



## 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.

<b>DOD: 6/2/03</b>		<p><b>MARIA E. MARTIN</b>, surviving spouse and Administrator, is Petitioner.</p> <p><u>Account Period: (?)</u></p> <p>Accounting: \$190,408.75                  Beginning POH: \$137,900.00                  Ending POH: \$137,900.00 (<i>no cash</i>)</p> <p><b>Petitioner states:</b></p> <ul style="list-style-type: none"> <li>The Estate consists of a single family home and 14 car frames and parts;</li> <li>The Estate’s single family home in Dos Palos has been sold for \$95,000.00 and is currently in escrow (estate will reflect a loss of \$30,000 once the current sale is completed);</li> <li>Petitioner has paid \$52,508.75 of her personal funds for expenses and costs of administration to the estate (<i>reflected as “Other Charges/Other Credits” on Schedule 3</i>);</li> <li>Petitioner filed a creditor’s claim against the estate on 7/15/04 for work that she performed working with Decedent as a laborer and for which she never received payment (<i>claim was for \$112,320.00</i>);</li> <li>On 5/5/04, Petitioner filed an <i>I&amp;A</i> showing date of death value of the residence as \$125,000.00 and the value for the car frames and parts as \$12,900.00; on 9/11/08, Petitioner filed an <i>I&amp;A</i> showing a reappraisal value for the residence as \$115,000.00;</li> <li>The estate consists of a mix of Decedent’s separate property, and community property;</li> <li>The following are Decedent’s heirs under intestate succession and the distributive shares for each:                         <ul style="list-style-type: none"> <li>Maria E. Martin: 33 and 1/3 % of estate</li> <li>Charles D. Martin: 33 and 1/3% of estate</li> <li>Dawn Salcedo: 33 and 1/3% of estate</li> </ul> </li> <li><b>Petitioner requests</b> a Court order approving and confirming all acts and proceedings of Petitioner as Administrator.</li> </ul>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u><i>Continued from 11/3/11 and Page 1B are the Objections to the First Account, Request for Surcharge, and Petition for Return of Estate Property.</i></u></p> <ol style="list-style-type: none"> <li><i>I<sup>st</sup> Account does not indicate the Account Period; need clarification.</i></li> <li><i>Need Final Inventory &amp; Appraisal</i></li> <li><i>Need Order.</i></li> </ol> <p><u>Notes:</u></p> <ul style="list-style-type: none"> <li><i>I<sup>st</sup> Account indicates that Estate Property consists of both community and separate property, yet proposes distribution of the estate as 33 and 1/3% of the estate each to surviving spouse (Petitioner ), Charles Duane Martin (son), and Dawn Salcedo (daughter). Per intestate laws of succession (PrC §6400 et seq.), Petitioner’s proposed distribution is only proper after Petitioner has received 1/2 of the community property (<u>Note however, this is not a Petition for Final Distribution</u>).</i></li> </ul>	
Cont. from 083111, 092911, 110311				
	Aff.Sub.Wit.			
√	Verified			
	Inventory			X
	PTC			
√	Not.Cred.			
	Notice of Hrg			X
	Aff.Mail			X
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			3/18/04
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
√	9202			
	Order			X
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
√	FTB Notice			

**Objections to First Account of Administrator per Court Order of June 9, 2011,  
Request for Surcharge, and Petition for Return of Estate Property (Prob. C. 9600, et  
seq., 11001)**

<b>DOD: 6/2/03</b>	<b>CHARLES D. MARTIN and DAWN SALCEDO</b> , Decedent's son and daughter, are Petitioners.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<b>Petitioners state:</b>	<u>Page 1A is Respondent's First Account</u>
	1. Respondent's <i>Account</i> reports on activity from Decedent's date of death until June 2011 (a period of 7 years);	<b>Continued from 11/3/11.</b>
<b>Cont. from 092911, 110311</b>	2. Respondent Maria Martin has failed to make the estate's real property (3-bedroom, 2-bathroom home located in Dos Palos, CA ("the Real Property"), and the estate's primary asset) productive; Respondent failed to obtain rents from the Real Property and allowed it to fall into a progressively more dilapidated condition; Respondent instead used the Real Property as her personal residence; Respondent should therefore be surcharged for the reasonable rental value of the home during that time; as such, Respondent has breached her fiduciary duty to the Estate, amounting to an act of moral turpitude;	<b>Minute Order states:</b> Also present in the courtroom is Ruben Escalante, the former realtor. Mr. Ramirez informs the Court that Maria Martin has the keys with her today. The Court orders that Maria Martin turn over the keys to Charles Martin. Additionally, the Court orders that to the extent that Maria Martin has the keys to the vehicles, those keys are to be provided also. The Court further orders that the property be looked at sometime today, and authorizes Charles Martin to do whatever is necessary to get into the property if the keys don't work. Parties stipulate that the administrator may list the property on an exclusive listing without petitioning the Court.
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	3. Respondent only took steps to market the Real Property for sale after Petitioners filed their <i>Petition to Remove Personal Representative, and for Accounting,</i> " (filed 4/28/11);	<u>Note: The Court appointed Petitioner Charles Martin as successor administrator with limited authority with bond on 9/29/11 (proof of bond filed 10/12/11).</u>
<input checked="" type="checkbox"/> <b>Verified</b>	4. Furthermore, Petitioners are informed and believe that Respondent has intentionally misappropriated significant personal property from the Estate, and intentionally failed to identify such property on the <i>I&amp;A</i> which she filed with the Court - acts amounting to fraud and defalcation;	1. Need Order.
<input type="checkbox"/> <b>Inventory</b>	5. Respondent now seeks reimbursement from the Estate for her living expenses for the last 8 years (PG&E and water bills, totaling \$15,072.00);	<b>Reviewed by:</b> NRN
<input type="checkbox"/> <b>PTC</b>	6. Finally, Respondent has filed a creditor's claim with the Estate, however this claim must be denied pursuant to PrC §9253 as it is barred by the 1-year statute of limitations (CCP §366.2)	<b>Reviewed on:</b> 1/9/12
<input type="checkbox"/> <b>Not.Cred.</b>	<b>A. Objections to First Account:</b>	<b>Updates:</b>
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	1. <u>Failure to Make Trust Property Productive and Request for Surcharge</u>	<b>Recommendation:</b>
<input checked="" type="checkbox"/> <b>Aff.Mail</b> w	*Respondent as personal representative is chargeable with acts of mismanagement, including occupying estate property without attempting to rent it - in violation of her fiduciary duty (per PrC §§9601 et seq. and cited case law)	<b>File 1B - Martin</b>
<input type="checkbox"/> <b>Aff.Pub.</b>	*Respondent's use of the Real Property without paying or collecting rent constitutes a conflict of interest in breach of said fiduciary duty (PrC § 9601);	
<input type="checkbox"/> <b>Sp.Ntc.</b>	*The reasonable rental rate for the Real Property has been \$800/mo for the entire period since Respondent was appointed Administrator - a period of 89 months - and a total of \$71,200.00 in lost rent; furthermore, the legal rate of interest should apply pursuant to PrC §9602 and CCP §685.010.	
<input type="checkbox"/> <b>Pers.Serv.</b>	<b>SEE ATTACHED PAGE</b>	
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input type="checkbox"/> <b>Order</b> X		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		

