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. Monday, January 9, 2012

1 **Matthew R Nielsen (CONS/PE)** **Case No. 10CEPR00299**

Atty **Barrus, John E. (for N. Robert Nielsen, Jr., and Tamara K. Nielsen – Parents – Conservators)**

(1) First Account and Report of Conservators; Petition for its Approval; (2) for Waiver of Future Accountings and (3) for Waiver of Bond (Prob. C. 2323, 2620, 2628, and 2640)

Age: 20		
DOB: 12-31-91		
	Aff.Sub.Wit.	
✔	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✔	Notice of Hrg	
✔	Aff.Mail	W
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✔	Letters	10-15-10
	Duties/Supp	
	Objections	
	Video Receipt	
✔	CI Report	
✔	2620(c)	
✔	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

N. ROBERT NEILSEN, JR., and TAMARA K. NIELSEN, Parents and Conservators, are Petitioners.

Account period: 10-15-10 through 10-15-11

Accounting: $18,984.10
Beginning POH: $18,964.10
Ending POH: $0

Conservators: Waived

Attorney: To be paid outside of the conservatorship estate.

Petitioners state the conservatorship estate was exhausted as of 5-31-11, and request to waive future accountings pursuant to Probate Code §2628 and waive bond pursuant to Probate Code §2323(a).

Petitioners pray for an order:

1. Settling and allowing the account and report and approving and confirming the acts of Petitioners as Co-Conservators of the Estate for this account period;

2. Waiving future accountings until such time as the conservatorship estate no longer satisfies the conditions of Probate Code §2628(a);

3. Waiving bond and discharging the surety on Petitioner's bond until such time as the estate no longer satisfies the conditions of Probate Code §2628(a);

4. Such other orders as the Court deems proper.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: skc

Reviewed on: 12-22-11

Updates:

Recommendation:

File 1 - Nielsen

Dept. 303, 9:00 a.m. Monday, January 9, 2012

2 **Patricia Gail Jensen (Estate)** **Case No. 10CEPR00421**

Atty **Jensen, Tamila C. (Pro Per – Sister – Executor - Petitioner)**

Petition for Termination of Further Proceedings and Discharge of Personal Representative (Prob. C. 12251)

DOD: 4-23-10		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	W
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✓	Letters	8-11-10
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	FTB Notice	

TAMILA C. JENSON, Sister and Executor without IAEA and without bond, is Petitioner.

Petitioner states the value of the estate was originally estimated at $10,000.00 and was believed to consist of a claim against the estate of her prior spouse. However, it appears that claim is not viable because of various counter claims raised by the executor of the prior spouse's estate, and the impracticality of proving any such claim, as both are now deceased.

Petitioner has diligently searched for assets but has failed to discover any property belonging to the estate that is subject to administration.

Petitioner prays for an order terminating further proceedings and discharging Petitioner as the personal representative.

NEEDS/PROBLEMS/COMMENTS:

Note: Petitioner/Executor is an attorney in Granada Hills, CA.

1. **Need proof of service of Notice of Hearing at least 15 days prior to the hearing with a copy of the Petition on the following additional creditors pursuant to Probate Code §§ 1252 and 11000(a)(5):**
   - **Fresno Credit Bureau $195.55**
   - **Fresno Credit Bureau $11.48**
   - **Golden Living $6,675.00**
   - **CA Franchise Tax Board $50,506.18**
   - **Dept. Health Care Services $981.30**
2. **Need proposed order.**

Reviewed by: skc

Reviewed on: 12-22-11

Updates:

Recommendation:

File 2A - Jensen

Dept. 303, 9:00 a.m. Monday, January 9, 2012

3 **Adam Carbajal Special Needs Trust** **Case No. 10CEPR00612**

Atty **Herold, Kim Marie (for Maria Alvarez-Garcia – Trustee – Petitioner)**

First Report and Account of Trustee; Petition for Its Settlement and Allowance of Attorney's Fees; Petition for Reimbursement of Expenses

Age: 8
DOB: 10-31-03

	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

MARIA ALVAREZ-GARCIA, Maternal Grandmother, Guardian and Trustee of the Special Needs Trust, is Petitioner.

Account period: 6-4-10 through 10-18-11

Accounting: $208,497.05
Beginning POH: $100,000.00
Ending POH: $142,460.82 (cash only)

Reimburse Conservator: $1,897.09 for expenses associated with a vehicle (maintenance, registration, insurance) and expenses associated with travel to UCLA Medical Center.

Attorney: $3,249.00 (11 hours @ $295.00/hr)

Costs: $555.00 (filing fees)

Petitioner requests that further reports and accounts be waived since trust funds are invested in a blocked account and annuity payments are made directly to that account. The trustee is not receiving any fees.

Petitioner states that special needs include insurance and gasoline for vehicles and travel needs, and requests reimbursement for expenses associated with a vehicle and with travel to UCLA Medical Center.

Petitioner requests an order:

1. Settling, allowing and approving this first report and account;
2. Ratifying and approving all acts and transactions of the trustee as set forth in this account;
3. Authorizing payment of the attorney fees and costs;
4. Authorizing reimbursement to herself per above;
5. Waiving future accountings because funds are held in a blocked account.

