1 Irvin M. Janzen aka Irwin Martin Janzen (Estate) Case No. 10CEPR00101

Atty Sullivan, J. Patrick of Visalia (for Edwin Goertzen – Executor/Petitioner)

(1) Petition for Second and Final Accounting and Report of Personal Representative, (2) Allowance of Personal Representative and Attorney's Fees and Costs and (3) Petition for Final Distribution

DOD: 01/05/10

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	03/29/10
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	x
	Order	x
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	FTB Notice	

EDWIN GOERTZEN, Executor, is Petitioner.

Account period: **02/22/10 – 10/25/11**

Accounting	-	**$423,467.58**
Beginning POH	-	**$409,693.05**
Ending POH	-	**$400,932.30**
Executor (less than statutory)	-	**$11,128.00**
Attorney (less than statutory)	-	**$11,128.00**
Closing	-	**$5,000.00**

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

Orlene Johnson	-	20%
Erma Enns	-	20%
Esther Dyck	-	20%
Edwin Goertzen	-	20%
Bruce Nickel	-	6.67%
Robert Nickel	-	6.67%
Bryce Nickel	-	6.67%

NEEDS/PROBLEMS/COMMENTS:

1. **The Petition does not make a statement regarding notice to the Victim's Compensation Board as required per Probate Code § 9202(b).**
2. **Pursuant to Local Rule 7.6.1 A - All orders or decrees in probate matters must be complete in themselves. Orders shall set forth all matters ruled on by the court, the relief granted, and the names of persons, descriptions of property and/or amounts of money affected with the same particularity required of judgments in general civil matters. <u>Monetary distributions must be stated in dollars, and not as a percentage of the estate</u>. Order does not specify the dollar amount of the distribution to each beneficiary. Need revised order.**

Reviewed by: JF

Reviewed on: 12/27/11

Updates:

Recommendation:

File 1 - Janzen

Dept. 303, 9:00 a.m. Tuesday, January 10, 2012

2 **Phillip Larry Johnson (CONS/PE)** **Case No. 10CEPR00325**

Atty **Sanoian, Joanne (for David Johnson – Brother – Conservator)**

(1) First and Final Account and Report of Conservator; (2) Petition for Its Settlement; (3) For Allowance of Attorney Fees and Cost Advanced; (4) for Reimbursement of Out - of - Pocket Expenses to Conservator; (5) for Discharge of Conservator and Surety on Bond (Probate Code 1060-1064, 1860, 1861, 2620, 2640)

DOD: 9-8-10

Cont. from 091211

	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	

DAVID JOHNSON, brother and Conservator, is Petitioner.

Account period: 4-28-10 through 6-28-10

Accounting:	$	165,468.18
Beginning POH:	$	159,343.21
Ending POH:	$	154,963.56

Account period: 6-29-10 through 6-9-11

Accounting:	$	188,086.70
Beginning POH:	$	154,963.56
Ending POH:	$	10,994.34 (cash)

Conservator: $2,971.30 (reimbursement for travel, etc., expenses associated with obtaining conservatorship and final conservatorship estate administration including funeral expenses, etc.)

Attorney: $7,702.50 (Petitioner requests reimbursement from the Conservatorship Estate for this amount paid to attorney.)

Additional Attorney's fees: To be determined and paid by Petitioner outside of the conservatorship estate.

Costs: $395.00 (probate referee, filing fee)

Petitioner prays for an Order:

1) Settling and allowing this account and confirming the acts of Petitioner as Conservator;
2) Reimbursing Petitioner the sum of $2,971.30;
3) Reimbursing Petitioner the sum of $7,959.78 paid for attorney's fees advanced by him;
4) Authorizing payment of the remaining balance as partial payment for the $583.00 in costs advanced;
5) Discharge upon approval of the final account; and
6) Discharge of Petitioner's bond upon filing of the Ex Parte Order for Final Discharge.

Declaration of Attorney Lisa Horton filed 9-8-11 requested continuance for the real property in foreclosure to be sold at trustee's sale without affecting the beneficiary's credit, and also addressed items previously noted by the Examiner.

Declaration of Attorney Lisa Horton filed 1-5-12 states the house was sold on 12-12-11 and attaches the recorded notice and transfer deed.

NEEDS/PROBLEMS/COMMENTS:

Continued from 9-12-11

Note: Attorney Lisa Horton previously requested continuance for the real property in foreclosure to be sold at trustee's sale without affecting the beneficiary's credit.

Per Declaration filed 1-5-12, the house was sold on 12-12-11.

Updates:

Contacts: Reviewed 12-28-11, 1-6-12

Recommendation:

Reviewed by: skc

File 2 - Johnson

Dept. 303, 9:00 a.m. Tuesday, January 10, 2012

3A John R. Panzak (Estate) Case No. 10CEPR00505

Atty Panzak, Gordon G. (Self-represented Petitioner)
Atty Shekoyan, James E.; Paloutzian, Dirk; Woo, Andrew; of Baker Manock & Jensen (for Respondents John R. Panzack, Jr., Executor/Trustee; Sharon Panzak; Andrea Clifft; and John Robert Panzak, III)

Notice of Motion and Petitioner's Motion to Amend Petition in Excess of the Court's Ruling and Points and Authorities and Declaration in Support

Age:		
DOD:		
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	

GORDON PANZAK, son, is Petitioner.

JOHN R. PANZAK, JR., was appointed Executor of Decedent's Will dated 3/13/2007 and *Letters* issued on 8/11/2010.