**Objections to First Account Cont'd:****2. Objection to Payment of Personal Expenses from Estate**

- As stated, Respondent's *Account* includes her own living expenses (PG&E bills totaling \$9,744.00 and City of Dos Palos water bill totaling \$5,328.00 for a total of \$15,072.00 ), for which she seeks Estate reimbursement;
- Payment of a fiduciary's own personal expenses from a trust estate have been characterized as a breach of fiduciary duty rising to the level of moral turpitude (per cited case law), yet Respondent seeks to have this Court sanction her breach of said duty.

**3. Objection to Expenses Accrued by Undue Delay**

- Respondent indicates the Estate consists of the Real Property and a number of classic cars; these assets should have been sold and/or distributed and a petition for final distribution heard and concluded by 3/18/06; rather, Respondent did nothing to market the Real Property for sale until Petitioners filed their *Petition to Remove* her;
- The Estate expenses, whether or not they are of the type normally allowed, are therefore simply unjustifiable beyond 3/18/06, and accordingly, Petitioners object to each of the claimed expenses beyond that date (note: to the extent the Court imposes a surcharge for the rental values, these expenses could be considered reasonable carrying costs appurtenant to the rental income);

**4. Objection to Creditor's Claim**

- In her *Account*, Respondent references the creditor's claim she filed on 7/15/04; however, there has been no report of any action taken on said claim pursuant to PrC §10900(a)(2);
- Furthermore, as Respondent filed the claim on 7/10/04 and more than one year after Decedent's death, it is barred by the 1-year statute of limitations (per PrC §9253, a claim barred by the statute of limitations may not be allowed by personal representative or approved by the court or judge);

**B. Request for Surcharge:**

- A personal representative may be surcharged for acts of misconduct, neglect, waste, mismanagement or other breach of fiduciary duty; said grounds fall under the general category of "all matters relating to an account," which may be contested "for cause shown." (per PrC §11001, 9601; cited case law); although Petitioners believe items of the Estate are missing, the property which Respondent acknowledges have been substantially devalued due to the Administrator's neglect;
- Respondent has failed to safeguard and competently store the classic cars acknowledged in the *I&A*; the cars have been negligently damaged and devalued, as they have been left outside without having been stored in a garage or otherwise covered, and have had valuable parts looted from them;
- Respondent's neglect for the Estate assets has caused a detriment to the Estate in an amount to be proven at trial.

**C. Loss of Estate Property and Petition for Return of Estate Property:**

- Decedent owned a 2001 Dodge Ram Pickup Truck ("Dodge Truck");
- In May 2003, Respondent Martin filed an *I&A* intentionally omitting the Dodge Truck;
- Approximately 2 years after Decedent's death in 2005, Respondent caused title to the Dodge Truck to be transferred from Decedent to herself in violation of her duty to the Estate;
- Respondent has had use of the Dodge Truck since 6/2/03 (date of Decedent's death);
- Estate has been damaged in the amount of the loss of the use of the Dodge Truck from the date of Respondent's appointment as Administrator on 3/18/04, as well as the interest on this amount, as well as the present value of the Dodge Truck;
- Finally, other Estate property is missing, including Decedent's fully restored an drivable 1930 Ford Model "A" automobile, 1947 Coupe, and 1954 Red and White Packard automobile, and valuable tools; Petitioners believe Respondent also intentionally took and/or spent, or otherwise misused other Estate property, to the detriment of the Estate in an amount to be proven at trial.

**D. Request for Supporting Documentation: Petitioners request all documentation supporting the expenses that Respondent claims in the Accounting at pp 9-12 (totaling \$58,508.75 and consisting of property taxes, bond fees, homeowners' premiums, funeral expenses, home repairs, water and PG&E bills, etc.)****E. Request for Attorney Fees and Costs:**

- If Respondent challenges Petitioners' objections without reasonable cause or in bad faith, Petitioners request attorney's fees pursuant to PrC §11003(b), or alternatively, pursuant to the common fund doctrine (See *In re Reade's Estate (1948) 31 Cal. 2d 669,672* [allowance of attorney's fees from an estate benefitted by contesting administration funds creates a common fund, and awarding attorney's fees from the estate is therefore just]);
- On 6/9/11, this Court issued an order directing Respondent Martin to submit to an inspection of the classic cars by Petitioners and their appraiser on 24 hours' notice;

**SEE ATTACHED PAGE**

- On 6/15/11, Respondent failed to comply with the Court's order, leading to the Court's finding of contempt as to Respondent on 7/21/11. On 7/29/11, the inspection was completed, but at the added cost to Petitioners of having their appraiser once against travel to the site to complete his inspection. Based upon the Court's adjudication of contempt as to the Administrator, Petitioners request the Court award the cost of the Appraiser's 2<sup>nd</sup> trip to the site, necessitated by Respondent's contempt of the 6/9/11 order.

