMEY were appointed Co-Executors with Full IAEA and bond of \$150,000.00 on 9-5-06. Bond was filed and Letter issued on 9-29-06.	NEEDS/PROBLEMS/COMMENTS:
		Note: The former Co-Executors were formerly represented by Attorney Sandra Smith, who is no longer eligible to practice law.
Prior hearings: 7-25-11, 10-3-11, 11-7-11, 2-6-12, 060512, 100912	Final Inventory and Appraisal filed 8-11-08 reflects real property valued at \$95,000.00 (at 12-13-04).	Minute Order 10-9-12: The Court notes for the minute order that the Public Administrator is requesting a continuance. Matter continued to 1-7-13.
Aff.Sub.Wit.	A petition for final distribution was heard on 2-9-09, 2-24-09, 3-17-09, and 4-21-09. The matter was continued due to various defects and ultimately denied on 4-21-09.	1. <u>Need petition for final distribution.</u>
Verified	On 6-5-12 , after numerous status hearings, the Court appointed the Public Administrator.	Note: The two outstanding creditor's claims total \$2,235.93.
Inventory	Public Administrator's Status Report filed 9-17-12 states Deputy Noe Jimenez met with the family and they decided they would cover all probate fees minus the two Fresno County creditor's claims. The family reported that they were working with the two county agencies to have the claims withdrawn. If they are successful, they will pay all fees so that the house can be deeded to the heirs. At the family's request, a reappraisal was done to ascertain the current market value of the home.	
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt	The Public Administrator requests that the next status hearing be set out 90 days to allow the family more time to negotiate with the County of Fresno and for the Public Administrator to file the account.	
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 12-13-12
		Updates:
		Recommendation:
		File 10 - Tucker

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 7/13/10	<p>ROBERT ACUNA, JR. and DESIREE ACUNA, were appointed as Co-Administrators without bond on 02/18/11 and Letters were issued on 05/26/11.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
	<p>Inventory and Appraisal was due on 9/26/11.</p>	<p>Continued from 11/26/12. Minute Order indicates Robert Acuna, Jr. and Desiree Acuna were present at the hearing.</p>
<p>Cont. from 082712, 112612</p>	<p>On 3/22/12 the Court signed an order granting attorney Mara Erlach's Motion to be Relieved as Counsel.</p>	<p>1. Need current written status report pursuant to Local Rule 7.5.</p>
<p>Aff.Sub.Wit.</p>	<p>At the hearing on 3/22/12 the Court set an Order to Show Cause hearing and Ordered both Robert Acuna, Jr. and Desiree Acuna to be present.</p>	
<p>Verified</p>		
<p>Inventory</p>	<p>Order to Show Cause and Minute Order were mailed to both Robert Acuna, Jr. and Desiree Acuna on 3/23/12.</p>	
<p>PTC</p>		
<p>Not.Cred.</p>	<p>Minute order from 4/26/12 indicates there were no appearances. The court removed Robert Acuna Jr., and Desiree Acuna. The court appointed the Public Administrator as administrator without bond.</p>	
<p>Notice of Hrg</p>		
<p>Aff.Mail</p>	<p>The Public Administrator's Letters were issued on 6/27/12.</p>	
<p>Aff.Pub.</p>	<p>Status Report regarding Inventory and Appraisal filed on 8/24/12 states Deputy Noe Jimenez has made repeated attempts to meet with Mr. Acuna, but the attempts did not succeed due to factors on Mr. Acuna's part. Deputy Jimenez did learn that there is property belonging to Gloria Acuna and Robert Acuna, husband and wife, joint tenants. An Assignment Deed of Trust was executed by Mortgage Electronic Registration Systems, Inc was recorded on 5/23/2012 transferring beneficial interest to GMAC Mortgage Corporation. The amount of the mortgage on the Assignment is \$183,000.00. Deputy Jimenez believes that there is more owing on the property than it is worth. The Public Administrator cannot file an inventory in this matter until he gains cooperation from Robert Acuna and Desiree Acuna. If there are any other assets, that are not apparent without their help in identifying them.</p>	
<p>Sp.Ntc.</p>		
<p>Pers.Serv.</p>		
<p>Conf. Screen</p>		
<p>Letters</p>		
<p>Duties/Supp</p>		
<p>Objections</p>		
<p>Video Receipt</p>		
<p>CI Report</p>		
<p>9202</p>		
<p>Order</p>		
<p>Aff. Posting</p>		<p>Reviewed by: KT</p>
<p>Status Rpt</p>		<p>Reviewed on: 12/14/12</p>
<p>UCCJEA</p>		<p>Updates:</p>
<p>Citation</p>		<p>Recommendation:</p>
<p>FTB Notice</p>		<p>File 11 - Acuna</p>

