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. Tuesday, January 7, 2014

Atty **Donovan, Katherine E, sole practitioner (for Louis Jean Bailey, Guardian)**

Petition for Termination of Guardianship

Age: 17 years		**LOUIS JEAN BAILEY**, Guardian, is Petitioner. **LOUIS JEAN BAILEY** and **JESSE ROGER BAILEY**, paternal grandparents, were appointed Co-Guardians on 6/2/2003. Father: **PAUL OLIVER BAILEY**; *Consents and waives notice.* Mother: **CHERYL CANOVA**; *Consents and waives notice.* *Minor consents and waives notice.* Maternal grandfather: Robin Workmon; *sent notice by mail 12/4/2013.* Maternal grandmother: Pamela Crossley; *sent notice by mail 12/4/2013.* **Petitioner states** the minor [is 17 years old] and has requested that he be allowed to move to Arkansas to be with his mother. Petitioner states subsequent to the guardianship being granted, her husband and Co-Guardian passed away [DOD 6/15/2013] and Petitioner has suffered from health-related issues. Petitioner states she believes that termination at this time is in the minor's best interest. ***Supplemental Declaration of Petitioner* filed 12/17/2013** states in sum that she loves the minor but she is simply unable to physically and emotionally provide for him the care that he needs due to his being at an age and a path where he is uncontrollable. **Court Investigator Charlotte Bien's *Report* was filed on 12/11/2013.**	**NEEDS/PROBLEMS/ COMMENTS:**
Cont. from			
	Aff.Sub.Wit.		
✓	**Verified**		
	Inventory		
	PTC		
	Not.Cred.		
✓	**Notice of Hrg**		
✓	**Aff.Mail**		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
✓	**CI Report**		
	9202		
✓	**Order**		
	Aff. Posting		**Reviewed by:** LEG
	Status Rpt		**Reviewed on:** 1/6/13
✓	**UCCJEA**		**Updates:**
	Citation		**Recommendation:**
	FTB Notice		**File 1 – Bailey**

Dept. 303, 9:00 a.m. Tuesday, January 7, 2014

2 **Soledad Cano (Estate)** **Case No. 06CEPR00849**

Atty **LeVan, Nancy J. (for Petitioner Felipe Leal)**

(1) Report and Final Account of Administrator, Petition for Reimbursement to Administrator for Costs Advanced and (2) Attorneys Compensation and (3) for Final Distribution

Cont. from 110613		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	W/
	Aff.Pub.	
	Sp.Ntc.	X
	Pers.Serv.	
	Conf. Screen	
✓	**Letters**	9/26/06
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

FELIPE LEAL, Administrator with Will Annexed, is petitioner.

Account period: 9/19/06 – 8/31/13

Accounting - **$145,000.00**
Beginning POH - **$145,000.00**
Ending POH - **$145,000.00**

Administrator - **waives**

Administrator Costs - **$11,730.38**
(homeowners insurance, recorder, publication, probate referee, bills of the decedent.)

Attorney - **waives**

Distribution, pursuant to intestate succession [sole heir to the will predeceased decedent without issue] is to:

Helen Littlefield (daughter) - 50% interest in real property.

Christina Avila (daughter) - 50% interest in real property.

NEEDS/PROBLEMS/COMMENTS:

1. Department of Health Services was sent notice of the proceedings on 9/16/2013. Petition states the Department of Health Services was not going to file a claim. However, on 12/11/13 a Creditor's Claim from the Department of Health Services was filed in the amount of $32,818.85. The Creditor's Claim must be addressed before any distribution can be made.

2. Need proof of service of the Notice of Hearing on the Department of Health Services pursuant to their Request for Special Notice filed on 12/11/13.

3. The initial petition and the Petition for Final Distribution were both filed using a fee waiver. Filing fees are considered costs of administration and must be paid prior to distribution of any assts. **Therefore filing fees totaling $755.00 are now due** ($320.00 for the initial petition and $435.00 for the Petition for Final Distribution).

Reviewed by: KT
Reviewed on: 1/6/14
Updates:
Recommendation:
File 2 – Cano

Dept. 303, 9:00 a.m. Tuesday, January 7, 2014

3 **Esperanza Diaz (Estate)** **Case No. 06CEPR00995**

Atty **LeVan, Nancy J. (for Petitioner/Administrator Daniel Diaz)**

(1) Report and Final Account of Administrator, (2) Petition for Reimbursement to Administrator for Costs Advanced and (3) Attorney's Compensation and (4) for Final Distribution

DOD: 4/5/2000		
Cont. from 102213, 111913		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✓	**Letters** 10/24/06	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

DANIEL DIAZ, Administrator, is petitioner.

Account period: 10/24/06 – 8/31/13

Accounting	-	**$23,000.00**
Beginning POH	-	**$23,000.00**
Ending POH	-	**$23,000.00**

Administrator - **waives**

Attorney (statutory) - **$920.00**

Costs - **$1,065.00**
(filing fees, publication, probate referee, certified copies)

Distribution, pursuant to intestate succession, is to:

Virginia Macias, Daniel Diaz, Rachael Garcia, Patricia Contreras and Joseph Diaz, 1/5/ interest each in real property.

NEEDS/PROBLEMS/COMMENTS:

Continued from 11/19/2013. As of 1/6/14 the following issue remains:

1. Petition request distribution of 1/5 interest in the estate to the decedent's grandson, Joseph Diaz, son of James Diaz. At the time the estate was opened in 2006 James Diaz, son, was alive and therefore his share of the estate must be distributed to him or his estate and not to his son, Joseph Diaz.

Reviewed by: KT
Reviewed on: 1/6/14
Updates:
Recommendation:
File 3 – Diaz

Dept. 303, 9:00 a.m. Tuesday, January 7, 2014

4 Betty Hahn (CONS/PE) **Case No. 08CEPR00548**

Atty Kruthers, Heather H. (for Public Guardian – Conservator of the Estate/Petitioner)

(1) Second and Final Account and Report of Conservator, (2) Petition for Allowance of Compensation to Conservator and Attorney, and (3) Distribution

DOD: 09/05/13		
Cont. from		
	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	
	2620	n/a
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

PUBLIC GUARDIAN, Conservator of the Estate, is Petitioner.

Account period: **10/27/11 – 09/05/13**

Accounting - **$173,033.05**
Beginning POH - **$111,323.52**
Ending POH - **$126,644.91**

Subsequent Account period**: 09/06/13 – 10/23/13**

Accounting - **$149,842.59**
Beginning POH - **$126,644.91**
Ending POH - **$144,816.19**
($41,660.79 is cash)

Conservator - **$1,882.16** (6.50 staff hours @ $76/hr. and 14.46 Deputy hours @ $96/hr.)

Attorney - **$1,250.00** (less than allowed per Local Rule)

Bond Fee - **$431.94** (ok)

Costs - **$435.00** (filing fee)

Petitioner states that the decedent died intestate and no family member has initiated probate proceedings. Petitioner requests to distribute the remaining assets (after payment of allowed fees and commissions) to the Public Administrator.

Petitioner prays for an Order:

1. Finding that the conservatorship of the Person and Estate terminated on 09/05/13 upon the conservatee's death;
2. Approving, allowing and settling the second and final account;
3. Authorizing the conservator and attorney fees and commissions and payment of the bond fee;
4. Authorizing petitioner to distribute the balance of property on hand to the Public Administrator.

NEEDS/PROBLEMS/COMMENTS:

Note: Mark Hahn, son was appointed as Conservator of the Person on 07/08/08.

Mr. Hahn filed a Petition for Approval and Reimbursement of Expenses incurred and Personally Paid on Behalf of Conservatee and for Approval and Payment of Unpaid Attorney's Fees and Costs that was approved on 12/12/13.

Note to Judge:
The Order approving and Authorizing Reimbursement of Expenses incurred and Personally Paid on Behalf of Conservatee and for Approval and Payment of Unpaid Attorney's Fees and Costs awarded a total of $46,811.83 to Mark Hahn for reimbursement of monies he states he personally paid and consisted of PG&E/utility bills, and attorney fees and costs.