NEEDS/PROBLEMS/COMMENTS:

SEE PAGE 2

Reviewed by: skc
Reviewed on: 12-23-11
Updates:
Recommendation:
File 3 - Carbajal

Dept. 303, 9:00 a.m. Monday, January 9, 2012

3 Adam Carbajal Special Needs Trust Case No. 10CEPR00612

Atty Herold, Kim Marie (for Maria Alvarez-Garcia – Trustee – Petitioner)

First Report and Account of Trustee; Petition for Its Settlement and Allowance of Attorney's Fees; Petition for Reimbursement of Expenses

NEEDS/PROBLEMS/COMMENTS (Continued):

1. **The trust was originally funded with cash and with an annuity that pays approx. $1,150.00 monthly. Schedule E Property on Hand lists only the cash held in the trust account. The annuity and its value should also be listed as an asset of the trust.**

2. **It appears major purchases/disbursements were made and attorney fees paid without prior authorization from this Court.**
The trust was brought under the jurisdiction of this Probate Court on 8-30-10. Petitioner refers to court orders dated 10-27-10 and 5-17-11 authorizing withdrawal for certain items; however, there is no documentation in this file regarding such authorization. Were these items authorized by another Court? If so, it appears that such petition and authorization may be inappropriate.

Need clarification regarding the following items with reference to the following notes:
- Vehicle $48,493.07
- Car Audio $950.00
- TV and Computer $2,322.25
- Attorney Fees $1,746.50 (Bolen Fransen LLP)
- Attorney Fees $3,704.92 (Camp Rousseau Montgomery LLP)
- Attorney Costs $1,363.00 (Bolen Fransen, LLP)
- Second Mortgage $4,971.49
- Screen Door $500.00
- Vacation $1,985.00

a. None of the tangible items purchased with special needs trust funds are listed as assets of the trust or property on hand.
In addition to the annuity per #1 above, Schedule E should also include the vehicle, the electronics, and possibly an interest in the house (see below). The Court may require clarification, amendment of account and/or amendment of the various titles.

Note: Petitioner requests reimbursement for costs associated with the vehicle, such as maintenance, registration, insurance, etc., which implies that it is an asset of the trust, but it does not appear as property on hand. How is title held?

b. Need clarification regarding the use of special needs trust funds for payment of second mortgage on trustee's home.
The Ex Parte Petition for Withdrawal of Funds filed 10-24-11 *begins* to explain that the trust authorizes the purchase of a residence for the beneficiary, and because his grandmother and guardian now cares for him, she is not able to work and therefore, has not kept up payments on a second mortgage on her residence. However, the narrative is incomplete, the 10-24-11 petition did not request that amount, and payment does not appear to have been approved by this Probate Court.

Although the narrative points to the trust's authorization to purchase real property for the beneficiary as authority for this disbursement, Petitioner does not state whether the second mortgage was paid in full or simply brought current, how the payment qualifies as a special need for the beneficiary, or whether the trust/beneficiary received consideration, such as an interest in the real property, for the contribution toward the home.

c. Need clarification regarding the use of special needs trust funds for a screen door. Was this purchase for the residence? Does the minor or the trust have an interest in or receive specific special needs benefit from this item? Examiner notes that, on its face, this appears to be an expenditure typical of home-ownership; however, because the trust does not own the home, the Court may require clarification.

c. Need clarification regarding the use of special needs trust funds of $1,985.00 for a vacation. Examiner does not see authorization from this Court for such expenditure.

SEE PAGE 3

3 Adam Carbajal Special Needs Trust Case No. 10CEPR00612

Atty Herold, Kim Marie (for Maria Alvarez-Garcia – Trustee – Petitioner)

First Report and Account of Trustee; Petition for Its Settlement and Allowance of Attorney's Fees; Petition for Reimbursement of Expenses

NEEDS/PROBLEMS/COMMENTS (Continued):

3. **Attorney's fee calculation of $3,249.00 appears incorrect. Examiner calculates 11 hours @ $295/hr = $3,245.00 (a $4.00 difference).**

4. **Attorney's fees include 3.8 hours or $1,121.00 in connection with two requests for withdrawal of funds. The Court may require clarification.**

5. **Petitioner requests to waive future accountings; however, based on the above issues, the Court may require further clarification regarding the potential trust assets, and more specific language in the order regarding the disposition of such assets, before authorizing such waiver.**

   Also, if future accountings are waived, the Court may set status hearings annually or biennially for brief status reports on the trust.

4 Judith Mae Kemmerer-Evans (Estate) Case No. 11CEPR00417

Atty JOHNSON, JAMES C (of Visalia, for Brian E. Adney – Petitioner)

(1) First and Final Report of Administrator, Petition for Settlement on Waiver of Accounting and (2) for Final Distribution Based Upon Agreement Between Heirs-at Law (Prob. C. 6402, 10954 and 11640 et seq)

DOD: 4/15/11		
Cont. from		
	Aff.Sub.Wit.	
√	Verified	
√	Inventory	
√	PTC	
√	Not.Cred.	
√	Notice of Hrg	
√	Aff.Mail	√
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	6/21/11
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
√	9202	
√	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
√	FTB Notice	

BRIAN ADNEY, Administrator, is Petitioner.

