



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:
<input type="checkbox"/>	Aff.Sub.Wit.	
<input checked="" type="checkbox"/>	Verified	
	Inventory	
	PTC	
	Not.Cred.	
<input checked="" type="checkbox"/>	Notice of Hrg	
<input checked="" type="checkbox"/>	Aff.Mail w	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
<input checked="" type="checkbox"/>	2620(c)	
<input checked="" type="checkbox"/>	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	
<p>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)</p> <p>Account period: 1-21-12 through 10-31-12 Accounting: \$3,354.30 Beginning POH: \$3,354.30 Ending POH: \$0.00</p> <p>Conservator: Not requested</p> <p>Attorney: \$1,250.00 (per local rule)</p> <p>Petitioner prays that:</p> <ol style="list-style-type: none"> 1. Notice of Hearing be given as required by law; 2. The Court make an order approving allowing and settling the Third and Final Accounts; 3. The Court authorize payment of the attorney fee; and 4. Any and all further relief that the Court deems just and proper. 		<p>Reviewed by: skc</p> <p>Reviewed on: 12-13-12</p> <p>Updates:</p> <p>Recommendation: SUBMITTED</p> <p>File 1 - Chapman</p>

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	TIMOTHY MOORE , Conservator of the Person, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR</u> Amended Petition filed 12-13-12 is set for hearing on 1-28-13. 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.
	PUBLIC GUARDIAN is Conservator of the Estate.	
Cont from 112612	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).	
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	<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 week 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>	
		Reviewed by: skc Reviewed on: 12-13-12 Updates: Recommendation: File 2 - Dunn

(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		<p>LINZY HUDSON, Administrator, is Petitioner.</p> <p>Accounting is waived</p> <p>I&A: \$115,000.00</p> <p>POH: \$115,000.00 (mobile home in Friant, CA)</p> <p>Administrator (Statutory): Waived</p> <p>Attorney (Statutory): \$4,450.00</p> <p>Distribution pursuant to intestate succession:</p> <p>Mobile home in Friant, CA., distributable to Linzy Hudson, Gary Hudson, and Steven Hudson.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. 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.</p> <p>2. Need order.</p>	
	Aff.Sub.Wit.			
✓	Verified			
✓	Inventory			
✓	PTC			
✓	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			w
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✓	Letters			4-26-12
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
✓	9202			
	Order	X		
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
✓	FTB Notice			
		<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:
		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.
		Note: The proposed Conservators live in Chico, CA and Agoura, CA.
Cont. from 110512, 120312	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: On 12-10-12, the Temporary Conservators were authorized to sell the Conservatee's real property.
Aff.Sub.Wit.	Voting rights NOT affected.	Minute Order 11-5-12:
✓ Verified	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.	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		Minute Order 12-3-12:
PTC		Mr. Motsenbocker informs the Court that he will be filing an ex parte for the sale of the house. Continued to 1-7-13.
Not.Cred.		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.
Notice of Hrg	X	SEE PAGE 2
Aff.Mail		Reviewed by: skc
Aff.Pub.		Reviewed on: 12-5-12
Sp.Ntc.		Updates:
Pers.Serv.		Recommendation:
Conf. Screen		File 6 – Salzman
✓ Letters	X	
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
✓ Order		
	Estimated Value of Estate: Personal property: Unknown Annual income: Unknown Real property: \$180,000.00	
	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.	
Aff. Posting		
Status Rpt	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.	
UCCJEA		
Citation		
FTB Notice		
	SEE PAGE 2	

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 interlineated 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 CHREST, 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: Personal property: \$ 126,500.00 Annual income: \$ 20,696.00 Cost of Recovery: \$ 14,917.60 Total Bond Required: \$ 161,915.60</p> <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>	<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. <p>Reviewed by: skc</p> <p>Reviewed on: 12-13-12</p> <p>Updates:</p> <p>Recommendation: File 7A - Chrest</p>	
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.