Reviewed by: JF
Reviewed on: 01/06/14
Updates:
Recommendation:
File 4 – Hahn

5 **Ruth Adele Zaun (Estate)** **Case No. 08CEPR00912**

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

(1) First and Final Account and Report of Administrator and (2) Petition for Allowance of Ordinary and Extraordinary Commissions and Fees

DOD: 04/25/07		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	w/
	Aff.Pub.	
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	Pers.Serv.	
	Conf. Screen	
	Letters	10/08/08
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

PUBLIC ADMINISTRATOR, Administrator, is Petitioner.

Accounting period: **10/08/08 – 09/19/13**

Accounting - **$120,273.19**
Beginning POH - **$120,000.00**
Ending POH - **$4,485.36** (all cash)

Administrator (statutory) - **$1,450.93**

Administrator x/o - **$1,000.00** (per Local Rule for sale of real property)

Attorney (statutory) - **$1,450.93**

Bond Fee - **$503.45** (ok)

Costs - **$817.00** (filing fees and certified copies)

Petitioner states that after only partial payment of commissions, fees and costs in the amount of $5,222.31, there will be no estate to distribute.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: JF

Reviewed on: 01/06/14

Updates:

Recommendation:

File 5 – Zaun

Dept. 303, 9:00 a.m. Tuesday, January 7, 2014

Atty **Lucich, Nicholas L. Jr., of Helon & Manfredo (for Petitioner Isabel Olivares)**

Ex Parte Petition for Withdrawal of Funds from Blocked Account

Age: 50 years		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	W/
	Aff.Pub.	
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	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/S	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

ISABEL OLIVARES, Trustee, is Petitioner.

Petitioner requests to withdraw **$9,155.00 for** the cost of installation of a new heating and air conditioning unit and new ductwork in the Beneficiary's residence *(copies of proposals from Melton Air Conditioning dated 11/5/2013 and 11/20/2013 attached)*.

Declaration of Trustee in Support of Petition for Withdrawal of Funds from Blocked Account filed 12/6/2013 states:

- The SNT was established to enable the Conservatee (Case #302805-7), who is also the SNT Beneficiary, to maintain her Medi-Cal benefits;
- As set forth in the accountings filed in connection with the Conservatorship, the Conservatee is entitled to receive **$1,000.00** per month plus **$20,000.00** every 5 years in connection with a settlement of a personal injury claim when she was a minor;
- The lump sum payments of **$20,000.00**, if held in the Conservatorship estate, would result in loos of the Conservatee's Medi-Cal benefits; accordingly, the Court has ordered that the **$20,000.00** payment received in November 2013 for the Conservatee be deposited directly to the blocked account for the SNT *(Receipt for $20,000.00 deposit received by Trust was filed 11/21/2013);*
- Pursuant to Order dated 11/26/2013, the Court denied the Petitioner's ex parte petition for payments for the new heating and air conditioning, and requested additional information on the following:
    - **Additional estimates:** The proposal attached to the ex parte petition was from Melton Air Conditioning for **$9,155.00**; Petitioner has obtained two other estimates: (1) Anderson Air Conditioning for **$10,342.00** *(attached as Exhibit A);* and (2) Baldwin Air Conditioning for **$10,240.00** (*(attached as Exhibit B);* Petitioner selected Melton not only because they were the lowest price, but because Petitioner's husband, who works in the construction industry, has dealt with Melton many times and has confidence in their ability to do the job;

~Please see additional page~

NEEDS/PROBLEMS/ COMMENTS:

Note: ***Order on Ex Parte Petition for Withdrawal of Funds from Blocked Account*** **filed 11/26/2013** set the matter for hearing on 1/7/2014 and requested additional information (noted at center.)

Reviewed by:	LEG
Reviewed on:	1/6/14
Updates:	
Recommendation:	
File 6 – Olivares	

Declaration of Trustee filed 12/6/2013 in Support of Petition, continued:

- **Necessity of the proposed work:** Pursuant to Order dated 5/13/1992 in the Conservatorship proceedings for the SNT Beneficiary, the Court authorized the purchase of the Beneficiary's residence; the residence is ~50 years old; the current heating and air conditioning system is not working properly and needs to be replaced; in addition, in order to make the new unit work effectively, ductwork needs to be replaced;
- **Statement as to How the Expenditure is for "Special Needs" of the Beneficiary:** The benefits provided by Medi-Cal for the SNT Beneficiary are payment for medicine and medical care; the Beneficiary's ownership, through the Conservatorship, of her own residence does not qualify her for Medi-Cal benefits; the benefits received by the SNT Beneficiary from Medi-Cal do not include payments for her residence or shelter; the SNT provides on Page 6 as follows: "'Special needs' will not ordinarily include basic support, such as food, shelter, and medical care already paid for by Medi-Cal. However, 'special needs' may include such basis needs if the Trustee determines that they are inadequately met by the level or kind of public benefits actually provided. 'Special needs' may also include basic needs if support for such needs is not available at all…" Accordingly, the use of funds from the SNT to maintain the Beneficiary's residence qualifies as "Special Needs" within the definition of the SNT because the funds are not available from Medi-Cal or other government programs for such expenses nor does the Beneficiary of the Conservatorship estate have sufficient funds for the necessary repairs;
- **Other Funds are Not Available to Pay for the Proposed Work:** The Beneficiary's income of **$1,000.00** per month is used for living expenses; the Conservatorship estate does not include sufficient funds to pay for the necessary repairs for the residence; cash on hand in the Conservatorship estate is **~$1,000.00**; the last accounting for the Conservatorship estate was approved by Court Order dated 3/21/2012; at that time, the Court ordered that the next accounting for both the SNT and the Conservatorship would be due on 11/20/2014; although this extended the usual 2-year time for the Conservatorship accounting, the Court scheduled both accountings for the same date so that only one Court appearance would be necessary.

8 Everlener Raymond aka Evelina Raymond (Det Succ)

Case No. 12CEPR01120

Atty **Krbechek, Randolf (for Petitioners)**

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

DOD: 7/26/2000			**MARY MCGEE, RITA JONES, EARL LOCKHART, JR., EVERLENER SMITH, JACKIE LOCKHART, ARTHUR LOCKHART, DAVID LOCKHART, RICKY LOCKHART, JAMES LOCKHART,** grandchildren, are petitioners. 40 days since DOD. No other proceedings. Decedent died intestate. I & A - **$110,000.00** **Petitioners request** court confirmation that Decedent's 25% interest in real property located at 962 75th Ave Oakland, CA pass to 1/10 to each of them pursuant to intestate succession.
Cont. from			
	Aff.Sub.Wit.		
✓	**Verified**		
	Inventory		
	PTC		
	Not.Cred.		
✓	**Notice of Hrg**		
✓	**Aff.Mail**	w/	
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	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	x	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

1. A Petition to Determine Succession to Real Property was previously filed for this decedent (that petition was denied on 1/31/13). In the previously filed petition the petitioners were requesting a 50% interest pass to petitioners. (This decedent had a 25% interest in the real property and her sister had another 25% interest. The petition alleged that decedent's sister's 25% interest belonged to this decedent because the sister had died and decedent was her sole heir). The Inventory and Appraisal in the first filed petition listed the value of the property (50%) at $110,000.00. This petition includes a copy of the same inventory and appraisal valued (25%) at $110,000. How can the 50% interest alleged in the first filed petition (50%) and 25% interest as alleged in this petition both be valued at $110,000?
2. Decedent was also survived by a 10th grandchild, Opal White. Opal White died on 5/25/05 (after this decedent) therefore her estate is entitled to a 1/10 share of this estate. Petition states her son, Danny Brown has filed an Affidavit Re: Real Property of Small Value to pass Opal's interest in the real property to him. However, Opal's interest must first pass to her. In addition, someone (a special administrator?) will need to sign this petition on her behalf. Note: A special administrator cannot be appointed in this estate for Opal. A special administrator will need to be appointed in a new case for Opal's estate.
3. Need Order.