Accounting is waived.

I&A:	**$301,144.39**
POH:	**$301,144.39**
	($193,883.39 is cash)
Administrator: (statutory)	**$9,022.89**
Attorney: (statutory)	**$9,022.89**
Closing Reserve:	**$3,000.00**

Petitioner requests Distribution, pursuant to the laws of intestate succession (PrC §§6400 et seq.) and signed and written Agreement (*dated 10/13/11 and attached to Petition as Exh. D*) between Petitioner Brian Adney and and other sole heir, James R. Evans (Decedent's surviving spouse).

NEEDS/PROBLEMS/ COMMENTS:

Reviewed by: NRN

Reviewed on: 12/23/11

Updates:

Recommendation: SUBMITTED

File 4 – Kemmerer-Evans

Dept. 303, 9:00 a.m. Monday, January 9, 2012

5 **John A. Rotstan aka John Arthur Rotstan(Estate)** **Case No. 11CEPR00956**

Atty **Oehler, Nancy L. (of Bakersfield, for Karl M. Rotstan, son – Petitioner)**

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

DOD: 1/5/11		
Cont. from 120511		
	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	

KARL M. ROTSTAN, son and named executor without bond, is Petitioner.

Will dated: 6/29/09

Full IAEA – o.k.

Publication - Fresno Business Journal
Residence - Greene County, New York

Estimated value of estate:

Personal property	$ 3,000.00
Annual income	.00
Realproperty	$155,000.00
Total	**$158,000.00**

PROBATE REFEREE: RICK SMITH

NEEDS/PROBLEMS/COMMENTS:

Continued from 12/5/11. Minute Order states:
Nancy Oehler represents to the Court the Will references the pre-deceased spouse in question; there is one beneficiary; asks for Appraiser Rick Smith; addresses the issue of bond. The Court, in response, accepts the notion of the pre-deceased spouse and asks no further information be provided regarding item #8 (examiner notes #3); approves Rick Smith being appointed; waives the bond under the circumstance there is a sole beneficiary and waiver being stated in the Will. Ms. Oehler will get affidavits; the Court mentions the matter of 1/9/12 may be on the approved matters list.

Note: At the time of death, Decedent was a resident of New York State. Per *Petition*, the property at issue in the instant *Petition* consists primarily of Decedent's real property located in Fresno County.

Reviewed by: NRN

Reviewed on: 12/23/11

Updates: SUBMITTED

Recommendation:

File 5 - Rotstan

Dept. 303, 9:00 a.m. Monday, January 9, 2012

6 **Harold E. Peterson aka Harold Englebert Peterson (Estate)** **Case No. 11CEPR01015**
Atty **Rube, Melvin K. (for Harold L. Peterson – Petitioner)**

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

DOD: 10/6/99			**HAROLD L. PETERSON,** son and named alternate executor without bond, is Petitioner. [Note: Petition states that pursuant to a May 2, 2001 *Mutual Settlement and Release Agreement* between the estate's two sole heirs (Petitioner and his brother John E. Peterson) regarding distribution of assets of a 1998 family trust, original named alternate executor John E. Peterson declines to act and Petitioner is to be responsible for the probate of Decedent's estate.]
Cont. from			
	Aff.Sub.Wit.		
√	**Verified**		
	Inventory		
	PTC		
	Not.Cred.		
√	**Notice of Hrg**		Will dated: 5/2/1998
√	**Aff.Mail**	w	
√	**Aff.Pub.**		Full IAEA – o.k.
	Sp.Ntc.		
	Pers.Serv.		Publication: Fresno Business Journal
	Conf. Screen		Residence: Fresno
√	**Letters**		
√	**Duties/Supp**		**Estimated value of estate:**
	Objections		Personal property: $0.00
	Video Receipt		Annual income: .00
	CI Report		Real property: .00
	9202		**Total** **$0.00**
√	**Order**		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		**PROBATE REFEREE: RICK SMITH**
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:
Reviewed by: NRN
Reviewed on: 12/23/11
Updates:
Recommendation: **SUBMITTED**
File 6 - Peterson

Dept. 303, 9:00 a.m. Monday, January 9, 2012

7 Tarance S. Magee Testamentary Trust, 6-7-63 Case No. 11CEPR01025

Atty **Camenson, David M. (for Marcy Valdovinos – Beneficiary – Petitioner)**

Petition to Appoint Successor Trustee [Prob. C. 17200(b)(10)]

Loramae Magee
DOD: 10-21-11

	Aff.Sub.Wit.	
✔	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	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	

MARCY VALDOVINOS, daughter of Settlor and named beneficiary of the Tarance S. Magee Testamentary Trust established 6-7-1963, is Petitioner.

Petitioner states trustee Loramae Magee died on 10-21-11. The named successor trustee, Glenn E. Rose, died on 1-17-10.