**Petitioners therefore request:**

1. That Respondent Martin's request for confirmation and approval of her acts as Administrator be denied;
2. That Respondent's creditor's claims be deemed denied pursuant to PrC §9253;
3. That Respondent be surcharged in an amount according to proof;
4. That Respondent be ordered to produce the documentation as requested pursuant to PrC §10901;
5. The return of Trust property pursuant to PrC §850 and for statutory damages pursuant to PrC §859;
6. A finding by the Court that Respondent's misappropriation and misuse of Estate property constitutes fraud and defalcation;
7. Costs and attorney's fees payable pursuant to PrC §11003 (b) and/or pursuant to the common fund doctrine, pursuant to the Court's finding of contempt or otherwise;

**\*Note:** *Petitioners' Status Conference Statement*, filed 9/21/11, states that Respondent Martin indicates in her Account that the residence would be sold for \$95,000.00; however, the home is still not sold, as (per Respondent's realtor) the buyer has not qualified for a loan and the realtor was still waiting on an appraisal to provide the lender. Petitioners request the Court immediately remove Respondent as Administrator for her failure to competently administer the estate and for her contempt of Court orders (Petitioners state per Court order of 6/9/11, Respondent was to list the residence for sale, to which she agreed, and the Court was clear with Respondent that if she did not comply with said orders, she would be removed).

**\*\*\*Respondent's Status Conference Statement, filed 9/27/11, states the buyer has now been approved, and the delay on the sale was the buyer qualifying for a loan and as the home needed some termite repair; Respondent has not intentionally violated any court order and continues to cooperate with the realtor to facilitate the closure of the escrow.**

**Respondent's Reply to Petitioners' Objections, filed 9/27/11, states:**

- Respondent admits living in the residence continuously from Decedent's death and never filed a request for a formal probate homestead, but denies allowing the property to fall into a dilapidated condition – it is an older home with regular wear and tear;
- Respondent did not intentionally misappropriate assets or fail to report estate assets; she did fail to report the Dodge Truck in the I&A – which was more of an oversight by Respondent's counsel;
- During the administration, Respondent made several offers to purchase the Real Property directly from Petitioners, who never responded, and as such should be stopped from seeking back rents on the Real Property; Respondent also offered Petitioners the vehicles – but Petitioners never sought to retrieve them or contribute to the vehicles' upkeep; finally, Respondent continued to pay the taxes on the Real Property and homeowner's insurance and should receive credit for said payments such that they be approved;
- Respondent believes a more reasonable value of rent is \$500-\$600/mo for years 2004-2007 and \$600-\$700 for years 2008-2011;
- Respondent denies taking the 1930 Ford Model A, 1947 Coupe, and 1954 Packard, as well as Decedent's tools: in fact it was Petitioner Charles Martin who broke into the house after Decedent's death and took the tool; further, Respondent is not clear as to what Petitioners are talking about in reference to the 1930 Ford or 1947 Coupe, and Respondent is only aware of a Red & White Buick (as opposed to a 1954 Packard); and finally, it was Petitioner who took other vehicles from the estate, namely a late 1980's Porsche and a 1990's car called a Lelhan Orange;

**See attached page**

**Cont'd:**

- Respondent admits to having the Dodge Truck and apologizes for not including it the *I&A*; it was a gift from Decedent to Respondent and was community property --- a new amended *I&A* will be filed shortly;
- Respondent will provide the requested documentation for her expenses, which Respondent believes should be approved until the estate is closed;
- Respondent should not be surcharged since Petitioners' conduct constitutes a waiver.

<b>DOD: 6/2/03</b>	<p><b>MARIA ELENA MARTIN</b>, surviving spouse, is Petitioner.</p> <p>No other proceedings.</p> <p>Decedent died intestate.</p> <p><b>Petitioner states</b> she and Decedent were married on 1/14/2000. On 5/26/01, Decedent purchased a 2001 Dodge Ram Truck (“Dodge Truck”), and Decedent gave it to Petitioner as a birthday gift. It was delivered to Petitioner with a red ribbon tied around it. Decedent died on 6/2/03. The funds used to buy the truck came from community funds and were paid during the marriage. Additionally, Petitioner continued to pay for the truck after the date of Decedent’s death until it was paid in full.</p> <p><b>Petitioner requests</b> court confirmation that ½ interest in the personal property (Dodge Truck) belongs to her and that ½ interest in the Dodge Truck passes to her.</p> <p><b>Objection to Spousal Property Petition</b>, filed 1/4/12, states:</p> <ul style="list-style-type: none"> <li>• Objectors are Decedent’s natural children and have standing to bring the instant objections;</li> <li>• The Dodge Truck was Decedent’s separate property and purchased entirely by Decedents with Decedent’s own funds;</li> <li>• The Dodge Truck was not gifted to Petitioner Maria, but instead taken by her two years after Decedent’s death;</li> <li>• As the Court is aware, Petitioner Maria Martin was originally appointed the personal representative of Decedent’s Estate in 2003; at no time did she endeavor to make the estate property productive and abide by her fiduciary duties and the requirements of PrC §9600;</li> <li>• Petitioner Martin simply remained in the property to her own benefit and profit, rather than liquidating it and distributing the proceeds to the rightful beneficiaries; she actively moved to convert the property to her own without first seeking court approval, and without notification to beneficiaries (in this regard as the Court is aware, on 10/12/05, Ms. Martin unilaterally transferred the estate real property to herself by creating and executing a quitclaim deed to herself; she also transferred the Dodge Truck to herself (<i>DMV veh. registration info. attached to Objection as Exh. A</i>);</li> <li>• Petitioner Martin never disclosed the existence of the Dodge Truck as an estate asset despite it being titled in Decedent’s name;</li> <li>• The Estate has been denied the use of the vehicle and damaged in the amount that loss of use, and Petitioner should therefore be surcharged from the date of 3/30/05, when she transferred the vehicle to herself.</li> </ul> <p style="text-align: center;"><b><u>SEE ATTACHED PAGE</u></b></p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>1. Need Order.</b>
<b>Cont. from</b>		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>		
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
<input type="checkbox"/> <b>Notice of Hrg</b>		
<input type="checkbox"/> <b>Aff.Mail</b>		
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input checked="" type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input type="checkbox"/> <b>Order</b>	x	
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by: NRN</b>
		<b>Reviewed on: 1/9/12</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 1C - Martin</b>

*[Objection Cont'd]:*

**Objectors request:**

1. That Petitioner's Spousal Property Petition be denied as the Dodge Truck is and always was Decedent's separate property;
2. That the Court surcharge Petitioner Martin is a sum to be determined according to proof for mishandling the estate property and for wrongful taking of said property in violation of her fiduciaries duties and pursuant to PrC§ 859; and
3. That the Court order Petitioner to return the Dodge Truck to the Administrator of the Estate.