Reviewed by: LV/KT

Reviewed on: 01/06/2014

Updates:

Recommendation:

File 8 – Raymond

Dept. 303, 9:00 a.m. Tuesday, January 7, 2014

9 Natalie Jean Gomes (Estate) Case No. 13CEPR00438

Atty **Boyajian, Thomas M., sole practitioner (for Petitioner Carl John Peterson, former spouse)**
Atty **Shahbazian, Steven L., sole practitioner (for Objector Kimbra Pannett, daughter)**

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

DOD: 2/21/2013

Cont. from 070213, 082013, 100813, 102913

✓	**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**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

CARL JOHN PETERSON, former spouse and first named Executor without bond, is Petitioner.

CARL JOHN PETERSON was appointed Special Administrator with limited authority and no bond on 12/12/2013, per *Order for Probate* filed 12/18/2013. *Letters* have not issued (Per Order, *Letters* expire 1/7/2014.) Powers granted include in part: payment of bills such as house insurance, utilities, alarm, taxes, yard care on real property; payment of car insurance.

Note: Declaration of Waiver of Bond was filed 12/12/2013 for the **special administration** by the following:

- Cynthia Wallert;
- Matthew Peterson;
- Tambra Peterson;
- John Torres;
- Florinda Torres;
- Kimbra Pannett.

Full IAEA – o.k.

Lost Will dated: 06/19/2012

Residence: Clovis
Publication: The Business Journal

Estimated value of the Estate:

Personal property -		$434,000.00
Real property -		$325,000.00
Total:	**-**	**$759,000.00**

Probate Referee: Steven Diebert

NEEDS/PROBLEMS/COMMENTS:

Continued from 10/29/2013. *Minute Order* states counsel requests that the matter be set for court trial with a 2-day estimate.

Note: *Minute Order* dated 12/12/2013 [Judge Hamilton] from the hearing on the *Ex Parte Petition for Letters of Special Administration with Limited Authority* states: Based on the agreement of the parties, the Court grants the petition.

Note for background: *Minute Order* dated 8/20/2013 states the Court indicates to the parties that it will expect a declaration and/or live testimony at the next hearing addressing the issues regarding the subscribing witnesses and the presumption relating to the destruction of a will.

Note: If *Petition* is granted, Court will set status hearings as follows:

- **Friday, February 7, 2014 at 9:00 a.m. in Dept. 303** for filing of proof of bond, if Court requires posting of bond.
- **Friday, June 13, 2014 at 9:00 a.m. in Dept. 303** for filing of inventory and appraisal; and
- **Friday, January 2, 2015 at 9:00 a.m. in Dept. 303** for filing of first account and/or petition for final distribution.

Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.

~Please see additional page~

Reviewed by: LEG
Reviewed on: 1/3/14
Updates:
Recommendation:
File 9 - Gomes

NEEDS/PROBLEMS/COMMENTS, continued:

The following issues from the last hearing remain:

1. *Second Amendment to Petition for Probate of Lost Will* filed 10/21/2013 seeks to probate the Decedent's Will dated 6/19/2012 as a lost Will. Petitioner states in the *Explanatory Declaration* filed 7/31/2013 that "the original statutory Will of the Decedent is not in the possession of the Petitioner at the moment and is not available." Probate Code § 6124 provides if the testator's Will was last in the testator's possession, the testator was competent until death, and neither the Will nor a duplicate original of the Will can be found after the testator's death, it is presumed that the testator destroyed the Will with intent to revoke it. This presumption is a presumption affecting the burden of producing evidence. If the proponents of the Will introduce no contrary evidence, the Court should find that the Will was revoked. *Second Amendment to Petition* filed 10/21/2013 does not include any statements by the Petitioner as proponent of the lost Will to support a finding that Decedent's Will was merely lost and was not likely destroyed and/or revoked by the Decedent.

2. Petitioner is a resident of South Dakota. The Court may require bond if the proposed personal representative resides outside California or for other good cause, even if the will waives bond, pursuant to California Rule of Court 7.201(b) and Probate Code § 8571.**WAIVERS OF BOND**

3. If Court grants the petition for probate of Decedent's Will as a "lost" Will, pursuant to Probate Code § 8223 need revised proposed order containing the provisions of the lost Will (i.e., a copy of the Will attached to the order with a signature line included on the last page of the Will for the Court's approval.)

4. Proposed letters submitted by Petitioner have been altered with whiteout at Item 2, and do not indicate that Petitioner will be appointed as executor of Decedent's "lost" Will. Need revised proposed letters.

***Objection and Memorandum of Kimbra Pannett to Decedent's Purported Will* filed 10/3/2013 states:**

- She is an interested person as defined in Probate Code § 48(a) as a daughter of the Decedent;
- From review of the pleadings on file, including the "Explanatory Declaration" filed on behalf of Petitioner Carl John Peterson on 7/31/2013, and the subscribing witness declarations attached as Attachment A, it appears that the primary issue to be addressed and which the Court has raised is the "presumption of revocation" under Probate Code § 6124 of the Decedent's Will submitted to probate;
- A review of the declarations filed on behalf of the admission of said Will (contained in the "Explanatory Declaration") confirms the statutory factors that are consistent with "revocation" of the purported Will dated 6/19/2012, submitted to probate, *[as follows]*:
    - (a) No person other than the testator Natalie Gomes is alleged to have "possession" of the Will until her death;
    - (b) Testator was competent throughout, to the "observations" of the subscribing witnesses;
    - (c) The purported Will presented for probate is, in fact, a copy, i.e., a photocopy, of the purported original Will; by their declarations submitted in support of the Will for admission to probate, the subscribing witnesses have supported the Will's presumptive revocation;

~Please see additional page~

***Objection and Memorandum of Kimbra Pannett* filed 10/2/2013, continued:**

- In reference to the first two grounds noted above (the Will was last in testator's possession, or at least, not in anyone else's possession while the testator was "competent"), there have been no contrary statements or evidence presented to contradict the application of Probate Code § 6124;
- The assertion in both declaration that the document being submitted is a "copy/duplicate of the Statutory Will" *[cites to declarations omitted]* confirms the statutory revocation of the Will;
- In the case of Lauermann v. Superior Court (2005) *[citations omitted]*, the Appellate Court held that the meaning of the term "duplicate original" as used in Probate Code § 6124 does not *[emphasis in original]* include a photocopy not personally executed by the testator and witnesses;
- Therefore, the actual "Will" attached to the petition for probate is not a "duplicate original" but just a disqualified "copy;"
- Based upon the pleadings on file in this matter, and the clear application of California law set forth herein, it is requested that the Court find that the purported Will presented for probate on the Petition for Probate filed 5/20/2013 is not the Will of the testator and that said purported Will has been destroyed pursuant to Probate Code § 6124.

Memorandum of Law of Objector Kimbra Pannett to Memorandum of Points and Authorities, Declarations, and Exhibits in Support of Probate of Purported Will filed by Attorney Steven Shahbazian on 10/28/13 states:

- This matter has been continued multiple times for hearing on the initial application by Petitioner to probate the purported Will dated 6/19/2012 of the Decedent; Petitioner has not filed pleadings or declarations per the Court's direction to the parties to file declarations regarding the issues;
- Kimbra Pannett's challenge against the will is a challenge under Probate Code § 6124 and is not a Will Contest as asserted by the proponent of the will.
- There has been no competent evidence presented to rebut the revocation of the Purported Will. The latest filings by the proponent of the will do not alter the factual circumstances of this matter nor present any new compelling legal authority. The specific purpose of § 6124 would be frustrated if the position of the proponent were upheld.

Atty Poochigian, Mark S (for Petitioner/Trustee Gary P. Bedrosian)

Amended Petition to Modify Trust Under Changed Circumstances

Age:		
DOD:		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	W/
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	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

GARY P. BEDROSIAN, Trustee of the Joseph G. Bedrosian Trust (the 1995 Trust), is Petitioner.