Petitioner states:

- The Court's ruling has restricted the scope of Petitioner's Second Amended Petition;
- The Court's ruling is a de facto sustaining of Respondents' demurrer without leave to amend, as the Court bars Petitioner from curing the issue of the Statute of Frauds by amending his petition to reflect the existence of a writing reflecting Trust terms and an agreement to abide by them, signed by both Margaret Ann Panzak and John Panzak, Sr.;
- Such an amendment would cure the defect in the pleading as to the PrC §15206 issue by alleging that the Trust, while initially oral, was later evidenced by a written instrument signed by the trustees;
- The Court directs Petitioner to contest the validity of the Trust based upon undue influence or fraud with the risk of disinheritance; such restrictions put Petitioner in a position of materially altering his causes of action which may result in a "Trap for the Unwary," i.e., requiring Petitioner to amend to add a cause of action upon which the Statute of Limitation may have run and to risk automatic disinheritance as well – which does not seem to be fair and just;
- The Court additionally requires that Petition somehow affirmatively "plead around" the terms of §16061.8; mere knowledge that a Trust exists does not equal compliance with by the trustee, absent some evidence in the pleading that §16061.7 was complied with; this issue should not now be before the Court.

Points and Authorities

- It is black letter law that a demurrer tests the pleadings alone…defendants cannot set forth allegations of facts in their demurrer which, if true, would defeat Plaintiff's complaint. *Gould v. Maryland* 31 Cal. App. 4th 1137 (1995, 2nd Dist.). A demurrer does not permit the trial court to make any factual findings at all, including "implicit" ones. *Mink v. Maccabee* 121 Cal. App. 4th 835 (2004, 2nd Dist.).

SEE ATTACHED PAGE

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: NRN
Reviewed on: 1/5/12
Updates:
Recommendation:
File 3A - Panzak

Dept. 303, 9:00 a.m. Tuesday, January 10, 2012

- In *La Sala American S&L Ass'n* (1971) 5 Cal. 3d 864, the superior court ruled it is an abuse of discretion to sustain a demurrer without leave to amend where there is a reasonable probability that the defect can be cured by amendment;
- A demurrer admits the truth of all material facts properly pleaded; it is not the court's role to decide that the complaint is false in whole or in part. A demurrer tests issues of law, not fact, and grounds for objection arise only is the defect appears on the face of the pleadings. *Williams v. South Cal. Gas Company* (2009) 176 CA 4591.
- Finally, the application of §16016.8 requires proper notice and that the legal format must be followed. *Harutsak v. Wilkins* 84 Cal. App. 4th 208 (2005, 5th Dist.)

Petitioner requests the Court amend its ruling to allow the full amendments, as set forth in Petitioner's Second Amended Petition.

3B John R. Panzak (Estate) **Case No. 10CEPR00505**

Atty Panzak, Gordon G. (Self-represented Petitioner)
Atty Shekoyan, James E.; Paloutzian, Dirk; Porter, Corbin; of Baker Manock & Jensen (for Respondents John R. Panzack, Jr., Executor/Trustee; Sharon Panzak; Andrea Clifft; and John Robert Panzak, III)

2nd Amended Petition by Claimant to Determine Ownership of Real Property, for Imposition of a Constructive Trust, and for Order Directing Executor to Transfer Property to Petitioner and For Damages [Prob. C. §850(a) 3(A)]

Age:		
DOD:		
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	

GORDON PANZAK, son, is Petitioner.

JOHN R. PANZAK, JR., was appointed Executor of Decedent's Will dated 3/13/2007 and *Letters* issued on 8/11/2010.

Petitioner states:

- Decedent executed a Will in 2007 (copy will be submitted when it becomes available to Petitioners*);[Note: please see copy of Will at Attachment 3e(2) to the initial Petition for Probate filed by John Panzak, Jr. on 6/10/2010];*
- Decedent executed the **JOHN ROBERT PANZAK TRUST** in 2007 (copy will be submitted when it becomes available to Petitioners); *[Note: file does not contain a copy of the Trust]*;
- **JOHN R. PANZAK, JR**., has been Trustee of the Trust since Decedent's death;
- Beneficiaries of the Will are John R. Panzak, Jr., Gordon Panzak, and **JOHN ROBERT PANZAK TRUST**; beneficiaries of the Trust are John R. Panzak, Jr., and Gordon Panzak;
- Decedent's Will leaves his personal property to John Panzak, Jr., and Gordon Panzak in equal shares;
- In 1947, **RUTH JAMES GOWER** *[aunt/caregiver of Decedent's spouse, **MARGARET ANN PANZAK**]* inherited a fractional interest in real property in Santa Cruz, and over the next few years she purchased the other fractional interest and became the sole owner;
- Over the years, Ruth often stated to Gordon and John, Jr., when they were children (who Ruth viewed as her grandchildren) that the Santa Cruz property would go upon her death to Margaret as Trustee for John, Jr., and Gordon, who were to get title to the property as co-owners upon the death of Margaret and John, Sr.;
- In the early 1970's Ruth acknowledged to Gordon that she had instructed Margaret and John, Sr. that upon their deaths the Santa Cruz property was to go to John, Jr., and Gordon; upon the advice of counsel, **JOHN JAMES**, Ruth tried to keep the trusteeship simple with a "less paperwork is better" idea; Margaret and John, Sr. were in agreement with the Trust conditions and would hold the house in trust for John, Jr., and Gordon;
- In 1975, Attorney John James prepared a document wherein Margaret and John, Sr. acknowledged that the Santa Cruz property was held by them as trustee for Gordon and John Jr.'s benefit, to be transferred to them ½ interest each, upon the death of surviving trustee. Additionally, the 405 E. Adams property was held by them as trustee for the benefit of Petitioner Gordon, to be transferred to him upon the death of the then surviving trustee;
- After a due diligence search of the 405 E. Adams premises, Petitioner is unable to locate the original or copies of the document. Petitioner personally read a copy of the document in 1975, and believes that is has been lost, destroyed, stolen or misplaced by no fault or action of Petitioner;