DOD: 6-2-03	<b>CHARLES DUANE MARTIN</b> , son and successor administrator, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	On 12/6/12, this Court granted Administrator Charles Duane Martin’s Ex Parte Application for Order to Show Cause Why Maria Martin Should not be Held in Contempt and Sanctioned for Failure to Abide by the Court’s Order of 9/29/11.	<u><b>Continued from 1/5/12, pursuant to Court order.</b></u>
Cont. from 010512		
Aff.Sub.Wit.	[The 9/29/11 Court Order removed Maria Maria as the estate Administrator, and ordered her to turn over control of all Estate property to Charles Duane Martin, appointed as successor personal representative, and granting Charles Martin’s petition for probate.]	
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail	<b>Petitioner states:</b>	
Aff.Pub.	<ul style="list-style-type: none"> <li>At the 11/3/11 Court hearing, counsel for Duane Martin informed the Court that Maria had not complied with the 9/29/11 Order, by failing to turn over keys to Estate property; through her counsel, Maria assured the Court she would turn over her keys following the hearing; after the Court hearing, Maria turned over 4 small padlock keys, of which only 2 worked; the 2 keys provided access to the Estate’s Quonset hut-style building, used as an extra garage, and to the rear sliding door of the main garage;</li> </ul>	
Sp.Ntc.	<ul style="list-style-type: none"> <li>None of the keys to the Estate’s numerous vehicles have been turned over to Petitioner; Maria said the keys to the vehicles were inside the vehicles, however none were inside the vehicles;</li> </ul>	
Pers.Serv.	<ul style="list-style-type: none"> <li>Furthermore, none of the keys to the main residence were turned over, nor were any keys to other structures and doors on the Estate real property;</li> </ul>	
Conf. Screen	<ul style="list-style-type: none"> <li>Petitioner’s counsel faxed a letter to Ms. Martin’s attorney on 11/3/11, and again on 11/11/11 demanding that all keys be turned over (the 11/11/11 letter also indicated Petitioner would be moving ex parte unless the keys be immediately provided); a 11/14/11 letter from Ms. Martin’s attorney states he had not received any more keys from his client;</li> </ul>	Reviewed by: NRN
Letters	<ul style="list-style-type: none"> <li>Ms. Martin, who has had exclusive possession and control of all estate property from 10/28/03 until her removal on 9/29/11, has had exclusive possession and control of all estate property, and has deliberately chosen not to follow this Court’s order; she should therefore be sanctioned by fine and/or imprisonment under C.C.P. §§ 1218(a) and 1219 for willful defiance of the 9/29/11 order.</li> </ul>	Reviewed on: 1/9/12
Duties/Supp		Updates:
Objections		Recommendation:
Video Receipt		File 1D - Martin
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJA		
Citation		
FTB Notice	<p><b><u>Petitioner requests the Court</u> 1) direct Maria Martin to show cause why she should not be held in contempt of this Court pursuant to C.C.P. §1209(a)(5) and sanctioned pursuant to C.C.P. §§1218(a) and 1219; 2) order Maria Martin to show cause why she should not pay the Estate’s extraordinary attorney’s fees and costs in initiating these contempt proceedings in the amount of \$937.50 in attorney’s fees (per Declaration and Itemization, 2.5 attorney hours and \$375/hr) and \$40 in anticipated filing costs for the ex parte petition.</b></p>	

Atty Sanoian, Joanne (court appointed for Conservatee)

Atty Salvo, Alice A. (for Petitioner/conservator of the person and estate Kim Shirin)

Atty Lucich, Nicholas (pro per co-conservator of the estate)

Non-Appearance Status Hearing Re: Receipt of Transfer

Age:		NEEDS/PROBLEMS/COMMENTS:  <p style="text-align: center;"><b><u>OFF CALENDAR</u></b></p> <p>Notice of Receipt of Papers and Pleadings received from Los Angeles Superior Court, NW Division filed 12/05/11.</p>
DOD:		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
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Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 12/30/11
		Updates:
		Recommendation:
		File 2 - Shirin

**(1) First and Final Account and Report of Administrator and Petition for Its Settlement, (2) Reimbursement of Costs and (3) for Final Distribution (Prob. C. 11640)**

<b>DOD: 10/04/06</b>	<b>TERRI MAYFIELD</b> , Administrator, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	Account period: <b>03/06/11 – 09/15/11</b>	
<b>Cont. from</b>	Accounting - <b>\$175,142.47</b>	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Beginning POH - <b>\$175,000.00</b>	
<input checked="" type="checkbox"/> <b>Verified</b>	Ending POH - <b>\$9,501.22</b>	
<input checked="" type="checkbox"/> <b>Inventory</b>	Administrator - <b>waives</b>	
<input checked="" type="checkbox"/> <b>PTC</b>	Administrator X/O - <b>\$11,130.78</b>	
<input checked="" type="checkbox"/> <b>Not.Cred.</b>	(for reimbursement of costs advanced to the estate for funeral expenses, deposit money to open the estate account, payment of estate costs to Caswell, Bell, & Hillison, and fire insurance premium for the real property of the estate)	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Attorney - <b>waives</b>	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	Costs - <b>\$1,622.00</b>	
<b>Aff.Pub.</b>	(remaining costs not already paid by Administrator for bond fee, publication fees, probate referee, filing fees, certified copies, recording fees)	
<b>Sp.Ntc.</b>	<b>Distribution, pursuant to intestate succession, and an assignment of interest from decedent’s husband, is to:</b>	
<b>Pers.Serv.</b>	Mary Ellen Gonzales - 1/3 share	
<b>Conf. Screen</b>	Beatrice Gonzales - 1/3 share	
<b>Letters</b> 06/01/07	Nicole Gonzales - 1/3 share - of any property of the estate not now discovered over and above the sum of \$3,251.56 (which is the remaining balance owed to Petitioner for reimbursement of costs advanced by her to the estate).	
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<input checked="" type="checkbox"/> <b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<input checked="" type="checkbox"/> <b>FTB Notice</b>		