Petitioner requests the Court modify provisions of the 1995 Trust under changed circumstances pursuant to Probate Code §15409, and combine the so-modified 1995 Trust with the **Joseph G. Bedrosian Family 2012 Trust created under the Trust Agreement dated 12/28/12 (the 2012 Trust)** as follows:

Petitioner states the 1995 Trust was created by written agreement between Gary P. and Joyce A. Bedrosian, Trustors, and Gary P. Bedrosian, Trustee. The Trustors are the parents of Joseph G. Bedrosian (19), and four other children. Joseph is the sole beneficiary of the 1995 Trust for his lifetime, as he was born with cerebral dysgenesis, which contributes to his cognitive disorder. Joseph was approx. 20 months old when the 1995 Trust was established. At that time, his disability was not believed to be as severe as it has turned out to be. Indeed, his progress was so significant early in life that he was released as a client of CVRC. However, over the years, Joseph's parents, teachers and medical professionals have seen a halt to his intellectual progress and maturity. In a recent neuropsychological and educational assessment, the doctor noted severe decline in various areas and determined that Joseph will need ongoing support. Joseph was recently accepted as a client of the Regional Center of Orange County. At this point, Joseph has several serious medical issues that require the monitoring of his parents and doctors. No conservatorship of the person or estate has been established for Joseph.

Please see additional page

NEEDS/PROBLEMS/ COMMENTS:

1. Need Order

Reviewed by: KT

Reviewed on: 1/6/14

Updates:

Recommendation:

File 10 – Bedrosian

The 1995 Trust provides that income be paid to Joseph, and that the trust terminate when Joseph is 30 years old. Petitioner proposed to modify the terms of the 1995 Trust to make the terms nearly identical to the terms of the 2012 Trust. The only difference between the 2012 Trust and the modified 1995 Trust should be that, in the modified 1995 Trust, the introductory language from section 1.1 of the 2012 Trust would be extraneous and should be stricken. The 2012 Trust contains provisions intended to accommodate his special needs, allowing supplement to available public benefits.

Modification is necessary because the 1995 Trust requires that income be paid to Joseph and that the trust terminate when he reaches 30. However, it is now known that he requires ongoing support, including in managing money. This was not anticipated, as he was only 20 months old when the 1995 Trust was established and his disability was not believed to be as severe as it has turned out to be. Continued administration of the 1995 Trust under its present terms would substantially impair the accomplishment of the trust purposes in that it would inadequately protect and provide for joseph by failing to provide a mechanism for assets to be managed for Joseph's benefit and potentially impair his ability to receive public benefits.

Petitioner prays for an order that the 1995 Trust be modified as set forth above.

11 Richard James Fore (Estate) **Case No. 13CEPR00745**

Atty Matlak, Steven M. (for Petitioner Douglas Clevenger)

Petition for Letters of Special Administration

DOD: 11/29/2012		
Cont. from 092413, 120313		
	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	

SPECIAL ADMINISTRATION EXPIRES 1-24-13

DOUGLAS CLEVENGER, son, is petitioner and requests appointment as special administrator with bond set at $85,000.00.

Decedent died intestate.

Residence: Fresno

Inventory and Appraisal Value: $85,000.00 (real property located at 4660 E. Brown in Fresno only)

Petitioner states he is the son of the decedent and had no contact with his father for more than 40 years. The decedent had been married several times. He was divorced from his most recent wife prior to his death. The only other known child of the decedent is Cynthia Fore. After extensive search, Petitioner states he has been unable to locate his half-sister. Two months prior to his death, decedent purchased real property located in Fresno. The decedent's other known assets are $14,000 in a Citi Bank account, a Schwab account with approximately $1,400.00 and a pick-up truck of nominal value. Therefore the total value of the estate is approximately $100,400. Given the size of the estate the petitioner is able collect his ½ of the bank accounts and vehicle using an Affidavit under Probate Code §13100. Accordingly Petitioner is not asking for relief with respect to collecting the money or vehicle.

Petitioner requests appointment as special administrator with the authority to sell the decedent's real property and deposit the proceeds into the decedent's bank account.

Following the sale the Petitioner will then be able to present an Affidavit under Probate Code §13100 to collect his ½ interest in the estate.

Minute Order 9-24-13: This matter must be published. The Court grants petitioner special administrator for the purposes of listing the house for sale. Mr. Matlak to prepare order. Mr Matlak is to file a report of sale petition. This petition is continued to the same date. Continued to: [Pending] at 09:00a.m. in Dept 303. Set on: 1/24/14 at 09:00a.m. in Dept 303 for: Status Hearing.

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/ COMMENTS:

Continued from 12-3-13

Minute Order 9-24-13: This matter must be published. The Court grants petitioner special administrator [without bond] for the purposes of listing the house for sale. Mr. Matlak to prepare order. Mr Matlak is to file a report of sale petition. This petition is continued to the same date. Continued to: [Pending] at 09:00a.m. in Dept 303. Set on: 1/24/14 at 09:00a.m. in Dept 303 for: Status Hearing

Note: Order Confirming Sale of Real Property was signed on 12/3/13. Funds from the sale were deposited into a blocked account. Receipt for blocked account filed on 12/17/2013.

SEE ADDITIONAL PAGES

Reviewed by: KT / skc /KT
Reviewed on: 1/6/14
Updates:
Recommendation:
File 11 – Fore

Dept. 303, 9:00 a.m. Tuesday, January 7, 2014

Order for Probate filed 9-27-13 appoints Petitioner as Special Administrator with an expiration date of 1-24-13 (a status hearing is set for that date) with special powers to enter into an exclusive listing agreement and enter into a contract to sell the property, subject to court approval of the terms and conditions of the sale; notice of hearing to be served per Probate Code §1220 and published per Probate Code §8121.

Update: Agreement and Assignment of Cindy Nicholls filed 9-30-13 by Brandenburger & Davis (heir finder) indicates that in consideration of their having located her and brought her estate interest to her attention, Ms. Nicholls, nee Fore, assigns one-third of her interest in the estate to Brandenburger & Davis. Brandenburger & Davis also filed a Request for Special Notice to attorney Tracy Potts of Sacramento.

The Report of Sale and Petition for Order Confirming Sale of Real Property and to Determine the Disposition of the Sale Proceeds was filed 10-24-13 and set for hearing on 12-3-13 (Page 10B of this calendar), and as such, this original petition matter was continued to 12-3-13 pursuant to the 9-24-13 minute order.

Consent of Cindy Nicholls to Report of Sale and Petition for Order Confirming Sale of Real Property and to determine the Disposition of the Sale Proceeds was filed 11-6-13.

Note that as of 1/6/14, nothing further has been filed with respect to the probate estate, including publishing pursuant to Probate Code §8121. *(Notice of Sale was published pursuant to Probate Code §10300; however, that notice does not meet the requirements of publishing for opening estate administration pursuant to Probate Code §8121, as required.)*

NEEDS/PROBLEMS/COMMENTS:

1. **Examiner Notes previously stated:** It appears that the petitioner wants to probate and distribute the estate without any court oversight or notice to creditors, including the Franchise Tax Board, Department of Health Services, etc. This does not appear to be the proper use of a special administration.

   Probate Code §8546(c) states the Special Administrator must account in the same manner as a general personal representative. Therefore it appears that a general personal representative would be more appropriate.

   There could be other heirs that are unknown to Petitioner.

At this time, the following additional issues are noted:

2. Petitioner states that given the size of the estate, Petitioner is permitted to collect his one-half interest using affidavit under Probate Code §13100 and is therefore not including those assets or requesting any relief herein with respect to the bank accounts and vehicle with a total approx. value of $15,400.00.

   This may not be appropriate considering that the Petitioner is not the only heir to the estate, has opened this special administration, and is now requesting court confirmation of sale and distribution of proceeds pursuant to intestate succession.