~Please see additional page~

NEEDS/PROBLEMS/COMMENTS:

1. **Need Order.**

Reviewed by: NRN

Reviewed on: 1/5/12

Updates:

Recommendation:

File 3B - Panzak

Dept. 303, 9:00 a.m. Tuesday, January 10, 2012

Petitioner Gordon Panzak states, continued:

- In December 1974, Ruth died; the Santa Cruz property had been put in joint tenancy with Ruth and Margaret as joint tenants, and was transferred to Margaret upon Ruth's death; the transfer was without consideration;
- Between 1974 and 1992, Margaret placed John, Sr., as joint tenant on the Santa Cruz property, and the joint tenancy was without consideration;
- In December 1992, Margaret died; in 1993 John, Sr., transferred title to himself without consideration; despite the fact that he never physically resided at the Santa Cruz property, John, Sr., held title, paid the insurance and taxes, and made periodic repairs and improvements to the house;
- In 2000, John, Sr., executed a Trust leaving the entire property to John Panzak, Jr., in breach of his fiduciary duties;
- The execution of said Trust was concealed from Gordon until May 2010;
- The transfer was without consideration and was induced by fraud, coercion, deceit, and undue influence practiced by John, Jr., and his spouse, **SHARON PANZAK**, and his children, **JOHN ROBERT PANZAK, III (ROBBIE)**, and **ANDREA CLIFFT**;
- Between 1992 and 2010, John, Jr., Sharon, Andrea and Robbie, systematically and consistently and in conspiracy with one another, practiced fraud, deceit, coercion, and undue influence upon John, Sr., in an attempt to alienate the affection of John, Sr., toward Gordon, and to induce John, Sr., to breach his fiduciary duty regarding the Santa Cruz property toward Gordon, and did induce such breach.
- **<u>PETITIONER REQUESTS A COURT ORDER</u>:**
    - **Determining that Petitioner is the owner of ½ undivided interest in the Santa Cruz property;**
    - **Imposing a Constructive Trust on the Santa Cruz property in favor of Petitioner;**
    - **Conveying 1/2/ undivided interest in the Santa Cruz property to Petitoner;**
    - **Ordering the John Sr. Estate to compensate Petitioner Gordon for the ½ the fair market value of the Santa Cruz Property at the time of the fiduciary breach (property value $1.5 million - ½ of that value is $750,000.00);**
    - **For fees and costs of suit, and for**
    - **Punitive Damages according to proof**.

Respondents' Demurrer to Second Amended Petition, filed 12/30/11, states:

- **<u>Respondents demur on several grounds:</u>**
    - The Second Amended Petition disregards the Court's 11/1/11 Order and inappropriately realleges Petitioner's §850 claim;
    - The Second Amended Petition does not allege how the notice Petitioner received in May of 2010 was ineffective;
    - Petitioner's argument that the Court cannot determine whether the 120-day limitations period was complied with (as argued in Petitioner's Motion to Amend (*see page 3A Examiner Notes*) is unpersuasive, and it is clear that Petitioner's March 2011 is time barred; and
    - Petitioner has failed to amend his pleading to establish what conduct, if any, establishes that any undue influence or fraud caused the alleged improper disposition of the Santa Cruz property.

<u>SEE ATTACHED PAGE</u>

- Petitioner fails to comply with the Court's 11/1/11 Order and instructions to 1) identify with specificity the alleged wrongful conduct by Respondents that is alleged to have caused John Sr. to leave the Santa Cruz property to John Jr. when he would have left it to both his sons and 2) plead around the prior allegation that Petitioner Gordon received notice of the Trust in May 2010 by identifying how such notice was ineffective or otherwise explaining why his (Petitioner's) Petition is not barred by the 120-day statute of limitations pursuant to PrC §16061.8;
- Despite the 12/9/11 date denoted on the postage affixed to the envelope enclosing the Petitioner's amended Petition, Respondents' attorney's office did not receive service of the Petition until 12/23/11; the postage is comprised of sheets of paper cuts out and affixed to a larger manila envelope; the postage on the envelope has not been canceled by the post office. (See *Declaration of Corban L. Porter* filed in support of Demurrer);
- In his Second Amended Petition, Petitioner reasserts his §850 claim, and premises its viability on an alleged document which memorialized the trust agreement to distribute the Santa Cruz property to Gordon and John Jr. equally ---but alleges that the document has been lost or destroyed through no fault of Petitioner;
- Petitioner's pleading further fails to address the Court's ruling regarding sham pleadings, and its ability to disregard inconsistent material allegations between pleadings; instead of providing explanation regarding the inconsistency between his pleadings, Petitioner simply calls the limitation "unfair" and requests that the Court allow him to plead in excess of the Order.
- **Respondents request the Court sustain their demurrers without leave to amend.**

4 Re: Jeri L. Shubin 2007 Trust (Trust) Case No. 11CEPR01018

Atty Keeler, William J. (for Roberto Garcia – beneficiary/Petitioner)

Petition to Remove Trustee and for Appointment of Successor Trustee; (2) for Surcharge of Trustee; (3) for Order directing Trustee to Return Trust Property to Trust; (4) and for Order Compelling Trustee to Account and Report [Prob. C. §§ 850, 15642, 16064, 17200(b)]

DOD: 06/29/11		
Cont. from		
	Aff.Sub.Wit.	
	Verified	x
	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	

ROBERTO GARCIA, Trust Beneficiary, is Petitioner.