**Reviewed by:** JF  
**Reviewed on:** 12/30/11  
**Updates:**  
**Recommendation:**  
**File 3 - Jiminez**

**Fourth Amended First Account Current and Report of Conservator and Petition for Its Settlement**

Age: 80 years DOB: 1/12/1931	<b>DORIS BECKETT,</b> spouse/Conservator, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  Continued from 9/29/11. Minute Order states Examiner notes are provided to counsel. Counsel is directed to submit a current accounting and a declaration from Ms. Beckett. As of 1/3/12 the following issues remain:  1. <b><u>Need Fifth Amended Accounting.</u></b> The disbursement schedule does not list the entries in chronological order and appears to includes duplicate entries for the same items (i.e. entry for 11/29/07 appears on page 1 and again on page 2). There are duplicate pages (page 3 and page 16 are the same and page 19 and page 21 are the same). Examiner is unable to review the disbursement schedule the way it has been presented.  2. Disbursement schedule does not include any bond premium payments. Need clarification.  3. Need care facility statements pursuant to Probate Code §2620(c)(5).  4. Account statements indicate that the accounts are not in the name of the conservatorship estate but are in the names of either Doris Beckett individually or Doris Beckett and George Beckett. Assets of the conservatorship should be titled in the name of the conservatorship.  5. Probate Code §1063 (g) states if at the end of the accounting there are liabilities of the estate or future periodic payments there shall be a schedule showing the liability.  6. If the car is owned by the conservator and not the conservatee why is the conservatorship paying the expenses for insurance and gas on the car?
	Account period: 11/13/07 – 12/31/09	
	Accounting <b>\$77,791.60</b> Beginning POH <b>\$22,004.96</b> Ending POH <b>\$ 3,957.65</b>	
<b>Cont. from 092911</b>	<b>Current bond \$24,500.00</b>	
<input type="checkbox"/> Aff.Sub.Wit.	Conservator - <b>waives</b>	
<input checked="" type="checkbox"/> Verified	Attorney - <b>not addressed</b>	
<input checked="" type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail W/		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> 2620(c)		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
	<b>Reviewed by: KT</b>	
	<b>Reviewed on: 1/3/11</b>	
	<b>Updates:</b>	
	<b>Recommendation:</b>	
	<b>File 4 - Beckett</b>	

**Declaration of Doris Beckett states** all of the assets of her husband are contained in accounts that are held jointly between her husband and herself. Mrs. Beckett states she inadvertently failed to keep sufficient records involving these accounts. Mrs. Beckett states that “GE Bill Pay” predates the conservatorship for a dental debt of hers that she makes payments. “Wells Fargo” relates to a prior loan for which she makes payments. “State Farm” related to her car insurance for a car that is in her name only and pre-dates her appointment.



## (1) First and Final Account and Report of Successor Administrator and (2) Petition for Allowance of Ordinary and Extraordinary Commissions and for (3) Distribution [Prob. C. 9202, 10800, 10810, 10951, 11600, 11850(a)]

<b>DOD: 12-21-09</b>	<b>PUBLIC ADMINISTRATOR</b> , Successor Administrator, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	Account period: 11-9-10 through 9-30-11	
	Accounting: \$77,228.17	
	Beginning POH: \$70,397.90	
	Ending POH: \$13,811.82 (cash)	
	Administrator (Statutory): \$2,663.13	<b>History:</b> Former Administrator Clark Moser (unknown relation) was appointed 3-26-09 and resigned 11-9-10 in connection with a petition for removal brought by Alastair Macleod (Decedent's half-brother and Guardian Ad Litem for Karen Kay Turley, Decedent's minor daughter). Mr. Moser's account was settled 8-31-11.
<input type="checkbox"/> Aff.Sub.Wit.	Attorney (Statutory): \$2,663.13 (to be split between County Counsel \$663.13 and Gary Bagdasarian, attorney for former administrator \$2,000.00)	<b>Note:</b> Attorney Bagdasarian's extraordinary fees include time spent in connection with two civil actions involving the estate/former administrator(both settled/dismissed): 09CECG01449 Turley vs. Zamudia and 09CECG02941 Zamudia vs. Estate of Justin Macleod
<input checked="" type="checkbox"/> Verified	Administrator (Extraordinary): \$1,248.00 (\$582.92 at this time) (\$1,000.00 for the sale of Decedent's residence per Local Rule 7.18 plus \$248.00 for preparation of tax returns – 1 Deputy hour @ \$96/hr and 2 Staff hours @ \$76/hr)	
<input checked="" type="checkbox"/> Inventory	Attorney Gary Bagdasarian (Extraordinary): \$11,180.00 (\$5,246.00 at this time) (for legal services to the former Administrator including 41.4 hours in connection with the will contest, 5.4 hours in connection with the wrongful death action/Turley, and 2.2 hours in connection with the litigation claim of Zamudia, all at \$250.00/hr)	
<input checked="" type="checkbox"/> PTC	Bond fee: \$193.07 (ok)	
<input checked="" type="checkbox"/> Not.Cred.	Costs: \$76.50 (certified letters)	
<input checked="" type="checkbox"/> Notice of Hrg	Closing: \$1,000.00 (estimated expense for closing estate, preparation and filing taxes)	
<input checked="" type="checkbox"/> Aff.Mail	<b>Petitioner states</b> the commissions, fees and costs total \$20,410.90. After only partial payment of these items, there will be no funds from which to pay the creditor's claim or distribute to the heirs.	
<input type="checkbox"/> Aff.Pub.	After payment of the statutory fees and costs, there is only \$5,828.92 to pay the extraordinary fees. Petitioner's portion of the total fees is 10% and Mr. Bagdasarian's is 90%. This explains the above amounts they agree to accept as their extraordinary fees. However, any other assets that may come into the estate will be applied first to pay the remaining extraordinary fees, then the creditor's claim, and finally to the heirs in three equal shares.	
<input type="checkbox"/> Sp.Ntc.	<b>Petitioner prays for an Order:</b>	
<input type="checkbox"/> Pers.Serv.	1. Approving, allowing and settling the account;	
<input type="checkbox"/> Conf. Screen	2. Confirming and approving all acts and proceedings of Petitioner as Successor Administrator;	
<input checked="" type="checkbox"/> Letters	3. Authoring the Administrator's and Attorney's statutory fees and commissions, and payment of the costs and bond fee;	
<input type="checkbox"/> Duties/Supp	4. Allowing extraordinary commission to Petitioner of \$582.92;	
<input type="checkbox"/> Objections	5. Allowing extraordinary commission to Mr. Bagdasarian of \$5,246.00; and	
<input type="checkbox"/> Video Receipt	6. Authorizing withholding of the closing costs for distribution of any unused part without further court order.	
<input type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> 9202		<b>Reviewed by:</b> skc
<input checked="" type="checkbox"/> Order		<b>Reviewed on:</b> 1-3-12
<input type="checkbox"/> Aff. Posting		<b>Updates:</b>
<input type="checkbox"/> Status Rpt		<b>Recommendation:</b>
<input type="checkbox"/> UCCJEA		<b>File 6 - Macleod</b>
<input type="checkbox"/> Citation		
<input checked="" type="checkbox"/> FTB Notice		