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>				
<input type="checkbox"/>	Aff.Sub.Wit.					
<input checked="" type="checkbox"/>	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>				
<input type="checkbox"/>	Inventory					
<input type="checkbox"/>	PTC					
<input type="checkbox"/>	Not.Cred.					
<input checked="" type="checkbox"/>	Notice of Hrg					
<input type="checkbox"/>	Aff.Mail					
<input checked="" type="checkbox"/>	Aff.Pub.	w/				
<input type="checkbox"/>	Sp.Ntc.					
<input checked="" type="checkbox"/>	Pers.Serv.	w/				
<input checked="" type="checkbox"/>	Conf. Screen					
<input checked="" type="checkbox"/>	Letters					
<input checked="" type="checkbox"/>	Duties/Supp					
Objections						
<input checked="" type="checkbox"/>	Video Receipt					
<input type="checkbox"/>	CI Report	x				
9202						
<input checked="" type="checkbox"/>	Order					
Aff. Posting						
Status Rpt						
UCCJEA						
<input checked="" type="checkbox"/>	Citation					
FTB Notice						
				Reviewed by: LV		
				Reviewed on: 12/13/2012		
				Updates:		
				Recommendation:		
				File 8 - Hedges		

	<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.” <p>Reviewed by: skc</p> <p>Reviewed on: 12-13-12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 9 - Swords</p>
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		

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.		
Verified	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 <u>denied</u> on 4-21-09.	
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	On 6-5-12 , after numerous status hearings, the Court appointed the Public Administrator.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen	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.	1. <u>Need petition for final distribution.</u>
Letters		Note: The two outstanding creditor's claims total \$2,235.93.
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202	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.	
Order		
Aff. Posting		Reviewed by: skc
Status Rpt		Reviewed on: 12-13-12
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 10 - Tucker

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 7/13/10	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.	NEEDS/PROBLEMS/ COMMENTS: Continued from 11/26/12. Minute Order indicates Robert Acuna, Jr. and Desiree Acuna were present at the hearing. 1. Need current written status report pursuant to Local Rule 7.5.
	Inventory and Appraisal was due on 9/26/11.	
Cont. from 082712, 112612	On 3/22/12 the Court signed an order granting attorney Mara Erlach's Motion to be Relieved as Counsel.	
Aff.Sub.Wit.	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.	
Verified	Order to Show Cause and Minute Order were mailed to both Robert Acuna, Jr. and Desiree Acuna on 3/23/12.	
Inventory	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.	
PTC	The Public Administrator's Letters were issued on 6/27/12.	
Not.Cred.	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.	
Notice of Hrg	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.	
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		
		Reviewed by: KT Reviewed on: 12/14/12 Updates: Recommendation: File 11 - Acuna

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> <p>1. Need current written status report pursuant to Local Rule 7.5.</p>
Cont. from 082712, 112612		
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		
<p>Reviewed by: KT</p> <p>Reviewed on: 12/14/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 12 - Acuna</p>		

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		
✓	Aff.Mail	W	
	Aff.Pub.		
	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.	NEEDS/PROBLEMS/COMMENTS: <u>Continued from 9-20-12, 11-1-12, 11-26-12</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>Visitation history:</u> Minute Order 2-23-10: Supervised visits to parents every other Sunday 12pm to 2pm supervised by Martha Lopez at her home. Minute Order 11-9-11: 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. Minute Order 11-26-12: Visitation shall be from 9am to 6pm, day(s) to remain the same. Reviewed by: skc Reviewed on: 12-13-12 Updates: Recommendation: File 14A – Rodriguez
Cont. from 092012, 110112, 112612	SARA LOPEZ , paternal cousin (first cousin to father Daniel G. Rodriguez), was appointed Guardian of Sean C. Rodriguez on 11-27-06.	
Aff.Sub.Wit.	Paternal Grandfather: Daniel Rodriguez, Sr. - Deceased	
<input checked="" type="checkbox"/> Verified	Paternal Grandmother: Sylvia Garcia	
Inventory	Maternal Grandfather: Jorge Sanchez, Sr.	
PTC	Maternal Grandmother: Beverly Sanchez - Deceased	
Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Petitioners state Sean has been in the care of Guardian Sara Lopez since 2005. On 11-9-11, the Court denied Petitioners' request to terminate the guardianship, but granted Petitioners' request for unsupervised visitation and counseling for the minor child.	
<input checked="" type="checkbox"/> Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen	Petitioners now respectfully request that the Court help them in enforcing that order, wherein the Court ordered the guardian to obtain counseling for the minor child with a licensed child psychologist. All parties were ordered to be involved in counseling. Over the past eight months, the guardian has refused to communicate and cooperate with Petitioners as to counseling. They are left to believe that the guardian has failed to obtain counseling for the minor child, or has refused to inform the parents of any counseling, clearly not looking out for the best interest of the minor child.	
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting	Petitioners have researched and obtained information on counselors and/or a referral agency and have provided three options. Petitioners respectfully request that the Court allow them to choose a counselor and set up the services and order the guardian to cooperate in ensuring the child attends said counseling, or alternatively that Petitioners be allowed to transport the child to/from the counseling.	
Status Rpt		
UCCJEA		
Citation		
FTB Notice	Petitioners continue to want to inform their son that they are his parents and are more than willing to work with the guardian and counselor to ensure that his emotional and mental health are being considered when doing so.	