Petitioner states:

1. Decedent created the Jeri L. Shubin 2007 Trust (the "Trust") and a pour-over Will on August 23, 2007;
2. Decedent amended the Trust on July 1, 2009 (the "First Amendment");
3. Decedent amended the Trust a second time on December 15, 2009 (the "Second Amendment");
4. Decedent amended the Trust a third and final time on December 13, 2010;
5. Decedent died on June 29, 2011, at which time the Trust became irrevocable;
6. Petitioner is a named beneficiary of the Trust and also was nominated as second successor trustee in the Third Amendment to the Trust;
7. Petitioner states that Evelyn Lauderdale is the current acting trustee;
8. Petitioner states that Evelyn Lauderdale is a contingent beneficiary only, in that she succeeds to the personal property of the Trust only in the event the decedent did not leave a letter of instructions governing the distribution of such property;
9. Petitioner states that Evelyn Lauderdale was present when decedent discussed her estate planning with her attorney as was aware that she was solely a contingent beneficiary and successor trustee of the Trust;
10. Petitioner states that Evelyn Lauderdale was a co-owner of a Chase bank account with the decedent due to the decedent needing assistance in paying bills as her health declined;
11. Petitioner states that decedent owned investment accounts with Merrill Lynch, John Hancock, and Wells Fargo Financial either individually or in her capacity as trustee of the Trust and Petitioner understands that certain individuals, including the Petitioner, were pay-on-death beneficiaries of one of more of these accounts;
12. Petitioner states that Evelyn Lauderdale was not an authorized signer on any of these accounts;

See Page 2 for more information

NEEDS/PROBLEMS/ COMMENTS:

~~**1. Petition is not verified.**~~

Separate verification signed by Petitioner was filed 1-9-12.

Examiner notes that the verification refers to the "foregoing" Petition, but a copy of the Petition is not attached to the verification.

2. Need *Notice of Hearing* and proof of service by mail 15 days before the hearing.

~~**3. Need Order.**~~

Proposed order was submitted 1-9-12.

Reviewed by: JF / skc

Reviewed on: 12/28/11

Updates: 1/9/12

Recommendation:

File 4 - Shubin

13. Petitioner states that in or around May 2011, while the decedent was in the hospital, Evelyn Lauderdale went to Merrill Lynch, John Hancock, and Wells Fargo Financial, and using a durable power of attorney signed by decedent, transferred between $150,000.00 - $250,000.00 from the decedent's investment accounts into the Chase account she co-owned with the decedent;
14. Petitioner states that the decedent did not know about and did not authorize Ms. Lauderdale to make such transfers;
15. Petitioner states that upon the decedent's death, the funds in the Chase account reverted to Ms. Lauderdale by operation of law;
16. Petitioner states that after decedent's death, Ms. Lauderdale closed the Chase account without any accountings having been given to the decedent before her death or to any other person with an interest in the funds, including the Petitioner or other pay-on-death beneficiaries of the investment accounts;
17. Petitioner states that he does not know what happened to the funds that were in the Chase account when Ms. Lauderdale closed the account;
18. Petitioner states that Ms. Lauderdale's removal of the funds from the decedent's accounts, without the decedent's knowledge or consent, constituted fraud on the decedent and on the intended beneficiaries of the accounts, including the beneficiaries of the Trust;
19. Petitioner states that as a result of her wrongful conduct, Ms. Lauderdale has breached her duties as successor trustee of the Trust and holds funds removed from the investment accounts;
20. Petitioner states that Ms. Lauderdale should be removed as trustee of the Trust and should be made to account and report for the funds she took from decedent's investment accounts and for her administration of the Trust estate;
21. Petitioner further states that Ms. Lauderdale, as successor trustee of the Trust, has a fiduciary duty to administer the Trust according to the Trust Instrument and applicable law, keep trust property separate from other property not subject to the Trust and see that the Trust property is designated as property of the Trust;
22. Further, Petitioner states that the Ms. Lauderdale, as successor trustee of the Trust, has a duty to keep the beneficiaries of the Trust reasonably informed of the Trust and its administration;
23. Petitioner alleges that Ms. Lauderdale has taken possession of Trust property and titled it in her own name individually. This property includes, but is not limited to, the funds taken from decedent's investment accounts;
24. Petitioner alleges that Ms. Lauderdale intentionally chose to act to her own benefit instead of to the benefit of the beneficiaries of the Trust, all contrary to her duties and responsibilities as successor trustee;
25. Petitioner also states that Ms. Lauderdale, in her capacity as successor trustee, has intentionally sought to harm Petitioner's interest as a beneficiary of the Trust by bringing a trust contest in the unlimited civil department of Fresno Superior Court (Case No. 11CECG02841), by failing to fully disclose in her pleadings the amendments to the Trust, which grant property to the Petitioner, by failing to disclose the existence of certificates of independent review related to the amendments to the Trust which grant property to the Petitioner, by failing to object to the amendments during the decedent's lifetime despite having been present at the time of their creation, and by seeking a temporary restraining order and preliminary injunction against Petitioner enjoining him from accessing the trailer without filing an unlawful detainer action and without disclosing Petitioner's entitlement to that property under the amendments to the Trust;

26. Petitioner alleges that by her actions, Ms. Lauderdale has intentionally and willfully breached her fiduciary duties to the beneficiaries of the Trust, including Petitioner, thereby causing damage to the Petitioner and the other Trust beneficiaries;

Petitioner requests an Order:

1. Immediately removing Ms. Lauderdale as trustee of the Trust;
2. Appointing a neutral third-party as successor trustee;
3. Directing Ms. Lauderdale to prepare and file an account and report of her administration of the Trust for the period of May 1, 2011 up to and including her removal as successor trustee of the Trust, and set the account and report for hearing upon proper notice;
4. Directing Ms. Lauderdale to turn over to the successor trustee all assets in her possession or control removed from decedent's investment accounts, as well as any other assets properly belonging to the Trust;
5. Surcharging Ms. Lauderdale according to proof;
6. For damages according to proof;
7. For punitive damages in an amount warranted by Ms. Lauderdale's intentional and willful breach of her fiduciary duties;
8. For any other relief the Court deems just and proper.