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 7/13/10	<p>ROBERT ACUNA, JR. and DESIREE ACUNA, were appointed as Co-Administrators without bond on 02/18/11 and Letters were issued on 05/26/11.</p> <p>Inventory and Appraisal was due on 9/26/11.</p> <p>On 3/22/12 the Court signed an order granting attorney Mara Erlach's Motion to be Relieved as Counsel.</p> <p>At the hearing on 3/22/12 the Court set an Order to Show Cause hearing and Ordered both Robert Acuna, Jr. and Desiree Acuna to be present.</p> <p>Order to Show Cause and Minute Order were mailed to both Robert Acuna, Jr. and Desiree Acuna on 3/23/12.</p> <p>Minute order from 4/26/12 indicates there were no appearances. The court removed Robert Acuna Jr., and Desiree Acuna. The court appointed the Public Administrator as administrator without bond.</p> <p>The Public Administrator's Letters were issued on 6/27/12.</p> <p>Status Report regarding Inventory and Appraisal filed on 8/24/12 states Deputy Noe Jimenez has made repeated attempts to meet with Mr. Acuna, but the attempts did not succeed due to factors on Mr. Acuna's part. Deputy Jimenez did learn that there is property belonging to Gloria Acuna and Robert Acuna, husband and wife, joint tenants. An Assignment Deed of Trust was executed by Mortgage Electronic Registration Systems, Inc was recorded on 5/23/2012 transferring beneficial interest to GMAC Mortgage Corporation. The amount of the mortgage on the Assignment is \$183,000.00. Deputy Jimenez believes that there is more owing on the property than it is worth.</p> <p>The Public Administrator cannot file an inventory in this matter until he gains cooperation from Robert Acuna and Desiree Acuna. If there are any other assets, that are not apparent without their help in identifying them.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 11/26/12. Minute Order indicates Robert Acuna, Jr. and Desiree Acuna were present at the hearing.</p> <ol style="list-style-type: none"> 1. Need current written status report pursuant to Local Rule 7.5. 				
Cont. from 082712, 112612						
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<table border="1" style="width: 100%;"> <tr> <td>Reviewed by: KT</td> </tr> <tr> <td>Reviewed on: 12/14/12</td> </tr> <tr> <td>Updates:</td> </tr> <tr> <td>Recommendation:</td> </tr> <tr> <td>File 12 - Acuna</td> </tr> </table>		Reviewed by: KT	Reviewed on: 12/14/12	Updates:	Recommendation:	File 12 - Acuna
Reviewed by: KT						
Reviewed on: 12/14/12						
Updates:						
Recommendation:						
File 12 - Acuna						

Age: 79		NO TEMPORARY REQUESTED	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. The petition requests dementia powers at #1.k.; however, Petitioner did not include the mandatory Judicial Council Form GC-313 (Attachment Requesting Special Orders Regarding Dementia) with the petition, and the mandatory Judicial Council Form GC-335A (Dementia Attachment to Capacity Declaration) is also absent.</p> <p>Because the mandatory attachments were not included, counsel has not been appointed for Mr. Sherwood pursuant to Probate Code §2356.5.</p> <p><u>Need clarification: If dementia powers are to be considered, continuance is necessary for appointment of counsel, and filing and service of the necessary forms on the Proposed Conservatee and all relatives.</u></p> <p>2. Petitioner served the Notice of Hearing on the Fresno County Public Guardian, but did not serve County Counsel pursuant to Probate Code §1214. Continuance may also be necessary for further notice.</p> <p>Reviewed by: skc</p> <p>Reviewed on: 12-14-12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 13 - Sherwood</p>
		<p>ALICE MARIE CREASY, Daughter, is Petitioner and requests appointment of the FRESNO COUNTY PUBLIC GUARDIAN as Conservator of the Person and Estate with medical consent and dementia powers without bond.</p> <p>Capacity Declaration filed 11-30-12.</p> <p>Estimated Value of Estate: Personal property: \$ 200,000.00 Annual income: \$ 64,000.00 Total: \$ 264,000.00</p> <p>Petitioner states: Proposed Conservatee is in a locked wing of Orchard Park Memory Care Unit. He has a history of wandering. He enjoys his present placement and is compliant with staff. However, he is forgetful and extremely paranoid. He is a retired aircraft mechanic. His children, in varying degrees and for varying periods of time, have all been estranged from the Proposed Conservatee due to his difficult personality. He needs 24-hour supervision due to his dementia.</p> <p>Mr. Sherwood is unable to manage his finances. He appointed Petitioner as his agent when he moved to California from Louisiana approx. 18 months ago. He is no longer able to drive. Petitioner has been paying his bills and maintaining his finances; however, he has become distrustful of Petitioner. Petitioner assisted in the sale of his home in Louisiana and is responsible for getting him to California; however, he is now accusing her of taking all his money. Petitioner can no longer be his agent as she believes it is not good for his health to become so upset. Petitioner's brother, Mitchell, has apparently been assisting Mr. Sherwood in contacting local counsel about Petitioner's management of his affairs.</p> <p>Petitioner manages a sizeable facility for the elderly in Reedley and is well aware of her fiduciary responsibility to her father. Petitioner states she cannot subject herself to his continuing harassment and accusations. Although she believed she could help him acclimate to Fresno, she can no longer manage his affairs, and none of the other three siblings are interested in assisting.</p> <p>Court Investigator Samantha Henson to file report.</p>	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
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	Sp.Ntc.		
✓	Pers.Serv.	W	
	Conf. Screen		
	Letters	X	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report	X	
	9202		
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
✓	Citation		
	FTB Notice		