   The Court may require authority for handling the additional assets via summary proceeding separate from the existing probate estate. See Probate Code §8000 et seq. (Opening Estate Administration, etc.).

SEE ADDITIONAL PAGES

3. Court records indicate that there were ongoing proceedings in Mr. Fore's dissolution matter (Fresno Superior Court Case No. 08CEFL03393) at the time of his death. Although the Judgment of Dissolution was entered on 11-1-11, it appears there were ongoing proceedings with regard to beneficiary designation on certain accounts/assets. Therefore, Qiao-Zhen Chen Fore, the decedent's former spouse, may be an heir entitled to notice of a petition to administer the estate.

4. The original petition indicated that Petitioner had had no contact with the decedent for over 40 years, but he was aware of one sister, Ms. Nicholls, and was aware of the decedent's most recent spouse. The petition describes his efforts to locate the sister, but does not describe whether inquiry was made as to whether there may have been additional heirs.

5. I&A filed 9-3-13 states at #3 that the I&A contains all of the assets of the estate. However, the I&A lists *only* the house valued at $85,000.00. The Court is aware, pursuant to statements in the original petition, as noted above, of at least $15,400.00 of additional assets. The Court may require amended I&A once a probate estate established.

6. Based on the above concerns, the Court may require a Petition for Letters of Administration to be filed and properly noticed pursuant to Probate Code §8000, et seq.

12 Kenneth W. Henson aka Ken Henson (Estate) Case No. 13CEPR00968

Atty **Krbechek, Randolf (for Tina Henson – daughter/Petitioner)**

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

DOD: 10/10/13	
Cont. from 121713	
✓	**Proof of Holo Inst.**
✓	**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

TINA HENSON, daughter, is Petitioner and requests appointment as Administrator with Will Annexed without bond.

Full IAEA – OK

All heirs waive bond - ??? (see notes)

Will dated 06/20/10 - ??? (see notes)

Residence: Squaw Valley
Publication: The Business Journal

Estimated Value of the Estate:
Personal property - $ 3,000.00
Annual income - 11,400.00
Real property - 160,000.00
Total - $174,400.00

Probate Referee: **STEVEN DIEBERT**

Declaration of Tina Henson Regarding Execution of Will states: Before his death, the decedent told her that his will was kept in a blue metal container, which container was located on the top shelf of the closet in a house in Laton, CA. The decedent worked at remodeling the house for several years. He lived in San Jose during some periods and would travel on weekends to Laton to work on the house. Over the years declarant helped the decedent work on the house in Laton. As the house finally approached completion, declarant was living two blocks away in a home also owned by decedent. Decedent offered to let declarant move into the remodeled home and she has lived there continuously since March 2009. Decedent took the blue metal container with him when he moved to his house in Squaw Valley.

Continued on Page 2

NEEDS/PROBLEMS/COMMENTS:

CONTINUED FROM 12/17/13
Minute Order from 12/17/13 states: Counsel informs the Court that he has the original signed document and there is no objection to admitting the document into probate. Ms. Freitas indicates to the Court that she has no objections. The Court orders that the original document be lodged with the Court with proof of the Holographic Will.

Note: Petitioner has attached a document she alleges is the decedent's will to the Petition and requests that it be admitted to probate. The Court may wish to consider the document with regard to the probate code to determine whether it is in fact a testamentary instrument and conveys testamentary intent.

1. If it is determined that the document is not the will of the decedent, appointment as Administrator with will annexed would not be appropriate and waivers of bond will be needed from:
   a. Tracy Freitas
   b. Kendra Perret
   c. Tamra Franke

Note: If the petition is granted status hearings will be set as follows:

- **Friday, 06/06/14 at 9:00a.m. in Dept. 303** for the filing of the inventory and appraisal **and**
- **Friday, 03/06/15 at 9:00a.m. in Dept. 303** for the filing of the first account and final distribution.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter, the status hearing will come off calendar and no appearance will be required.

Reviewed by: JF	
Reviewed on: 01/06/14	
Updates:	
Recommendation:	
File 12 – Henson	

Declaration of Tina Henson Regarding Execution of Will (con't): After his death, declarant and her sisters, Kendra Perret and Tamra Franke went to decedent's home in Squaw Valley. Declarant told her sisters that the decedent's will was located in the blue metal container. Declarant and her sisters reviewed the document and other papers included in the metal container. In addition to the will, there were three insurance policies in the container. Declarant is named as the beneficiary on all of the policies, which is consistent with the decedent's testamentary intentions. The Decedent told declarant that the Will was in the blue container in his bedroom at the Squaw Valley home before he flew to New York in 2011 and also told her that all of his houses would be hers after his death. The real property of the estate consists of three houses located in Laton, CA and one in Squaw Valley.

14 Rebecca Helen Owens (Estate) Case No. 13CEPR01021

Atty **Janisse, Ryan Michael (for Michael Joseph Perez – Petitioner – Son)**

Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 10/30/2013		
Cont. from		
	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**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

MICHAEL JOSEPH PEREZ, son is petitioner and requests appointment as Administrator without bond.

Sole heir waives bond.

Full IAEA – o.k.

Decedent died intestate.

Residence: Fresno
Publication: The Business Journal

Estimated Value of the Estate:
Personal property - $100,000.00
Real property - $125,000.00
Total: - $225,000.00

Probate Referee: Rick Smith

NEEDS/PROBLEMS/COMMENTS:

Note: If the petition is granted status hearings will be set as follows:

- **Friday, 05/09/2014 at 9:00a.m. in Dept. 303** for the filing of the inventory and appraisal **and**
- **Friday, 03/13/2015 at 9:00a.m. in Dept. 303** for the filing of the first account and final distribution.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.

Reviewed by: LV
Reviewed on: 01/06/2014
Updates:
Recommendation: Submitted
File 14 – Owens

Dept. 303, 9:00 a.m. Tuesday, January 7, 2014

15 Brooklyn E. Jane and Nevaeh A. May Adams (GUARD/P)

Case No. 09CEPR00464

Atty LeFors, Teri (pro per Petitioner/guardian/paternal grandmother)
Atty LeFors, Michael E. (pro per guardian/paternal step-grandfather)
Atty Basquez, Patricia Viola (pro per mother)
Atty Adams, Bryce S (pro per father)

Request for Modification of Visitation

Brooklyn age: 6			**TERI LEFORS**, Guardian/paternal grandmother, is petitioner.
Nevaeh age: 5			**Petitioner alleges:** There has been a change in circumstances. During the 2012 through 2013 school year, both Brooklyn and Nevaeh have experienced extensive absences and almost all occurred while at their bi-weekly visits with their parents. Brooklyn has had 15 absences and 8 tardies in what amounts to only one half of the school year.
			This continued pattern of absences cause them to be summoned to attend a School Attendance Review Board pre-hearing. Both guardians and parents were in attendance. At that time all parties entered into an agreement to have the attendance problems resolved.
Cont. from 081313, 100813, 111213, 121713			Neither parent has taken any interest in attending parent attending parent/teacher conferences, special parent activities or participation in the education of Brooklyn and Nevaeh to the degree that is necessary to nurture and support their education.
	Aff.Sub.Wit.		At the last parent/teacher conferences for both girls, Petitioner states she was advised that their homework is not consistent and turned in during the weeks the girls are with their parents.
✓	**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		
	Aff. Posting		**Please see additional page**
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

Continued from 12/17/13.

Reviewed by: KT
Reviewed on: 1/6/14
Updates:
Recommendation:
File 15 – Adams

Petitioner states on Wednesday, June 12, 2013, while on their weekly visit with their parents, Brooklyn jumped off the top bunk bed at a friend's house and hit her nose on the bed frame below. Brooklyn was not taken for any medical treatment by her parents, nor was Petitioner contacted and given the option to seek evaluation of the injury. It was not until Petitioner picked up Brooklyn and Nevaeh on Sunday, June 16 that she saw that Brooklyn had, what amounted to, two black eyes. On Monday, Petitioner states she made and appointment with Brooklyn's physician, for her to be seen on June 18. The Doctor examined Brooklyn, took her for an x-ray and diagnosed her with a fractured nose. Brooklyn has been referred to a specialist at Children's Hospital for further evaluation.