Petitioner requests the Court appoint her as Successor Trustee without bond. Petitioner states she is one of the three surviving beneficiaries and upon the death of Loramae Magee, the trust assets are to be distributed in equal shares to Petitioner and her siblings: Sharon Metzler and Colleen Snyder. Their sibling John Thomas Magee died 9-29-09.

Petitioner states that the trust waived bond for the named trustees and the trust assets consist only of an undivided ½ interest in five separate parcels of land that will be promptly distributed to the beneficiaries upon approval of this Petition. Also, each of the three beneficiaries waive bond (consents attached).

NEEDS/PROBLEMS/COMMENTS:

1. **Petitioner filed a Proof of Service showing service of the Petition on her two living siblings; however, Probate Code §17203 requires Notice of Hearing, which is a mandatory Judicial Council form (DE-120). The Court may require amended service (30 days' notice) with the Notice of Hearing form that contains mandatory language re the hearing.**

2. **The copy of the trust provided by Petitioner is largely illegible; however, from what Examiner can determine, the trust names all four of the siblings as beneficiaries in equal shares.**

   Petitioner notes that the two living siblings waive bond and that upon appointment, the trust assets will be promptly distributed to the three remaining siblings; however, it is unclear whether the deceased brother's share was to lapse or to pass to his issue.

   The Court may require notice to the deceased brother's heirs or issue, or the personal representative of his estate, and may require a more legible copy or certified transcript.

Reviewed by: skc

Reviewed on: 12-23-11

Updates:

Recommendation:

File 7 - Magee

8 **Shizuko Grimes (Det Succ)** **Case No. 11CEPR01027**

Atty **Krbechek, Randolf (for Tiza Peterson and Tristine Smith – Daughters – Petitioners)**

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

DOD: 11-6-10			**TIZA PETERSON and TRISTINE SMITH**, daughters, are Petitioners. 40 days since DOD No other proceedings I&A - $95,000.00 (real property in Kingsburg) Will dated 6-30-95 devises the entire estate to Petitioners. Petitioners request court determination that Decedent's 100% interest in real property in Kingsburg passes to them pursuant to the will.
	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		

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: skc

Reviewed on: 12-23-11

Updates:

Recommendation: SUBMITTED

File 8 - Grimes

Dept. 303, 9:00 a.m. Monday, January 9, 2012

9 Lucy M. Bosniak (CONS/PE) **Case No. 11CEPR01074**

Atty Knudson, David N. (for Andrew M. Bosniak – Son – Petitioner)

Atty Hicks, Julie A. (for Audrey Medina – Daughter – Objector)

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

Age: 85		
DOB: 12-25-26		
	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	

TEMPORARY CONSERVATORSHIP OF THE PERSON ONLY EXPIRES 12-19-11, extended to 1-9-12

ANDREW M. BOSNIAK, Son, is Petitioner and requests appointment as Probate Conservator of the Person and Estate with medical consent powers and with bond.

Estimated Value of Estate:
Personal property: $3,000.00
Annual income: $48,000.00 (pension, Social Security)
Real property: $80,000.00

Capacity Declaration was filed 12-21-11.

Petitioner states his mother suffered a ruptured cerebral aneurism on or about 11-13-11 in conjunction with a stroke. She was taken to Fresno Community Hospital on 11-17-11 and had an angiogram to stop the cranial bleeding and has been a patient there since then, and was transferred to a "step-down" unit on 12-4-11. She is bedridden and has a tracheotomy to assist with breathing and a feeding tube. She requires assistance and is not able to move her left side.

Mrs. Bosniak is unable to manage her finances or property or pay bills related to her residence. Petitioner and his family reside with her in her residence and it is necessary that the bills be paid to keep the household functioning.

Petitioner states his mother had let her health insurance lapse and temporary conservatorship of the person only was granted, including the power to reinstate the policy could be reinstated so that she could be discharged to a local sub-acute care facility.

Audrey Medina, daughter, filed an Objection on 12-16-11. Objector states she cared for the proposed conservatee in her home in Bakersfield from 2008, after she had a fall at home, through May of 2009. When Mrs. Bosniak came to reside with Objector, her hip was injured from the fall, she was blind, and she had severe dental problems. Objector cared for her until her hip was healed and assured that she had cataract surgery to restore as much vision as possible and addressed the dental problems.

SEE PAGE 2

NEEDS/PROBLEMS/COMMENTS:

Court Investigator advised rights on 12-19-11.

Voting rights affected
- Need minute order

Minute Order 12-19-11 (hearing on temporary petition): Mr. Knudson informs the Court that the Kaiser Medical Insurance has been reinstated; however, Lucy Bosniak is currently on Medicare. The Court orders Andrew Bosniak to authorize the release of Lucy Bosniak's medical records to Mr. Knudson. Mr. Knudson is ordered to provide a copy of the medical records to Ms. Hicks and the Court upon receipt. Mr. Knudson is directed to prepare the authorization and the order. The temporary of the person is extended to 1/9/12.

1. **Need Capacity Declaration addressing Mrs. Bosniak's ability to consent to medical treatment.**

   The Capacity Declaration filed 12-21-11 is incomplete and appears to be meant to only address her ability to attend the hearing on 12-19-11.