Motion to Enforce Judgment and Request for Over Night Visitations

Age: 8	LISA SANCHEZ and DANIEL G. RODRIGUEZ , parents, are Petitioners.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 9-20-12, 11-1-12, 11-26-12</u></p> <p><u>Page 14B is Order to Show Cause regarding Sara Lopez's failure to appear and imposition of sanctions in the amount of \$500.00.</u></p> <p><u>Visitation history:</u></p> <p><u>Minute Order 2-23-10:</u> Supervised visits to parents every other Sunday 12pm to 2pm supervised by Martha Lopez at her home.</p> <p><u>Minute Order 11-9-11:</u> The Court orders that the visitation time as to Sean remain as previously ordered. The Court further orders that visitation be up to four hours unsupervised. There is to be no drugs or alcohol during visitation and parties are to be licensed and insured. The child is to be picked-up from Martha Lopez's home. Parties are not to discuss parentage with the minor without express permission from the mental health doctor. Parties agree in open court to rely on the doctor's recommendation regarding visitation.</p> <p><u>Minute Order 11-26-12:</u> Visitation shall be from 9am to 6pm, day(s) to remain the same.</p> <p>Reviewed by: skc</p> <p>Reviewed on: 12-13-12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 14A – Rodriguez</p>
	SARA LOPEZ , paternal cousin (first cousin to father Daniel G. Rodriguez), was appointed Guardian of Sean C. Rodriguez on 11-27-06.	
Cont. from 092012, 110112, 112612	Paternal Grandfather: Daniel Rodriguez, Sr. - Deceased Paternal Grandmother: Sylvia Garcia Maternal Grandfather: Jorge Sanchez, Sr. Maternal Grandmother: Beverly Sanchez - Deceased	
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<input type="checkbox"/> UCCJEA		
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<input type="checkbox"/> FTB Notice		

14B Sean C. Rodriguez (GUARD/P)
 Atty Sanchez, Lisa (Pro Per – Mother – Petitioner)
 Atty Rodriguez, Daniel G. (Pro Per – Father – Petitioner)
 Atty Lopez, Sara (Pro Per – Guardian)

Case No. 06CEPR00756

Order to Show Cause Re: Sara Lopez's Failure to Appear; Imposition of Sanctions
 in the Amount of \$500.00

Age: 8	<p>SARA LOPEZ, paternal cousin (first cousin to father Daniel G. Rodriguez), was appointed Guardian of Sean C. Rodriguez on 11-27-06.</p> <p>Father: DANIEL G. RODRIGUEZ Mother: LISA SANCHEZ</p> <p>On 11-9-11, the Court ordered unsupervised visitation for the parents. The parties agreed to rely on the doctor's recommendation regarding visitation.</p> <p>On 8-16-12, the parents filed a Motion to Enforce Judgment and Request for Over Night Visitations. On 11-26-12, the Court set this Order to Show Cause Re: Sara Lopez's Failure to Appear; Imposition of Sanctions in the amount of \$500.00.</p> <p>The Order was mailed to all parties on 12-10-12.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>See Page 14A for details of the Motion to Enforce Judgment.</p> <p><u>Minute Order 11-26-12:</u> The Court notes for the minute order that Sara Lopez has been given notice and is not present in court. The Court sets the matter for an Order to Show Cause on 1/7/13 regarding Sara Lopez's failure to appear and imposition of sanctions in the amount of \$500.00. The Court orders Sara Lopez to be personally present on 1/7/13. The Court amends the visitation order to reflect that visitation shall be from 9:00 a.m. until 6:00 p.m., day(s) to remain the same. Continued to 1/7/13 @ 9:00 a.m. Dept. 303; Set on 1/7/13 @ 9:00 a.m. Dept. 303 for: Order to Show Cause Re: Sara Lopez's Failure to Appear; Imposition of Sanctions in the Amount of \$500.00.</p> <p><u>Order to Show Cause</u> was mailed to all parties on 12-10-12.</p>
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FTB Notice		
	Reviewed by: skc	
	Reviewed on: 12-13-12	
	Updates:	
	Recommendation:	
	File 14B – Sanchez & Rodriguez	

14B