5 Geraldine Fern Starr aka Geraldine F. Starr aka Geraldine Starr (Estate) Case No. 11CEPR01021

Atty French, G. Dana (for Rodney D. Starr – son/Petitioner)

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

DOD: 10/11/08			**RODNEY D. STARR,** son/named alternate executor without bond, is Petitioner.	**NEEDS/PROBLEMS/COMMENTS:**
Cont. from			Full IAEA – OK	
✓	**Aff.Sub.Wit.**			
✓	**Verified**		Will dated 12/07/04	
	Inventory			
	PTC		Residence: Selma	
	Not.Cred.		Publication: Selma Enterprise	
✓	**Notice of Hrg**		**<u>Estimated Value of the Estate:</u>**	
✓	**Aff.Mail**	w/	Real property - $225,000.00	
✓	**Aff.Pub.**			
	Sp.Ntc.		Probate Referee: **RICK SMITH**	
	Pers.Serv.			
	Conf. Screen			
✓	**Letters**			
✓	**Duties/Supp**			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	**Order**			
	Aff. Posting			**Reviewed by:** JF
	Status Rpt			**Reviewed on:** 12/27/11
	UCCJEA			**Updates:** 01/05/12
	Citation			**Recommendation:** SUBMITTED
	FTB Notice			**File 5 - Starr**

Dept. 303, 9:00 a.m. Tuesday, January 10, 2012

6 Dolores Burns (CONS/E) **Case No. 04CEPR00195**

Atty Motsenbocker, Gary L
Atty Wright, Janet L
Atty Knudson, David N.

Probate Status Hearing Re: Next Accounting

Age:			NEEDS/PROBLEMS/COMMENTS:
DOD:			**OFF CALENDAR**
			Third & Final Account was heard and approved on 10/05/10. The Conservator was discharged on 12/21/10.
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: JF
	Status Rpt		Reviewed on:
	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 6 - Burns

7 Olivia Patrice Lassley (GUARD/E) Case No. 10CEPR00353

Atty **Lind, Ruth P (for Guardian/Mother Stephanie Lassley)**

Status of Mom's Employment

Age: 12 years		
DOB: 12/28/99		
Cont. from 091211		
	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	

STEPHANIE LASSLEY, Mother, was appointed Guardian of the Estate on 6/8/10 with all funds to be placed in a blocked account. Letters issued on 6/8/2010.

Inventory and appraisal filed on 1/4/11 shows the estate value at $676,276.36. ***(First account was for the account period ending 6/8/11 is now due.)***

Background:

On 11/24/10, Mother ("Guardian") filed a *Petition for Order Authorizing Minor's support from Estate Despite Liability of Oth*ers, stating:

- Guardian has returned to school to get her teaching credential through National University, and she works part time as a substitute teacher;
- When she works, she earns $90.00 per day or $45.00 per half day;
- In order to receive her teaching credential, Guardian will have to student teach for one year and will therefore be unable to work for that year;
- If Guardian is able to continue as scheduled, she is hoping to secure a job by the end of the 2012 school year, however this is not guaranteed.
- **Guardian's Petition requested an order:** authorizing the Guardian to support and maintain the minor out of the estate to the extent of $700.00 per month to be paid to the Guardian, for assistance with living costs until further order of the court, commencing on July 1, 2010 (the date upon which the court authorized distribution of the Estate of Shane W. Lassley, Case no. 09CEPR00554), for a total amount of $2,800.00 for the period of 7/1/10 to 10/31/09; and thereafter pay Stephanie Lassley the amount of $700.00 per month.

The *Petition* was heard on 1/24/11. Minute Order dated 1/24/11 states: The Court Grants the Petition and orders that the sum of $700.00 be paid until further order of the Court. Order is retroactive as of 7/1/10. The Court also set a status hearing for 9/12/11 for the Status of Guardian's employment.

Minute Order dated 09/12/11 set this matter status and states: Counsel advised the Court that mother has been unable to obtain full-time employment due to the County freeze on positions. She further advises that mother is substituting with Fresno Unified and has been offered part-time work with Scholastic Books. The Court orders that the $700.00 per month continue and all prior orders remain in full force and effect.

NEEDS/PROBLEMS/COMMENTS:

CONTINUED FROM 09/12/11

1. **Need status update of Mother's (Guardian) employment.**

Reviewed by: NRN/JF	
Reviewed on: 12/30/11	
Updates:	
Recommendation:	
File 7 - Lassley	

8 **Graceson Scawthorn Lassley (GUARD/E)** **Case No. 10CEPR00354**

Atty **Lind, Ruth P (for Guardian/Mother Stephanie Lassley)**

Status of Mom's Employment

Age: 13 years		
DOB: 3/16/1998		
Cont. from 091211		
	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	

STEPHANIE LASSLEY, Mother, was appointed Guardian of the Estate on 6/8/10 with all funds to be placed in a blocked account. Letters issued on 6/8/2010.

Inventory and appraisal filed on 1/4/11 shows the estate value at $676,276.36. ***(First account was for the account period ending 6/8/11 is now due.)***

Background:

On 11/24/10, Mother ("Guardian") filed a *Petition for Order Authorizing Minor's support from Estate Despite Liability of Oth*ers, stating:

- Guardian has returned to school to get her teaching credential through National University, and she works part time as a substitute teacher;
- When she works, she earns $90.00 per day or $45.00 per half day;
- In order to receive her teaching credential, Guardian will have to student teach for one year and will therefore be unable to work for that year;
- If Guardian is able to continue as scheduled, she is hoping to secure a job by the end of the 2012 school year, however this is not guaranteed.
- **Guardian's Petition requested an order:** authorizing the Guardian to support and maintain the minor out of the estate to the extent of $700.00 per month to be paid to the Guardian, for assistance with living costs until further order of the court, commencing on July 1, 2010 (the date upon which the court authorized distribution of the Estate of Shane W. Lassley, Case no. 09CEPR00554), for a total amount of $2,800.00 for the period of 7/1/10 to 10/31/09; and thereafter pay Stephanie Lassley the amount of $700.00 per month.