   Attorney Knudson's declaration explains handwritten notes regarding the condition preventing her presence at the hearing and states that this is what was returned by the doctor; however, based on the caption, it does not appear that further declaration regarding capacity was requested of the doctor. Examiner notes that Box B of the form's caption (the purpose of the declaration) is not checked.

2. **Bond should be at least $56,100.00 based on the estimated values and income provided in the Petition (not including real property).**

Reviewed by: skc	
Reviewed on: 12-27-11	
Updates:	
Recommendation:	
File 9 - Bosniak	

9 Lucy M. Bosniak (CONS/PE) Case No. 11CEPR01074

Atty Knudson, David N. (for Andrew M. Bosniak – Son – Petitioner)

Atty Hicks, Julie A. (for Audrey Medina – Daughter – Objector)

Atty LeVan, Nancy (Court-Appointed for Proposed Conservatee Lucy M. Bosniak)

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

SUMMARY (Continued):

When she lived with Objector, her social security and pension income were deposited into accounts in her own name in Bakersfield. Objector states that Petitioner often asked Mrs. Bosniak for money during this time, and in May 2009, he came to Objector's house and stated he wanted to have lunch with the proposed conservatee. He took her to the bank, closed her accounts, and took her to Fresno.

Objector's access to any kind of contact with her mother has been very limited since that date. When she has tried to visit, Petitioner and his family are hostile, and at times would not even unlock the gate. Petitioner and his family live in the proposed conservatee's house in Fresno, and the house has been allowed to fall into disrepair.

When Mrs. Bosniak was admitted to the hospital in November, Objector is informed that she was dehydrated and in very poor physical condition, with bed sores and severe gingivitis. Objector is concerned about her physical well-being in Petitioner's care, and is concerned that he is using her funds for his own purposes and is neglecting her needs, including the need for health insurance. Objector is investigating health insurance options for her mother; however, it is now very expensive due to her physical condition.

Objector believes the proposed conservatee would be safer and her finances more appropriately managed under her care. She is not estranged from her mother through her own doing. Objector's primary goal is her mother's health and safety, and proper management of her financial affairs.

Objector requests that:

1. The petition for conservatorship by Andrew Bosniak be denied;
2. Objector be allowed to petition for conservatorship; and
3. Other relief the Court considers proper.

Court Investigator Charlotte Bien filed a report on 12-22-11.

10 **Thomas Dominic Greco (CONS/PE)** **Case No. 08CEPR00547**

Atty **Barrus, John E. (for Beverly A. Edlund – Conservator)**

Probate Status Hearing Re: Next Accounting

Age: 96			**BEVERLY A. EDLUND**, Daughter, was appointed Conservator of the Person and Estate with $30,000.00 bond on 11-19-08. On 8-23-10, the first account was settled and the Court set this status hearing for filing of the next account. On 10-17-11, this status hearing was continued to 1-9-12 at Counsel's request.
DOB: 2-8-15			
Cont. from 101711			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✔	**Letters**	11-19-08	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt	X	
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

1. **As of 12-22-11, nothing further has been filed. Need second account pursuant to Probate Code §2620.**

Reviewed by: skc

Reviewed on: 12-22-11

Updates:

Recommendation:

File 10 – Greco

Dept. 303, 9:00 a.m. Monday, January 9, 2012

11 **Consuelo Garza (Estate)** **Case No. 06CEPR00816**

Atty **Greenup, Patricia (Pro Per – Daughter – Administrator)**

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution (Prob. C. § 122200, et seq.)

DOD: 5-5-06		
Cont. from 041111, 062011		
	Aff.Sub.Wit.	
	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	X
	UCCJEA	
	Citation	
	FTB Notice	

PATRICIA GREENUP was appointed Administrator with Limited IAEA without bond and Letters issued on 1-2-07.

Inventory and Appraisal filed 4-27-07 reflects real property located in Clovis valued at $175,000.00.

A status report from February 2008 indicated that the house was listed for sale and requested six months to close administration.

On 2-18-11, the court set this status hearing for failure to file a first account or petition for final distribution. Notice was sent to Administrator on 2-18-11.

On 4-11-11, the matter was continued to 6-20-11.

On 6-20-11, Mr. Greenup advised the Court that the home is not listed for sale, but is being rented by a non-relative, and he intends to have the property re-appraised. Mr. Greenup requested a 5-6 month continuance.

Nothing further has been filed.

NEEDS/PROBLEMS/COMMENTS:

Note: Petitioner was previously represented by Attorney Richard C. Henderson, but pursuant to Substitution of Attorney filed 10-13-09, is now pro per.

Minute Order 4-11-11: Examiner notes handed to Ms. Greenup. Matter continued to 6-20-11.

Minute Order 6-20-11: Examiner notes provided to Ms. Greenup. Mr. Greenup advises the Court that the home is not listed for sale, but is being rented by a non-relative. He further advises that he intends to have the property re-appraised. Mr. Greenup requests a five to six months continuance. Matter continued to 1/9/12.

As of 12-22-11, nothing further has been filed.