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>
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		
	<p>Reviewed by: skc</p> <p>Reviewed on: 12-13-12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 14B – Sanchez & Rodriguez</p>	

14B

Petition for Order Directing Successor Trustee to File An Accounting to Make Distribution to the Named Beneficiaries and to Surcharge Trustee (PC 17,200; 16,002; 16,047 and 16,0606)

Verdistine Neal	<p>BEATRICE L. JOHNSON, Trustor, daughter of the now-deceased primary beneficiary, VERDISTINE NEAL, and remainder beneficiary of the BEATRICE L. JOHNSON IRREVOCABLE TRUST, is Petitioner.</p> <p>Petitioner provides the following history: In 2002, VERDISTINE NEAL transferred her home and a nearby vacant lot to Petitioner for convenience only to hold in trust for her children upon her death, as an estate plan and legally allowable lien avoidance plan without the assistance of an attorney. A dispute led to a lawsuit against Petitioner to get the property back. In settlement, Petitioner transferred said property to herself and her sister, Vera Neal, as co-trustees of the above trust, which was prepared by counsel, to evidence the estate plan that was already understood and being implemented by Petitioner and her mother.</p> <p>On or about 1-22-09, misunderstood, falsely accused and inadequately represented, Petitioner was removed as co-trustee. Verdistine Neal died on or about 7-20-09.</p> <p>Petitioner's brother JAMES NEAL of Detroit, MI, was appointed by the Court as successor trustee without reference to the trust's requirement for co-trustee (paragraph 6.2), and without bond. By accepting the trusteeship, having its place of administration in this state, James Neal submitted to personal jurisdiction of this California Court (Probate Code §17004).</p> <p>Petitioner believes the property was sold on or about 9-15-11. Petitioner never received formal notice of the sale and written notice of the closing came several months after closing. A letter dated 7-12-12 contains a handwritten list of disbursements and appears to be the trustee's effort at accounting; however, clearly fails terribly as an accounting of trust administration. Such failure constitutes a breach of trust pursuant to trust section 7.2. Further, the trustee did not keep the beneficiaries reasonably informed as required by Probate Code §16060.</p> <p>Petitioner prays for an order:</p> <ol style="list-style-type: none"> 1. That James Neal as successor trustee prepare, file and serve on each beneficiary an accounting in the form that satisfies the requirements of the California Probate Code, accounting for all funds and property which came under his management and control as trustee of this trust, and signed under penalty of perjury; 2. Determining that James Neal is personally liable for loss to the trust for mismanagement and misappropriation of trust funds; and 3. Establishing a reasonable sum to pay to Petitioner for bringing this petition, plus any additional fees and costs which accrue should be charged to the trust and paid from the net sale proceeds or from James Neal personally as a surcharge. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service of Notice of Hearing at least 30 days prior to the hearing per Probate Code §17203 on: <ul style="list-style-type: none"> - Paul J. Pimentel (of Tomassian Pimentel & Shapazian) - James Andrew Neal - Vera Juanita Dean - Eula Verdestine Woods - Evelyn Traezvant Bradley - Vivian Olinda Vance
DOD: 7-20-09		
Aff.Sub.Wit.		
<input checked="" type="checkbox"/> 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		
Reviewed by: skc		
Reviewed on: 12-14-12		
Updates:		
Recommendation:		
File 15 - Johnson		