**First and Final Account and Report of Status of Administration and Petition for Settlement Thereof; (2) for Allowance of Statutory Attorneys' Compensation; (3) and for Final Distribution [Prob. C. §§ 1060 et seq., 10800, 10810, 12200]**

<b>DOD: 09/07/91</b>	<b>FRANKLIN ALANDT</b> , Executor, is Petitioner.		<b>NEEDS/PROBLEMS/COMMENTS:</b>  <ol style="list-style-type: none"> <li>Petition does not make a statement regarding notice to the Franchise Tax Board, as required pursuant to Probate Code § 9202(c)(1).</li> <li>The property on hand to be distributed consists of real property that the Petitioner seeks to distribute in equal shares to three beneficiaries. Pursuant to Local Rule 7.12.4A – The Court will not order distribution of real property in undivided interests absent the written consent of all distributees. Need written consent from all distributees.</li> <li>Need order.</li> </ol>
	Account period: <b>11/20/09 – 11/04/11</b>		
<b>Cont. from</b>	Accounting	- \$375,908.00	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Beginning POH	- \$375,908.00	
<input checked="" type="checkbox"/> <b>Verified</b>	Ending POH	- \$375,908.00	
<input checked="" type="checkbox"/> <b>Inventory</b>	Executor	- waives	
<input checked="" type="checkbox"/> <b>PTC</b>	Attorney	- waives	
<input checked="" type="checkbox"/> <b>Not.Cred.</b>	<b>Distribution, pursuant to decedent's Will, is to:</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Franklin J. Alandt	- equal share	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	Joseph G. Alandt	- equal share	
<input type="checkbox"/> <b>Aff.Pub.</b>	Johanna M. Alandt	- equal share	
<input type="checkbox"/> <b>Sp.Ntc.</b>			
<input type="checkbox"/> <b>Pers.Serv.</b>			
<input type="checkbox"/> <b>Conf. Screen</b>			
<input type="checkbox"/> <b>Letters</b>	02/23/10		
<input type="checkbox"/> <b>Duties/Supp</b>			
<input type="checkbox"/> <b>Objections</b>			
<input type="checkbox"/> <b>Video Receipt</b>			
<input type="checkbox"/> <b>CI Report</b>			
<input checked="" type="checkbox"/> <b>9202</b>			
<input type="checkbox"/> <b>Order</b>	x		
<input type="checkbox"/> <b>Aff. Posting</b>			
<input type="checkbox"/> <b>Status Rpt</b>			
<input type="checkbox"/> <b>UCCJEA</b>			
<input type="checkbox"/> <b>Citation</b>			
<input type="checkbox"/> <b>FTB Notice</b>	x		
			<b>Reviewed by:</b> JF
			<b>Reviewed on:</b> 01/03/12
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 7 - Alandt</b>

Report of Status of Administration and Petition for Extension of Time to File  
Petition for Final Distribution (Prob. C. 12200, 12201)

DOD: 07/24/09		<p><b>MIA CROMARTY</b>, daughter, Administrator without bond, is Petitioner.</p> <p>Petitioner is currently in the process of locating assets and having those assets valued. Partial Inventory &amp; Appraisals have been filed, with the last, Partial No. 3 filed on 07/26/11.</p> <p>Petitioner states that a significant portion of the estate will be received from the Estate of Evelyn Cromarty (decedent’s mother) who predeceased him. Petitioner states that a petition for final distribution in Evelyn Cromarty’s estate was signed on 12/22/11 (in SLO county). Petitioner states that she anticipates that the assets from decedent’s mother’s estate will be transferred to the decedent’s estate and appraised within the next three months.</p> <p>Petitioner further states that she has recently been named as a defendant in a partition action related to the estate’s 10.1% interest in real property. Petitioner anticipates that this partition action will take at least 6 to 9 months to resolve.</p> <p>Petitioner is requesting a 12 month extension to receive and value all assets to be received from the decedent’s mother’s estate and also to settle its portion of the partition action.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need <i>Notice of Hearing</i>. It is noted that a proof of service attached to the Petition indicates that it was mailed to Mia Cromarty &amp; Monica Cromarty, beneficiaries of the estate on 01/04/12; however, the Notice of Hearing form has been designated as a <u>Mandatory Form</u> by the Judicial Council.</p>	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			x
<input checked="" type="checkbox"/>	Aff.Mail			
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		<p>Reviewed by: JF</p> <p>Reviewed on: 01/05/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 8 - Cromarty</p>		