The *Petition* was heard on 1/24/11. Minute Order dated 1/24/11 states: The Court Grants the Petition and orders that the sum of $700.00 be paid until further order of the Court. Order is retroactive as of 7/1/10. The Court also set a status hearing for 9/12/11 for the Status of Guardian's employment.

Minute Order dated 09/12/11 set this matter status and states: Counsel advised the Court that mother has been unable to obtain full-time employment due to the County freeze on positions. She further advises that mother is substituting with Fresno Unified and has been offered part-time work with Scholastic Books. The Court orders that the $700.00 per month continue and all prior orders remain in full force and effect.

NEEDS/PROBLEMS/COMMENTS:

1. **Need status update of Mother's (Guardian) employment**

Reviewed by: NRN/JF

Reviewed on: 12/30/11

Updates:

Recommendation:

File 8 - Lassley

Atty Vallis, James H., sole practitioner, Kingsburg (for Petitioner Magdalena Rangel, Administrator)

Status Hearing Re: Approval of Sale

DOD: 9/14/2009	
Cont. from 062111	
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	

MAGDALENA RANGEL, sister, was appointed Administrator with Full IAEA with bond of **$60,000.00** on 7/12/2010. ***Amended Order for Probate* was signed on 8/18/2010 granting the Administrator <u>Limited IAEA without bond</u>** and *Letters* issued on that date.

***Minute Order* dated 8/9/2010** from the status hearing on filing of the proof of bond states the Court grants the request for no bond, but then grants only limited authority in lieu of full authority. Matter set for status hearing regarding sale of property on 2/7/2011.

Report on Status of Residence Sale filed 2/9/2011 for the status hearing on 2/22/2010 (continued from 2/7/2011) for the sale of the real property states that Petitioner contacted a broker and was informed that due to the condition of the home, the broker declined to list the property until habitability corrections are made.

***Minute Order* dated 2/22/2011 states the Court orders a reappraisal** (*Order on Report of Status of Residence Sale* signed on 3/2/2011 reiterates the order for reappraisal). Matter is set on 6/21/2011 for status hearing on approval of sale.

***Reappraisal for Sale* filed on 4/18/2011** indicates a reappraised value of the ½ interest in real property at **$42,500.00**. (Note: *Final Inventory and Appraisal* filed 9/1/2010 indicates the real property was valued at **$55,000.00**.)

***Affidavit of Publication* filed on 5/24/2011** shows publication was made in the Fresno Bee indicating the Kingsburg real property was to be sold on 5/23/2011 at private sale at the office of Attorney Vallis for **$85,000.00** cash on an "as is" basis.

***Minute Order* dated 6/21/2011** from the last status hearing states [Judge Gallagher]: Counsel advises the Court that the property has not been sold. Counsel further advises that they had a buyer, but the bank withdrew its support. The Court is informed that there are seven heirs. The Court continues the matter to 1/10/2012. Counsel is directed to file a report of sale if there is a sale of the property in the interim.

NEEDS/PROBLEMS/COMMENTS:

1. **Need *Report of Sale and Petition for Order Confirming Sale of Real Property* (mandatory-use Judicial Council form DE-260) pursuant to Probate Code § 10308(a), which requires proof of 15 days' posting by the Court of the notice of time and place of hearing pursuant to Probate Code §§ 10308(c) and 1230(a).**

Reviewed by: LEG

Reviewed on: 12/28/11

Updates:

Recommendation:

File 9 - Castro

10 Matthew William Fulcher (GUARD/E) **Case No. 11CEPR00272**

Atty Magness, Marcus D., of Gilmore, Wood, Vinnard & Magness (for Petitioner Julie Fulcher)

Probate Status Hearing Re: Proof of Funds in Blocked Account

Age: 15 years **DOB: 2/15/1996**	**JULIE FULCHER**, mother, was appointed guardian of the estate on 6/9/2011. Order Appointing Guardian states **$240,000.00** was to be placed into a blocked account at Union Bank in Fresno with receipts to be filed. **Receipt for Blocked Account filed on 10/4/2011** showing **$121,103.77** was deposited into the blocked account at Union Bank.	**NEEDS/PROBLEMS/COMMENTS:** **<u>Continued from 10/26/0211</u>. *Minute Order* states counsel advises the Court that he is waiting on a copy of the insurance policy. Counsel requests a continuance. The matter is continued to 1/10/2012. If filed by 1/10/2012, matter will be taken off calendar.** **1. Receipt for blocked account filed 10/4/2011 was not on the mandatory Judicial Council form, therefore does not include all the information required.** **2. Order Appointing Guardian dated 6/9/2011 ordered $240,000.00 to be placed into a blocked account. Receipt shows a deposit of $121,103.77, a difference of $118,896.23. Need receipt for the additional $118,896.23.**
		Reviewed by: KT / LEG
		Reviewed on: 12/30/11
		Updates:
		Recommendation:
		File 10 - Fulcher

Cont. from 081711, 092111, 102611		
	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	

Dept. 303, 9:00 a.m. Tuesday, January 10, 2012

11 Shaymus Brant Doughty (GUARD/P) **Case No. 05CEPR00511**

Atty Brungess, Julia A. (for Roy Oken & Doreen Oken – maternal grandparents)
Atty Doughty, James R Jr. (pro per – father/Petitioner)
Atty Doughty, James R. (pro per – paternal grandfather)
Atty Doughty, Linda (pro per – paternal grandmother)

Petition for Visitation

Age: 7
DOB: 03/05/04

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	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

JAMES R. DOUGHTY, JR., father, is Petitioner.