As a result of Brooklyn's nose injury a referral was made to Child Protective Services. Petitioner states they were interviewed by a CPS worker on June 26th and advised that she would make a visit to Bryce and Patricia and that this would be listed as a "substantiated" referral for medical neglect.

Petitioner states that she also learned there have been other CPS referrals in regards to Bryce and Patricia and all three of their children, Brooklyn, Neveah and Owen (DOB: 10/21/11) that Petitioner, as guardian, did not know about. Petitioner states she has requested copies of all CPS referrals that she is entitled to receive as Legal Guardian and will present them at the hearing.

Petitioner states Patricia does not have a driver's license due to two DUI convictions in Fresno within the last two years. During most of the last school year, Bryce Adams drove Brooklyn and Neveah to school in their visitation weeks. Bryce recently became employed full time and will not be available to drive Brooklyn and Neveah to and from school this next school year. Petitioner states she believes that Patricia will drive the girls to school, unlicensed, as she has admitted to driving unlicensed with baby Owen in the car.

Petitioner states they have recently learned that Patricia is pregnant and due after the first of the year. Petitioner states she is further advised that parentage is at issue. Since Bryce will no longer be home to assist with the children, Petitioner states she does not believe that Patricia will be able to effectively deal with the demands of pregnancy, caring for an 18 month old, maintaining the schedule for homework and legally get the girls to and from school each day.

Petitioner respectfully requests that he current visitation schedule be modified to allow Brooklyn and Neveah to have visitation with Bryce Adams and Patricia Basquez every other weekend from Friday at 6:00 p.m. to Sunday at 4:00 p.m. to begin the week of the Court hearing.

Visitation order (per Minute Order dated 3/27/12): Visitation for the father Bryce Adams and the mother Patricia Basquez shall be on alternating weekends from Sunday at 6:00 p.m. until Sunday at 6:00 p.m. Pick-up and delivery of the children to be arranged by mother and father. The children are not to be driven in any vehicle unless licensed and insured, and the children are to be in appropriate safety restraints. No party shall have any amount of alcohol in their body while transporting the children.

Please see additional page

15 Brooklyn E. Jane and Nevaeh A. May Adams (GUARD/P)

Case No. 09CEPR00464

Court Investigator Julie Negrete's Report filed 10/3/13.

Declaration of Edward Basquez filed on 11/6/13. Mr. Basquez states he is the grandfather (mother, Patricia's father) of Brooklyn and Nevaeh. He states he would like the children to remain with the LeFors during the school year. The LeFors need to start preparing for the girls to return to their parents. He feels it would be better if he were the party to pick up and drop off the girls for their visits with their parents. He would like to court to address Teri LeFors behavior. She knows how to push Patricia and Bryce's buttons. Mike LeFors gave Patricia and Bryce permission to see the girls on 10/16/13. Teri did not like the idea of the parents seeing the girls without her permission on that day. Teri purposely started an argument which lead to the restraining order. Teri is very angry due to Patricia's recent pregnancy. Mr. Basquez feels there is conflict with Teri working at the Superior Court. She uses different people at the courthouse to her advantage.

Declaration of Heather Martinez, sister of mother, Patricia Basquez filed on 11/12/13 in support of returning the children to their parents.

Declaration of Danny Martinez, brother-in-law of mother, Patricia Basquez filed on 11/12/13 in support of returning the children to their parents.

Court Investigator Julie Negrete's Report filed on 12/16/13.

Dept. 303, 9:00 a.m. Tuesday, January 7, 2014

16 Michael White & Lanae Rodriguez (GUARD/P) **Case No. 13CEPR00038**

Atty **Farily, Crystal Denise (Pro Per – Guardian)**

Atty **White, Sara L (Pro Per – Petitioner – Mother)**

Petition for Visitation

Michael age: 7		
Lanae age:6		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	x
	Aff.Mail	x
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	x
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

SARA WHITE, mother, is petitioner.

CRYSTAL FARILY was appointed guardian of both minors on 3/18/2013.

Father (of Michael): **UNKNOWN**

Father (of Lanae): **MICHAEL RODRIGUEZ**

Petitioner states: that the two children are currently staying with her cousin, Crystal Farily, who obtained guardianship of the children. Prior to that the children resided with their father. Petitioner states that while the children were staying with their father she had no problems visiting with the children. She states the children would come to her home on weekends, holidays, and vacations from school. Petitioner states since the children have been with the guardian she has not seen her children and has only spoken to them 3 or 4 times. She misses her children and feels that the guardian has no right to keep her children from her.

Declaration of Crystal Farily, Guardian, filed 01/03/2014.

NEEDS/PROBLEMS/COMMENTS:

1. Need Notice of Hearing.
2. Need proof of personal service fifteen (15) days prior to the hearing on the following:
   - Crystal Farily (Guardian)
   - Father of Michael (Unknown)
   - Michael Rodriguez (Father of Lanae)

Reviewed by: LV

Reviewed on: 01/06/2014

Updates:

Recommendation:

File 16 – White & Rodriguez

Dept. 303, 9:00 a.m. Tuesday, January 7, 2014

17 Enriqueta Perez, Special Murray, Danielle Gutierrez, Sarah Blueford

(GUARD/P) Case No.13CEPR00952

Atty Luna, Henrietta (Pro Per – Petitioner – Maternal Grandmother)

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

Enriqueta Age: 10		
Special Age: 9		
Danielle Age: 5		
Sarah Age: 9months		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	x
	Aff.Mail	x
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	x
✓	Conf. Screen	
✓	Letters	
✓	Duties/Supp	
	Objections	
	Video Receipt	
✓	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

NO TEMPORARY REQUESTED

HENRIETTA LUNA, maternal grandmother is petitioner.

Father (of Enriqueta): **RUBEN PEREZ**

Father (of Special): **TIM MURRAY**

Father (of Danielle): **MANUEL GUTIERREZ**

Father (of Sarah): **TROY BLUEFORD**

Mother**: GLORIA ANN LUNA**

Paternal Grandparents (of Enriqueta): Not Listed
Paternal Grandparents (of Special): Not Listed
Paternal Grandparents (of Danielle): Not Listed
Paternal Grandparents (of Sarah): Not Listed

Maternal Grandfather: Not Listed

Petitioner states: the mother has left the children with her since they were all under a year and they have been with the petitioner ever since.

Court Investigator Samantha D. Henson's report filed 12/19/2013.

NEEDS/PROBLEMS/COMMENTS:

1. Need Notice of Hearing.
2. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:
   - Ruben Perez (Father of Enriqueta)
   - Tim Murray (Father of Special)
   - Manuel Gutierrez (Father of Danielle)
   - Troy Blueford (Father of Sarah)

   Note: A Declaration of Due diligence was filed on 10/30/2013 listing, Ruben Perez, Tim Murray, Manuel Gutierrez and Troy Blueford. The Declaration does not provide information regarding efforts made to locate the individuals, it simply states "unknown".
   - Gloria Ann Luna (Mother)
3. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with the a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:
   - Paternal Grandparents of Enriquita (Not Listed)
   - Paternal Grandparents of Special (Not Listed)
   - Paternal Grandparents of Danielle (Not Listed)
   - Paternal Grandparents of Sarah (Not Listed)
   - Maternal Grandfather (Not Listed)

Please see additional page

Reviewed by: LV

Reviewed on: 01/06/2014

Updates:

Recommendation:

File 17 – Perez, Murray, Gutierrez, Blueford

Dept. 303, 9:00 a.m. Tuesday, January 7, 2014

17 (additional page) Enriqueta Perez, Special Murray, Danielle Gutierrez, Sarah Blueford (GUARD/P) Case No.13CEPR00952

Needs /Problems / Comments (continued)

4. Page #5 of the Guardianship Petition – Child Information Attachment (GC 210(CA)) which pertains to whether the child has Native American Ancestry was not completed. Need declaration with page #5 attached for each child.