The following issue remains:

1. **Need account current or petition for final distribution.**

Updates:
Contacts: Reviewed 12-22-11
Recommendation:
Reviewed by: skc
File 11 - Garza

Dept. 303, 9:00 a.m. Monday, January 9, 2012

12 **Mary Bruno (Estate)** **Case No. 11CEPR00103**

Atty **Deprospero, Rosalie (pro per – Executor/Petitioner)**

(1) Waiver of Account and Report of Administrator and Petition for Its Settlement; (2) for Final Distribution and (3) for Allowance of Compensation to Administrator

DOD: 12/11/10		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	w/o
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	05/26/11
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
	Order	x
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

ROSALIE DEPROSPERO, Executor, is Petitioner.

Accounting is waived.

I & A	-	$107,722.62
POH	-	$23,821.28
Executor	-	$4,231.68
Closing	-	$1,000.00

Distribution, pursuant to decedent's Will, is to:

Rosalie DeProspero	-	$8,365.48
Dora Hiser	-	$4,182.74
Stacy Bruno Cuyson	-	$4,182.74
Sergio Garzon	-	$1,859.00

NEEDS/PROBLEMS/COMMENTS:

1. **The Petition states that real property of the estate was sold without Notice of Proposed Action as required by Probate Code § 15080, 15010, & 15011. Need consent to the sale of property from all beneficiaries.**
2. **Need order.**

Reviewed by: JF

Reviewed on: 12/27/11

Updates:

Recommendation:

File 12 - Bruno

Dept. 303, 9:00 a.m. Monday, January 9, 2012

13 Grayson Glen Smothers (GUARD/P) **Case No. 11CEPR00490**

Atty Smothers, Leslie (pro per Petitioner/maternal great aunt)

Petition for Visitation

Age: 2 years DOB: 9/29/2009		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
✓	Pers.Serv.	W/
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

LESLIE SMOTHERS, maternal great aunt, is petitioner.

Mother: **ASHLEY MILLER**

Petitioner was appointed temporary guardian ex-parte on 6/6/11. At the general hearing on 10/26/11 the court denied the petition for guardianship and order the minor returned to his mother on Saturday at 10:00 a.m. Visitation to be determined among the parties.

On 11/3/11 Petitioner filed this Petition for Visitation and this hearing was set.

On 11/29/11 Petitioner filed an Ex Parte Petition for Visitation.

On 11/29/11 the Court granted the Ex Parte Petition for Visitation and ordered Petitioner Leslie Smothers to have unsupervised visits with the minor from 9:00 a.m. every Wednesday to 6:00 p.m. every Friday beginning 11/30/11. The visitation order is to remain in full force and effect until the Petition for Visitation hearing on 1/9/2012.

Petitioner states in her Petition for Visitation that when they were in Court for the Guardianship Petition the judge said that the minor was to reside with the mother with visitation to her. To be decided between the mother and Petitioner. Since then the mother has allowed her to see the minor one time on 11/1/11 for approximately 2 hours in her presence. When Petitioner asked mother for visits she was told that she and her husband Greg doo things on his days off with the minor. Mother then told Petitioner that she could pick her up for lunch and she could see him then.

NEEDS/PROBLEMS/COMMENTS:
Reviewed by: KT
Reviewed on: 12/22/11
Updates:
Recommendation:
File 13 - Smothers

14 Jalaya Leota Marie Birdsong (GUARD/P) **Case No. 11CEPR00974**

Atty Artellan, Joseph (pro per Petitioner/maternal uncle)

Atty Artellan, Tammy L (pro per Petitioner/maternal aunt)

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

Age: 8 months DOB: 4/28/11		
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	X
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

TEMPORARY EXPIRES 1/9/12

JOSEPH ARTELLAN and **TAMMY ARTELLAN,** maternal uncle and aunt, are Petitioners.

Father: **GARY BIRDSONG** – *consent and waiver of notice filed 10/31/11*

Mother: **SALINA JENKINS –** *consent and waiver of notice filed 10/31/11*

Paternal grandfather: Not listed
Paternal grandmother: Emma Birdsong – *consents and waives notice.*
Maternal grandfather: Sylvester Jenkins – *consent and waiver of notice filed 10/31/11*
Maternal grandmother: Leota Canady – *consent and waiver of notice filed 10/31/11*

Petitioners state that the minor was placed in their care by Sacramento County CPS. Sacramento CPS advised the petitioners to seek guardianship of the minor in order to ensure her safety and well-being. Petitioners state that guardianship is necessary in the event of an emergency or in the event either parent tries to remove the child from their home. Petitioners state that neither parent is able to care for the minor.