**Petition for Termination of Administration of Estate Having No Assets and for  
Discharge of Executor (Prob. C. 12251)**

DOD: 6-20-09		<p><b>CAROL S. RANKING</b>, Administrator with Full IAEA without bond, is Petitioner.</p> <p>Petitioner states the proceeding was instituted to deal with creditor claims of Eric Ramirez and Melissa Ramirez arising from an automobile accident in which Decedent was involved prior to his death. Decedent was involved in a civil lawsuit brought by Eric Ramirez and Melissa Ramirez in Stanislaus County Superior Court at the time of his death. Decedent had auto policy limits of \$100,000 and was being defended in that suit by his insurer. Subsequent to the filing of the creditor claims, the civil lawsuit was settled within the policy limits and the case dismissed.</p> <p>Petitioner has conducted a diligent search and there is no property of any kind belonging to the estate and subject to administration, and there is no longer any necessity for continuing administration.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>The Court may require notice of hearing to interested parties: <ul style="list-style-type: none"> <li>- Karita Allen Manuel (daughter)</li> <li>- Kathleen Irene Coates (daughter)</li> </ul> </li> <li>Need order.</li> </ol>
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg	X		
Aff.Mail	X		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
✓ Letters	2-4-11		
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order	X		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: skc	
		Reviewed on: 1-3-12	
		Updates:	
		Recommendation:	
		File 9 - Allen	

(1) First and Final Account and Report of Administrator and Petition for Its Settlement, and (2) Petition for Final Distribution, (3) for Allowance of Compensation to Attorneys for Ordinary Services (Prob. C. 10800, 10810, 10954, and 11660)

<b>DOD: 12/14/10</b>		<b>CHERIE FREA</b> , Administrator, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		I & A - <b>\$232,445.24</b>	<ol style="list-style-type: none"> <li>The title of this pleading is First and Final Account and Report of Administrator....; however, no account is presented in the Petition, therefore, it appears to be a Petition for Distribution on Waiver of Accounting. Pursuant to California Rules of Court 7.102 – The title of each pleading and of each proposed order must clearly and completely identify the nature of the relief sought or granted. Need clarification and/or Amended Pleading. <b>Note: Due to the absence of an accounting in the Petition, the Examiner has reviewed the document as though it is a Petition on Waiver of Accounting.</b></li> <li>The Petition states that a Waiver of Accounting will be filed herein by all beneficiaries entitled to distribution but no Waivers have been filed. It appears that the Petitioner is the sole beneficiary of the estate but the Petitioner does not make a statement in the Petition that she has waived the requirement of an accounting. Therefore, need waiver of accounting or amended Petition.</li> <li>The Petition states that the proposed distribution to Cherie Frea is pursuant to intestate succession and Assignment of Rights from two other beneficiaries; however, pursuant to Decedent’s Will was admitted to Probate on 05/10/11, Petitioner is the sole named beneficiary. No other person is named as a beneficiary in the decedent’s Will, further since the Will was admitted to Probate, the distribution is not pursuant to intestate succession. Need clarification and/or amended petition.</li> <li>Need Order.</li> </ol>
		POH - <b>dollar value not stated</b>	
<b>Cont. from</b>		Administrator - <b>waives</b>	
<input type="checkbox"/>	Aff.Sub.Wit.	Attorney - <b>\$7,648.90</b> (statutory)	
<input checked="" type="checkbox"/>	Verified	Costs - <b>\$947.00</b> (for filing fees, publication, and probate referee)	
<input checked="" type="checkbox"/>	Inventory	Closing - <b>\$500.00</b>	
<input checked="" type="checkbox"/>	PTC	<b>Distribution, pursuant to intestate succession and the Assignment of Rights filed by the other two intended beneficiaries, is to:</b>	
<input checked="" type="checkbox"/>	Not.Cred.		
	Notice of Hrg	n/a	
	Aff.Mail	n/a	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters	05/12/11	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
<input checked="" type="checkbox"/>	9202		
	Order	x	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
			Reviewed by: JF
			Reviewed on: 01/03/12
			Updates:
			Recommendation:
			File 10 - Boele



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

<b>DOD: 9-20-11</b>		<p><b>PAUL JAMES TILLER, SR.</b>, Son and named Executor without bond, is Petitioner.</p> <p>Full IAEA – ok</p> <p>Will dated 2-8-05</p> <p>Residence: Fowler, CA          Publication: Selma Enterprise</p> <p><b>Estimated value of estate:</b>          Real property - \$110,000.00</p> <p>Probate Referee: Steven Diebert</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>	
	<b>Aff.Sub.Wit.</b>			<b>S/P</b>
<input checked="" type="checkbox"/>	<b>Verified</b>			
	<b>Inventory</b>			
	<b>PTC</b>			
	<b>Not.Cred.</b>			
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>			
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>			<b>W</b>
<input checked="" type="checkbox"/>	<b>Aff.Pub.</b>			
	<b>Sp.Ntc.</b>			
	<b>Pers.Serv.</b>			
	<b>Conf. Screen</b>			
<input checked="" type="checkbox"/>	<b>Letters</b>			
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>			
	<b>Objections</b>			
	<b>Video Receipt</b>			
	<b>CI Report</b>			
	<b>9202</b>			
<input checked="" type="checkbox"/>	<b>Order</b>			
	<b>Aff. Posting</b>			
	<b>Status Rpt</b>			
	<b>UCCJEA</b>			
	<b>Citation</b>			
	<b>FTB Notice</b>			
			<b>Reviewed by: skc</b>	
			<b>Reviewed on: 1-3-12</b>	
			<b>Updates: 1-6-12</b>	
			<b>Recommendation: SUBMITTED</b>	
			<b>File 12 - Tiller</b>	