18 Ronin Phompong & R.J. Phompong (GUARD/P) Case No. 13CEPR00953

Atty **Phompong, Tony**

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

Ronin Age: 1			**TEMPORARY EXPIRES 01/07/2014**
R.J. Age: 5 months			**TONY PHOMPONG**, Paternal Uncle, is Petitioner.
			Father: **ROBERT PHOMPONG** - *Nominates, consents, and waives notice*
Cont. from			Mother: **NANCY XIONG,** Court dispensed with Notice per Minute Order of 11/13/2013
	Aff.Sub.Wit.		Paternal Grandfather: Som Phompong - *Consents and waives notice* Paternal Grandmother: Chath Phompong - *Consents and waives notice*
✓	**Verified**		Maternal Grandfather: Dao Xiong, served by mail on 11/02/2013 Maternal Grandmother: Mai Teng Yang, served by mail on 11/02/2013
	Inventory		**Petitioner alleges** the mother is using drugs. The father is incarcerated in Fresno County Jail for Grand Theft Auto plus a warrant for failure to appear with an expected release of April 2014. Petitioner states he will provide his nephews with a stable and loving home. Petitioner states the children have been with him since August 2013, but the mother is keeping the children's welfare benefits.
	PTC		**Court Investigator Charlotte Bien's report filed 12/10/2013**.
	Not.Cred.		
✓	**Notice of Hrg**		
✓	**Aff.Mail**	w/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	x	
✓	**Conf. Screen**		
✓	**Letters**		
✓	**Duties/Supp**		
	Objections		
	Video Receipt		
✓	**CI Report**		
	9202		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
✓	**UCCJEA**		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: LV

Reviewed on: 01/06/2014

Updates:

Recommendation:

File 18 – Phompong

Dept. 303, 9:00 a.m. Tuesday, January 7, 2014

19 Dianne D. Molloy (Estate) **Case No. 13CEPR00960**

Atty Molloy, Edward III (Pro Per – Petitioner – Son)

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

DOD: 05/23/2013			**EDWARD MOLLOY, III,** son is petitioner and requests appointment as administrator with bond.	**NEEDS/PROBLEMS/COMMENTS:**
				Minute Order of 12/17/2013: Examiner notes provided to the Petitioner.
			All heirs waive bond	**The following issues remain:**
Cont. from 121713				1. Need name and date of death of decedent's spouse pursuant to Local Rule 7.1.1D.
	Aff.Sub.Wit.		Full IAEA – o.k.	2. #5a(3) or #5a(4) was not answered regarding registered domestic partner.
✓	**Verified**		Decedent died intestate	3. #5a(7) or #5a(8) was not answered regarding predeceased child.
	Inventory			
	PTC		Residence: Clovis Publication: The Business Journal	**Note: If the petition is granted status hearings will be set as follows:**
	Not.Cred.			• **Friday, 05/16/2014 at 9:00a.m. in Dept. 303** for the filing of the inventory and appraisal **and**
✓	**Notice of Hrg**		**Estimated value of the Estate:** Real property $140,000.00 Less Encumbrances $82,000.00 **Total: $58,000.00**	• **Friday, 02/20/2015 at 9:00a.m. in Dept. 303** for the filing of the first account and final distribution.
✓	**Aff.Mail**	w/		
✓	**Aff.Pub.**			Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
	Sp.Ntc.		Probate Referee: Steven Diebert	
	Pers.Serv.			
	Conf. Screen			
✓	**Letters**			
✓	**Duties/Supp**			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	**Order**			
	Aff. Posting			**Reviewed by:** LV
	Status Rpt			**Reviewed on:** 01/06/2014
	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 19 – Molloy**

20 Robert Wayne Stratton Jr (Estate) **Case No. 13CEPR00974**

Atty Lo, Kaying (Pro Per – Petitioner – Friend)

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

DOD: 05/01/2013		
Cont. from		
	Aff.Sub.Wit.	s/p
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	
	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	

KAYING LO, friend/named executor without bond is petitioner.

Full IAEA – o.k.

Will dated: 03/11/2011

Residence: Fresno
Publication: The Business Journal

Estimated Value of the Estate:
Personal property - $97,000.00

Probate Referee: Steven Diebert

Declaration of Kaying Lo, filed 01/06/2014 states in the will lodged with the Court, there are five beneficiaries including the petitioner. The other beneficiaries are Debra Lynn Stratton, Sharon Lorraine Stratton, Wayne Robert Stratton and Roberta Stratton.

The decedent, Robert Wayne Stratton Jr. and his best friend to the petition that the decedent was estranged from his family for over twenty years. He did not know where they were living and had no contact with them for over twenty years. In the decedent's will, he left each of the beneficiaries $1.00 each and the residual of the state to the petitioner.

Petitioner paid someone over $100 to try and find them. He looked online: in phone directories and other data bases that might show their location. He spent more time trying to find them than he was paid.

Because the amount is minimal and so that the case can move forward and be closed, the petitioner proposes and is willing to accept an order of the Court that petitioner set aside and/or agree to distribute the funds to them should they ever be found and/or appear.

NEEDS/PROBLEMS/COMMENTS:

1. Need proof of service of petition to Administer Estate on:
   - Debra Lynn Stratton
   - Sharon Lorraine Stratton
   - Wayne Robert Stratton
   - Roberta Stratton

Note: If the petition is granted status hearings will be set as follows:

- **Friday, 05/09/2014 at 9:00a.m. in Dept. 303** for the filing of the inventory and appraisal **and**
- **Friday, 03/13/2015 at 9:00a.m. in Dept. 303** for the filing of the first account and final distribution.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.

Reviewed by: LV
Reviewed on: 01/06/2014
Updates:
Recommendation:
File 20 – Stratton

Dept. 303, 9:00 a.m. Tuesday, January 7, 2014

Atty Castro-Ayala, Mary (for Petitioners Lorre Wallace and Steve Wallace)
Atty Krbechek, Randolf (for John Hansen – Father – Objector)

Petition for Appointment of Temporary Guardian of the Person

Adrianna (5)		
Aiden (7)		
Cont. from 121913		
	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	

GENERAL HEARING 2-10-14

LORRE and STEVE WALLACE, Maternal Grandmother and Step-grandfather, are Petitioners.

Father: **JOHN HANSEN**
- Personally served 12-12-13

Mother: **ALLISON HANSEN**
- Personally served 12-12-13

Paternal Grandfather: Unknown (believed deceased)
Paternal Grandmother: Jeannette Hansen

Maternal Grandfather: Earl Beever (deceased)

Petitioners state request immediate guardianship to provide the children with a safe, loving, healthy, drug free environment , enroll them in school, help them to catch up to their grade levels.

Petitioners reside in Plumas County. When they originally filed for guardianship there, the parents were constantly moving from place to place living in a motorhome in campsites, and they were unable to serve the mother.

When the father moved to transfer the matter to Fresno County, and was ordered to pay the transfer fees, Petitioners paid the fees because they believed he would not pay and delay the proceedings.

Petitioners are concerned that the parents are abusing methamphetamine. Lorre Wallace states she and her daughter were always close, but in September 2013, Allison Hansen told her she could not talk to her anymore.

After a visit in June 2013, Petitioners are very worried about the children and had to do something to protect them. Petitioners asked to visit because the mother had been constantly asking for money in the preceding months.

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS:

CONTINUED FROM 12/19/13
Minute Order from 12/19/13 states: The Court is not satisfied that the evidence presented is current nor is it satisfied that the children should be taken out of school and taken to Plumas County on a temporary basis. The Court orders mother and father to submit to a hair follicle test at Choices Drug Facility in Fresno by no later than 5:00 pm today. In the event a hair follicle cannot be obtained from the father, an alternative test is to be conducted. Test results shall be faxed to both counsels and provided to the Court before the next hearing. The proposed guardians agree to pay for the testing. The Court order the Department of Social Services to conduct an immediate investigation of the parents' household. The Court further orders that both parents cooperate with the investigation. Ms. Castro-Ayala's request for visitation is denied at this time. Father provides contact information. Matter continued to 01/07/14. The Court orders that both parents be personally present on 01/07/14.