ROY OKEN and **DOREEN OKEN,** maternal grandparents were appointed co-guardians on 09/12/05.

Pursuant to an order after a hearing on May 17, 2011, father, James R. Doughty, Jr., currently has supervised visits during the paternal grandparents' regularly scheduled visits on alternating weekends.

Petitioner is requesting visitation over Thanksgiving vacation, from November 18, 2011 to November 21, 2011, so that the minor can accompany his paternal relatives on a trip to Baja Mexico to visit his great grandmother.

On 11/08/11, the Court denied Petitioner's Ex Parte Application for Order Shortening Time.

On 11/09/11, the Court denied Petitioner's Ex Parte Petition for Visitation.

NEEDS/PROBLEMS/COMMENTS:

1. **Need *Notice of Hearing.***
2. **Need proof of service by mail at least 15 days before the hearing of *Notice of Hearing* with a copy of the *Petition for Visitation* on the guardians, Roy Oken & Doreen Oken.**

Note:
It is unclear whether the petitioner is still pursuing this matter since the dates visitation was requested were from 11/18/11 – 11/21/11.

Reviewed by: JF
Reviewed on: 12/29/11
Updates:
Recommendation:
File 11 - Doughty

Dept. 303, 9:00 a.m. Tuesday, January 10, 2012

12 **Esther Perez (Estate)** **Case No. 10CEPR00695**

Atty **Perez, Conrad (pro per – son/Executor)**

Probate Status Hearing Re: Filing of the First Account and/or Final Distribution

DOD: 05/19/10	**CONRAD PEREZ,** son, was appointed Executor without bond and letters were issued on 11/09/10. **Minute order dated 11/09/10** set this matter for status on 01/10/12. Inventory & Appraisal was filed on 03/08/11.	**NEEDS/PROBLEMS/COMMENTS:** 1. **Need First Account and Petition for Final Distribution.**
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:** JF
Status Rpt		**Reviewed on:** 12/28/11
UCCJEA		**Updates:**
Citation		**Recommendation:**
FTB Notice		**File 12 - Perez**

Dept. 303, 9:00 a.m. Tuesday, January 10, 2012

13 **Jada Noor Dave (GUARD/P)** **Case No. 11CEPR00266**

Atty **Hardy, Amelia (Pro Per – Paternal Grandmother – Petitioner)**

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

Age: 3		
DOB: 11-27-08		
	Aff.Sub.Wit.	
	Verified	X
	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**	
✔	**Clearances**	
✔	**Order**	
	Aff. Posting	
	Status Rpt	
✔	**UCCJEA**	X
	Citation	
	FTB Notice	

NO TEMPORARY – none requested.

AMELIA HARDY, Paternal Grandmother, is Petitioner.

Father: **MILIKE NOOR**
Mother: **EDDISHA DAVE**

Paternal Grandfather: Edward Dave
Maternal Grandfather: Not listed
Maternal Grandmother: Not listed
Half-Brother: Morris Griffen

Petitioner states she is helping with her granddaughter while Mother attends school.

Court Investigator Jo Ann Morris filed a report on 12-30-11.

NEEDS/PROBLEMS/COMMENTS:

CONTINUED TO 2-15-12

at Petitioner's request.

Note: Petitioner was previously appointed temporary guardian on 4-18-11; however, there were no appearances at the general hearing on 10-18-11 and the petition was denied and dismissed. This petition was filed 11-2-11 (two weeks later) without a temporary request.

If this petition goes forward, the following issues exist:

SEE PAGE 2

Reviewed by: skc
Reviewed on: 12-29-11
Updates: 12-30-11, 1-4-12
Recommendation:
File 13 - Dave

Dept. 303, 9:00 a.m. Tuesday, January 10, 2012

13 Jada Noor Dave (GUARD/P) Case No. 11CEPR00266

Atty Hardy, Amelia (Pro Per – Paternal Grandmother – Petitioner)

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

NEEDS/PROBLEMS/COMMENTS (Continued):

<u>If this petition goes forward, the following issues exist</u>:

1. **The Petition and the UCCJEA are not verified.**

2. **Petitioner includes the child on the Declaration of Due Diligence with Morris Griffen, listed as Half-Brother. The declaration also indicates that Petitioner spoke with Morris Griffen in order to look for him. Need clarification.**

3. **UCCJEA at #3 lists the current address for the child in Queen Creek, Arizona and states "Babysitting" but does not state the name of the person the child is with. At #6 the UCCJEA states Morris Griffen has physical custody of the child, but Examiner notes that Petitioner also filed a Declaration of Due Diligence for Morris Griffen and the child (#2 above). Need clarification.**

4. **Need Notice of Hearing for 2-15-12 hearing date.**

5. **Need proof of personal service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 or consent and waiver of notice or declaration of due diligence on:**
   - Milike Noor (Father)
   - Eddisha Dave (Mother)

6. **Need proof of service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 or consent and waiver of notice or declaration of due diligence on:**
   - Edward Dave (Paternal Grandfather)
   - Maternal Grandfather (Not listed)
   - Maternal Grandmother (Not listed)
   - Morris Griffen (Half-Brother / has physical custody)

7. **Proposed Order and Letters submitted are illegible. If granted, Examiner will prepare.**

Pro Per Salcido, Diane (Pro Per Petitioner, maternal aunt)
Pro Per Salcido, Mark (Pro Per Petitioner, maternal uncle)

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

Age: 8 years		
DOB: 3/25/2003		
Cont. from 112211		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	X
✓	Conf. Screen	
	Aff. Posting	
✓	Duties/Supp	
	Objections	
	Video Receipt	
✓	CI Report	
✓	Clearances	
✓	Order	
✓	Letters	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

TEMPORARY EXPIRES 1/10/2012

DIANE SALCIDO and MARK SALCIDO, maternal aunt and uncle, are Petitioners.