NEEDS/PROBLEMS/COMMENTS:

1. **Need proof of service of the Notice of Hearing along with a copy of the Petition or consent and waiver of notice or declaration of due diligence on:**
   a. **Paternal grandfather (not listed)**

Court Investigator Samantha Henson to provide:

1. **Court Investigation report**
2. **Clearances**

Reviewed by: KT
Reviewed on: 12/22/11
Updates:
Recommendation:
File 14 - Birdsong

Dept. 303, 9:00 a.m. Monday, January 9, 2012

15 **Sage Rubi, Marley Rubi, Violet Rubi and Laura Rubi (GUARD/P)** **Case No. 11CEPR00978**

Atty **Carbral, Mary Helen (Pro Per – Maternal Grandmother – Petitioner)**

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

Sage Marie Rubi (7) **DOB: 9-28-04**		
Marley Angelique Rubi (3) **DOB: 3-5-08**		
Violet Jodie Rubi (23 mo.) **DOB: 1-22-10**		
Laura Sincere Rubi (2 mo.) **DOB: 10-1-11**		
	Aff.Sub.Wit.	
✔	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	N/A
✔	**Conf. Screen**	
✔	**Letters**	
✔	**Duties/Supp**	
	Objections	
	Video Receipt	
	CI Report	X
	Clearances	X
✔	**Order**	
	Aff. Posting	
	Status Rpt	
✔	**UCCJEA**	
	Citation	
	FTB Notice	

NO TEMPORARY – none requested

MARY HELEN CARBRAL, Maternal Grandmother, is Petitioner.

Father: **MARCELINO RUBI**
- *Consent and Waiver of Notice filed 10-28-11*

Mother: **JOANNA WELLS**
- *Consent and Waiver of Notice filed 10-28-11*

Paternal grandfather: Not listed
Paternal grandmother: Mary R. Rubi
Maternal grandfather: Howard E. Wells, Jr.

Petitioner states she can provide a home, clothing, and the love the children need.

UCCJEA indicates the children lived with their parents until 10-4-11 when they came to live with Petitioner.

Court Investigator Jennifer Young to provide report, clearances.

NEEDS/PROBLEMS/COMMENTS:

Court Investigator to provide report, clearances.

1. **Need attachment Petitioner's Confidential Guardian Screening Form explaining the answer "yes" to #6.**

2. **Need Notice of Hearing and proof of service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 or consent and waiver of notice or declaration of due diligence on:**
   - **Maternal grandfather Howard E. Wells, Jr.**
   - **Paternal grandmother Mary R. Rubi**
   - **Paternal grandfather (not listed)**

Reviewed by: skc

Reviewed on: 12-27-11

Updates:

Recommendation:

File 15 - Rubi

Dept. 303, 9:00 a.m. Monday, January 9, 2012

16 Jessie R. Chavez (GUARD/P) **Case No. 11CEPR00981**

Atty Maravilla, Angela D. (Pro Per – Maternal Aunt – Petitioner)

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

Jessie R. Chavez (4) **DOB: 3-1-07**			**NO TEMPORARY – none requested**	**NEEDS/PROBLEMS/COMMENTS:**
			ANGELA D. MARAVILLA, Maternal Aunt, is Petitioner.	**Court Investigator to provide report, clearances.**
			Father: Unknown Mother: **ANDREA BLANCO**	**1. Need proof of personal service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing or consent and waiver of notice or declaration of due diligence on:** **- Andrea Blanco (Mother)**
	Aff.Sub.Wit.		Paternal grandfather: Unknown Paternal grandmother: Unknown	
✓	**Verified**		Maternal grandfather: Ernesto Blanco Maternal grandmother: Mary Jane Barrajas *- Served by mail 11-10-11*	**2. Need proof of service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing or consent and waiver of notice or declaration of due diligence on:** **- Ernesto Blanco (Maternal grandfather)**
	Inventory		**Petitioner states** Mother is homeless and using meth and is not able to care for the child due to her mental state. She has been using for a number of years and does not know who the father is. The child has been in Petitioner's care for a year and four months.	**3. Petitioner filed declarations of due diligence stating that does not know the identity of the father and paternal grandparents because the mother does not know, and therefore she cannot search for them.** ***If diligence is not found, the Court may require further diligence or notice per Probate Code §1511.***
	PTC		**Court Investigator Samantha Henson to file report, clearances.**	
	Not.Cred.			
✓	**Notice of Hrg**			
✓	**Aff.Mail**	W		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
✓	**Conf. Screen**			
✓	**Letters**			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report	X		
	Clearances	X		
✓	**Order**			**4.**
	Aff. Posting			**Reviewed by:** skc
	Status Rpt			**Reviewed on:** 12-27-11
✓	**UCCJEA**			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 16 - Chavez**

Dept. 303, 9:00 a.m. Monday, January 9, 2012

17 Charles E. Moore, Sr. (Estate) Case No. 10CEPR00435

Atty Mcfarlane, Steven P. (for Cindy Marie Moore Harvey – Executor – Petitioner)

Petition to Determine Ownership of Property

Charles E. Moore, Sr. **DOD: 12-8-08**		
Ellen Moore **DOD: 11-12-03**		
	Aff.Sub.Wit.	
✔	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✔	**Notice of Hrg**	
✔	**Aff.Mail**	W
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✔	**Letters**	11-10-10
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✔	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

CINDY MARIE MOORE HARVEY, Daughter and Executor with full IAEA without bond, is Petitioner.

Petitioner states Decedent and his wife were residents of South Carolina. Decedent's wife Ellen Moore owned a 7.66% interest in certain real property in Fresno, and after her death in 2003, her estate was probated in South Carolina. Decedent was the sole beneficiary and this asset was listed as an asset of her estate in the South Carolina probate. Decedent assumed the property had been conveyed and treated the property as his own, including obtaining rental income. He also specifically identified the property in his own will.