Note re history:

- **The minors reside with the parents in Selma, Fresno County, CA.**
- **Petitioners reside in Quincy, Plumas County, CA.**
- **Petitioners originally filed temporary and general petitions in Plumas County Superior Court on 6-27-13.**
- **The father filed an objection and a petition to transfer the matter to Fresno County.**
- **A Court Investigation was conducted by Plumas County Superior Court and filed 10-4-13.**
- **On 10-29-13, the Court granted the petition to transfer the matter to Fresno County Superior Court. Fresno Superior Court received the transferred file on 12-9-13, and the Petitioners also filed new temporary and general petitions for guardianship on 12-9-13.**

Reviewed by: skc/JF
Reviewed on: 01/06/14
Updates:
Recommendation:
File 21 – Hansen

Petitioners state sent money because they did not want the family to go without food, but once the requests became regular, they stopped sending money. They offered non-monetary support, but the parents always rejected their offers. Petitioners offered to let Allison and the children come live with them until John got back on his feet, but Allison only wanted money from them.

Petitioners stated they waited a week to visit, per Allison's request, and came to visit on June 16. When they arrived at the address that Allison had given her sister, they learned it was only a temporary residence. Allison appeared frail, pale, and malnourished. Allison appeared open to the idea of coming to stay with them, but did not think John would allow it. John was keeping the children at an undisclosed location. Petitioners later learned that John had threatened her and she was afraid to talk with them because John was monitoring her phone.

Petitioners have never been in this type of abuse situation before and sought help at the Marjaree Mason Center in Fresno. Allison did not accompany them. Late in the evening, John agreed to bring the children back to the house where she was staying at if she made sure that Petitioners were not present.

Petitioners state that while they were in Fresno, they spoke with a Teddy Donaldson, who informed them that the parents were on methamphetamine. Petitioners believe they have been using methamphetamines since 2011.

On June 18, they had not been able to see the children. Petitioners asked Allison if they should stay in Fresno or go back home. Allison informed them by text message that John would let them see the children at a different location. They arrived at a house in Clovis and saw the children. The children did not look healthy. Petitioners asked if they could take the children home to Quincy for a visit, but John refused. Allison could go, but the children could not.

Allison communicated by phone from June 19 through June 21. Petitioners continued to worry and with the assistance of the Marjaree Mason Center arranged a welfare check with the police. The police informed them that they told John Hansen that either he needed to leave, or Allison and the children needed to leave. Late in the evening, Allison told Petitioners that she had called the Marjaree Mason Center, but they told her they would do a drug test, so she was afraid the children would be taken into protective services. Petitioners begged her to let them help, but she refused. Petitioners have had limited contact with Allison since that date.

The children are being neglected, are malnourished and their educational needs are not being met. The children are being home schooled by their drug abusing parents. They are not receiving proper education and are behind grade level. Petitioners believe they have been reported to CPS on at least two occasions, but the social worker has been unable to locate the family due to their nomad lifestyle. The children desperately need and deserve help and Petitioners are willing to do whatever it takes to be there for them. Petitioners are requesting immediate guardianship and ask the Court to order hair follicle drug test before granting any visitation. Petitioners will pay for the tests.

Additional declarations are provided from Petitioner Steven Wallace and Amy Zingaretti, sister of Allison (maternal aunt of the minors).

SEE ADDITIONAL PAGES

Dept. 303, 9:00 a.m. Tuesday, January 7, 2014

Response to Motion filed 12-19-13 by Attorney Krbechek, attorney for John Hansen, Father.

Note: The document is not verified by the father and appears to be a response from the attorney only.

Response states notice was not properly served.

- *Examiner notes that Notice of Hearing filed 12-18-13 indicates personal service on the parents on 12-12-13 pursuant to Probate Code §2250(e)*

Response provides the Court with an overview of guardianship law and background regarding the motion for change of venue.
Response states both children are doing well in school. Exhibits attached.
Response states Petitioners' claims are based on unfounded lies. Exhibits attached – responses to special interrogatories.

Response concludes that the Court has failed to respect the rights of the parents and the petition is based on lies. Petitioners seek to deprive the parents of custody of their children.

Response concludes with the parental preference doctrine. Cites provided.

Declaration of Mary Castro-Ayala Re: Court Ordered Drug Test for John Hansen and Allison Hansen states: she was present in Court on 12/19/13 when the Court ordered that both John and Allison Hansen submit to hair follicle drug tests by 5:00pm that day. Mr. Hansen was present in Court that day but Allison was not. Mr. Hanson had a short buzz cut hairstyle during court and it appeared that, though his hair was short, it was of a sufficient length to provide a hair sample for his Court ordered drug test. Notice has been received that Mr. Hansen failed to complete the court ordered drug test.

Status Report Regarding Court Ordered Drug Testing for John Hansen filed 01/03/14 states: At the last hearing on 12/19/13 the Court ordered that both parents drug test by a hair follicle test. After the hearing, the father went to take the ordered drug test, but had insufficient hair to complete the follicle test. It was ordered that in the event a hair follicle test could not be obtained from Mr. Hansen that an alternative test be conducted. On 12/21/13, Mr. Hansen went to Everyday Healthcare and had a ten-panel drug test performed. Mr. Hansen tested negative for all substances in that test. Mrs. Hansen was notified of the order to complete the drug screening and to appear at the hearing on 01/07/14. Mrs. Hansen did not complete the drug test. Attorney Krbechek does not represent the mother and she is responsible for her own actions or inactions. On 12/24/13, CPS went to Mr. Hansen's home to conduct its investigation. Mr. Hansen was told that CPS intervention was not necessary. Petitioner's do not have any admissible evidence in support of their allegations. Petitioners rely on the investigation report from Plumas County, however, the report is inadmissible hearsay because it was generated after Mr. Hansen's petition to change venue from Plumas County to Fresno County. The Plumas County Court had no authority to order such investigation after Mr. Hansen filed his petition to transfer the action. Mr. Krbechek requests that the Court issue a ruling as to whether this proceeding is a guardianship matter controlled by the Probate Code or whether the Court is undertaking a juvenile dependency proceeding controlled ty Welfare & Institutions Code § 300. **Examiner's note:** This matter is a probate guardianship proceeding being held in the Probate Court. It is unclear why Mr. Krbechek is asking for this ruling, the Probate Court does not have jurisdiction over juvenile dependency matters.

22 Petra Cazares Ferris (GUARD/P) **Case No. 13CEPR01110**

Atty Reyes, Rosario (pro per – non-relative/Petitioner)

Atty Reyes, Daniel (pro per – non-relative/Petitioner)

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

Age: 8

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	

GENERAL HEARING 02/24/14

ROSARIO REYES and **DANIEL REYES,** non-relatives (godparents), are Petitioners.

Father: **EDUARDO DOMINGUEZ**

Mother: **NANCY FALCUCCI –** *personally served on 01/01/14*

Paternal grandfather: NOT LISTED
Paternal grandmother: NOT LISTED

Maternal grandfather: NOT LISTED
Maternal grandmother: NOT LISTED

Siblings: TERESA HOLGUIN, J.B.

Petitioners state that Petra has lived with them since she was 3 months old and does not want to live with her mother.

NEEDS/PROBLEMS/COMMENTS:

1. Need proof of personal service at least 5 court days before the hearing of *Notice of Hearing* with a copy of the *Petition for Appointment of Temporary Guardian of the Person* or Consent & Waiver of Notice or Declaration of Due Diligence for:
   - Eduardo Dominguez (father)

Reviewed by: JF

Reviewed on: 01/06/14

Updates:

Recommendation:

File 22 – Ferris

Dept. 303, 9:00 a.m. Tuesday, January 7, 2014