Father: **DIMITRIUS MIXON**; *Declaration of Due Diligence filed 12/20/2011;*

Mother: **MICHELLE C. MURRIETTA**; *whereabouts unknown; Declaration of Due Diligence filed 12/20/2011;*

Paternal grandfather: Unknown; *Declaration of Due Diligence filed 12/20/2011;*
Paternal grandmother: Unknown; *Declaration of Due Diligence filed 12/20/2011;*

Maternal grandfather: Robert Murrietta*; deceased;*
Maternal grandmother: Wanda Murrietta*; deceased;*

Petitioners state the child has not had his parents in his life since he was two years old, and he had been living with his mother's cousin for about four years. Petitioners seek guardianship to prevent the child from going to a foster home, and they wish to provide him with a stable life and home. Petitioners state they have taken the child to the doctor and he has been diagnosed with ADHD, for which he is now taking medication, and they are continuing to ensure that he sees the doctor regularly to help with his anger outbursts.

Court Investigator Jo Ann Morris' *Report* was filed on 11/15/2011.

NEEDS/PROBLEMS/COMMENTS:

Continued from 11/22/2011. *Minute Order* states [Judge Hamlin]: Examiner notes provided to Petitioner and directed to cure defects. Petitioner informs Court that paternal grandparents are deceased. On the Court's own motion, it grants temporary letters expiring [1/10/2012.]

Note: *Declaration of Due Diligence* was filed 12/20/2011 for Michelle C. Murrietta, mother, and Dimitrius Mixon, father. If Court does not find due diligence, proof of personal service of *Notice of Hearing* with a copy of the *Petition for Appointment of Guardian* is needed for the mother and father.

Reviewed by: LEG
Reviewed on: 12/28/11
Updates:
Recommendation:
File 14 – Murrietta-Mixon

15 Ember Anilee Mallernee (GUARD/P) **Case No. 11CEPR00988**

Atty Sanchez, Al E. (Pro Per – Maternal Grandfather – Petitioner)

Atty Ohanesian-Sanchez, Deborah J. (Pro Per – Maternal Grandmother – Petitioner)

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

Age: 4		
DOB: 10-6-07		
	Aff.Sub.Wit.	
✔	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✔	**Notice of Hrg**	
✔	**Aff.Mail**	W
	Aff.Pub.	
	Sp.Ntc.	
✔	**Pers.Serv.**	W
✔	**Conf. Screen**	
✔	**Letters**	
✔	**Duties/Supp**	
	Objections	
	Video Receipt	
✔	**CI Report**	
✔	**Clearances**	
✔	**Order**	
	Aff. Posting	
	Status Rpt	
✔	**UCCJEA**	
	Citation	
	FTB Notice	

NO TEMPORARY – none requested

AL E. SANCHEZ and DEBORAH J. OHANESIAN-SANCHEZ, Maternal Grandparents, are Petitioners.

Father: **VINCENT CRAIG MALLERNEE**
- Personally served 12-20-11
Mother: **ANI MARJORI OHANESIAN SANCHEZ**

Paternal Grandfather: Craig Mallernee
- Served by mail 12-20-11
Paternal Grandmother: Maria Mallernee
- Served by mail 12-20-11

Petitioners state Mother is not stable and is not able to provide the child with a home due to her drug addiction. Mother is living with a man whose father is incarcerated for molesting a minor. Father is incarcerated in state prison with an expected release date of December 2011. After release, he has two years of programs to complete, according to his mother.

Court Investigator Julie Negrete filed a report on 12-19-11.

NEEDS/PROBLEMS/COMMENTS:

1. **Need proof of personal service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 or consent and waiver of notice or declaration of due diligence on:**
   - Ani Marjori Ohanesian Sanchez (Mother)

Reviewed by: skc

Reviewed on: 12-29-11

Updates:

Recommendation:

File 15 - Mallernee

Dept. 303, 9:00 a.m. Tuesday, January 10, 2012

16 Anthony Frank Rosado (GUARD/P) **Case No. 11CEPR00994**

Atty Gonzales, Michelle Renee (Pro Per – Maternal Aunt – Petitioner)

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

Age: 20 mo.		
DOB: 4-24-10		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	X
✓	**Conf. Screen**	
✓	**Letters**	
✓	**Duties/Supp**	
	Objections	
	Video Receipt	
✓	**CI Report**	
✓	**Clearances**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
✓	**UCCJEA**	
	Citation	
	FTB Notice	

NO TEMPORARY – none requested

MICHELLE RENEE GONZALES, Maternal Aunt, is Petitioner.

Father: Unknown

Mother: **DESIREE GONZALES**
- *Consent and Waiver of Notice filed 11-2-11*

Paternal Grandfather: Unknown
Paternal Grandmother: Unknown
Maternal Grandfather: Deceased
Maternal Grandmother: Deceased

Siblings: David Gonzales (11) , Rafael Mendoza (10), Serenity (7), Bella (4), and Brisa (1 month)

Petitioner states Anthony was removed from a dirty motel 8-6-11. Mother was using drugs and prostituting. Petitioner states she can provide a safe and stable home and family environment. He will be cared for and loved as if he was her own.

Court Investigator Jennifer Young filed a report on 12-29-11.

NEEDS/PROBLEMS/COMMENTS:

1. **Petitioner states she spoke with Mother, but Mother does not know who the father is.**

   ***<u>If diligence is not found</u>*, need personal service of Notice of Hearing pursuant to Probate Code §1511 on the father.**

Reviewed by: skc
Reviewed on: 12-30-11
Updates:
Recommendation:
File 16 - Rosado