Petitioner recently discovered that no conveyance of title to the subject property was ever recorded in Fresno County; however, there can be no question that Charles E. Moore, Sr., was the legal owner and inherited it from Ellen Moore, and this it is properly part of his estate.

Petitioner states notice was provided to the living beneficiaries of both estates and provides authority including reference to Probate Code §§ 850-859, specifically 850(a)(2)(C)-(D) and 856, regarding satisfaction of the Court for conveyance or transfer. Petitioner states there is ample evidence here and the "evident purpose" of these statutes is to "effectuate the intent of the decedent." (*In re Estate of Young* (2008) 160 Cal.App.4th 62, 92.)

Petitioner requests an order confirming that title passed to Decedent by and through the Estate of Ellen Moore and is part of his estate.

NEEDS/PROBLEMS/COMMENTS:

Note: This is an ancillary proceeding concerning a 7.66% interest in certain real property in Fresno, CA. Decedent and his wife were residents of South Carolina.

1. **Petitioner states this petition is brought pursuant to Probate Code §§ 850 and 17200(b), which indicates that a trust is involved.**

   Examiner also notes that the South Carolina Inventory and Appraisement form from Ellen Moore's probate (Exhibit D) states "BLACKSTONE REAL ESTATE PROPERTY *IN TRUST* FROM HER FATHER'S ESTATE." *[Emphasis added]*.

   Probate Code §17203(b) requires notice to any person whose right, title, or interest would be affected.

   Need clarification:

   - How is title of this interest in the real property currently held?

   - Is a trust involved, and are there any other parties whose interest in the subject property may be affected by this petition (such as Ellen Moore's relatives or other trust beneficiaries or owners of interest in the property)?

SEE PAGE 2

Reviewed by: skc	
Reviewed on: 12-28-11	
Updates:	
Recommendation:	
File 17 - Moore	

Dept. 303, 9:00 a.m. Monday, January 9, 2012

NEEDS/PROBLEMS/COMMENTS (Continued):

2. The Court may require clarification or authority for transfer of the subject property interest within this estate rather than an ancillary proceeding of Ellen Moore's estate with notice to *her* relatives/heirs.

Petitioner states the parties entitled to notice pursuant to Probate Code §17203(a) are Petitioner, Stanley Moore and Paul Moore, who are this decedent's children and Ellen Moore's step-children. This decedent treated the subject property as his own and specifically devises it to his children in equal shares.

However, Examiner notes that the South Carolina probate order lists two sons of Ellen Moore, Mark East and Reggie East, both of Fresno, who are not listed or noticed here. Further, Ellen Moore's will intentionally made no provision for Stanley Moore and Paul Moore, and at this time, transfer to this decedent's estate would, in essence, effectuate transfer to parties that were specifically excluded.

3. Petitioner states the South Carolina probate included the subject property and refers to the Inventory and Appraisement. However, Examiner notes that the South Carolina I&A form *incorrectly* lists the subject property as an "*In-state*" property rather than an "*Out-of-state*" property.

Since Petitioner requests conveyance based on the inclusion of the real property in that 2003 South Carolina "Informal" probate, the Court may require authority regarding whether such inclusion was appropriate.

Examiner further notes that the South Carolina "Informal" probate appears to be verification-based only and does not appear to have admitted the will or required notice to her relatives at that time.

Therefore, the Court may require clarification and/or further notice.

18 Beckham J. Parks (GUARD/P) **Case No. 11CEPR01126**

Atty Parks, Isabel (pro per – paternal grandmother/Petitioner)

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

Age: 5 months		
DOB: 07/23/11		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	x
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	x
	Conf. Screen	x
✓	**Letters**	
✓	**Duties/Supp**	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
✓	**UCCJEA**	
	Citation	
	FTB Notice	

GENERAL HEARING 02/28/11

ISABEL PARKS, paternal grandmother, is Petitioner.

Father: **PATRICK PARKS**

Mother: **JADE HORN**

Paternal grandfather: JACKY PARKS

Maternal grandfather: DAVID HORN
Maternal grandmother: LISA RUIZ

Petitioner states that the minor's mother is unable to provide a stable environment and is bouncing around from home to home and practically living out of her car. Petitioner states that the mother removed the minor from her home, the only home he has ever known. Petitioners also state that the mother is using marijuana and that the parents fight continually.

NEEDS/PROBLEMS/COMMENTS:

1. **Need *Notice of Hearing.***
2. **Need proof of personal service at least 5 court days before the hearing of *Notice of Hearing* with a copy of the *Temporary Petition* or Consent and Waiver of Notice or Declaration of Due Diligence for:**
   - Patrick Parks (father)
   - Jade Horn (mother)
3. **Need *Confidential Guardian Screening Form* and *Confidential Probate Guardian Questionnaire.***

Reviewed by: JF	
Reviewed on: 12/28/11	
Updates:	
Recommendation:	
File 18 - Parks	

Dept. 303, 9:00 a.m. Monday, January 9, 2012