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

<b>DOD: 3-5-11</b>	<b>DOROTHY ARAKELIAN</b> , Sister and Named Executor without bond, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	Full IAEA – ok	
	Will dated 5-18-10	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>	Residence: Fresno	
<input type="checkbox"/> <b>Inventory</b>	Publication: Fresno Business Journal	
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>	Estimated value of estate:	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Personal property: \$ 5,000.00	
	Real property: \$100,000.00	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	Total: \$105,000.00	
<input checked="" type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>	Probate referee: Steven Diebert	
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input checked="" type="checkbox"/> <b>Letters</b>		
<input checked="" type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> skc
		<b>Reviewed on:</b> 1-3-12
		<b>Updates:</b>
		<b>Recommendation:</b> SUBMITTED
		<b>File 13 - Kavoian</b>

Atty Ferraro, Serena (Pro Per – Mother – Petitioner)

Atty Mekhitarian, Karney Mark (for Julie Ann Weber – Maternal Great-Aunt – Guardian)

Petition for Visitation

Age: 2	SERENA FERRARO, Mother, is Petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Minute Order 12-1-11:</u> Petitioner requests a continuance. Examiner notes provided to Petitioner. Petitioner is directed to cure the defects.</p> <p><u>As of 1-3-12, nothing further has been filed by Petitioner. The following issues remain:</u></p> <ol style="list-style-type: none"> <li>1. Need Notice of Hearing.</li> <li>2. Need proof of service of Notice of Hearing at least 15 days prior to the hearing on:                     <ul style="list-style-type: none"> <li>- Julie Ann Weber (Guardian)</li> <li>- Kyle Huffstutler (Father)</li> <li>- Brian Huffstutler (Paternal Grandfather)</li> <li>- Kathy Huffstutler (Paternal Grandmother)</li> <li>- Joseph Ferraro (Maternal Grandmother)</li> <li>- Sherri Thompson (Maternal Grandmother)</li> </ul> </li> </ol> <p><u>Note:</u> Petitioner submitted a proposed Order; however, if granted, the Court may use minute order only for visitation.</p> <p><u>Note:</u> Father has supervised visitation four hrs/ week at an agency. The order does not specify the dates/times. The Court may require clarification of this order so that visitation orders do not conflict.</p> <p><u>Note:</u> There is a Domestic Violence Restraining Order protecting Mother from Father in 09CEFL07447 that expires 5-25-14. Family Court yielded custody and visitation matters between the parents to this Probate Guardianship case until further order of the Court.</p>
DOB: 1-29-09	JULIE ANN WEBER, Maternal Great-Aunt, was appointed Guardian on 6-30-11.	
Cont. from 120111	Father: Kyle Huffstutler	
Aff.Sub.Wit.	Paternal Grandfather: Brian Huffstutler	
✓ Verified	Paternal Grandmother: Kathy Huffstutler	
Inventory	Maternal Grandfather: Joseph Ferraro	
PTC	Maternal Grandmother: Sherri Thompson	
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	<p><b>Petitioner requests visitation</b> twice a week for four hours on Wednesdays and Sundays and the ability to speak to the child by phone twice per day for no less than 15 minutes – before the child starts her day and at bedtime at the end of each day.</p> <p>Petitioner states Guardian does not answer calls and texts and is ultimately denying her contact with the child because she asked not to pry into her personal life on matters that in no way, shape or form pertain to the child or have any negative effect on the child’s safety or well-being.</p> <p>Petitioner requests to spend much-needed time and continue to be a part of her child’s life in a stable and consistent scheduled manner, and thanks the Court for its time.</p>	
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
Reviewed by: skc		
Reviewed on: 1-3-12		
Updates:		
Recommendation:		
File 15 - Huffstutler		

Amended Petition for Probate of Will and for Letters Testamentary

DOD: 6-2-11		TONI SCHROEDER, Daughter and named Co-Executor without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Full IAEA – need publication	1. <u>Need original will.</u>  Examiner notes that the will deposited 7-28-11 as an original appears to contain a color-ink-printed signature rather than an original signature. Pixels in the colored ink are visible and the back of the page was not affected where a signature would have left an imprint.  Examiner further notes the following issues with this document as an original will: - The original stapled document contains two copies of the first page - None of the pages are initialed in the spaces provided - The will refers to an “Exhibit A” for specific gifts to individuals (to whom notice of this proceeding would be required), but there is no exhibit attached. - The will is not witnessed (see #2)
Aff.Sub.Wit.	X	Residence: Fresno Publication: need publication	
✓ Verified			<b>Estimated value of estate:</b> Personal property: \$2,000.00 Real property: \$31,000.00 (\$78,000.00 less encumbrance \$47,000.00) <b>Total: \$33,000.00</b>
Inventory		Probate Referee: Steven Diebert	
PTC			
Not.Cred.		2. <u>Decedent’s will was not witnessed.</u> Therefore, pursuant to Probate Code §3110(c)(2), Petitioner must establish by clear and convincing evidence that, at the time the testator signed the will, the testator intended the will to constitute the testator’s will. The Court may require further information.	
Notice of Hrg	X		
Aff.Mail	X	3. <u>Need clarification:</u> Petitioners signs her name as “Toni Schroeder” in this amended petition; however, Petitioner previously filed a declaration indicating that her name should be “Toni Richardson.” What is Petitioners current legal name?  <p style="text-align: center;"><u>SEE PAGE 2</u></p>	
Aff.Pub.	X		
Sp.Ntc.		Reviewed by: skc Reviewed on: 1-3-12 Updates: 1-6-12 Recommendation: File 16 - Bonham	
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 (Continued):

4. Decedent's will names both Petitioner and her brother Bill Richardson as Co-Executors. Examiner notes that a William Richardson appeared at the hearing on the original petition, but was not a Co-Petitioner.
  - If Petitioner is to serve alone, need written and signed declination of Bill Richardson.
  - If both named Co-Executors are to serve, need Duties/Supplement signed by Bill Richardson, and the Court may also require a second amended petition or declaration amending this amended petition served on interested parties.
5. Need Notice of Petition to Administer Estate for this amended petition and hearing date to all relatives and all persons named in the will, including those listed on the referenced Exhibit A (not provided).
6. Need proof of publication for this amended petition and hearing date. *Examiner notes that Petitioner's publication referenced the hearing date on the prior petition, but not this amended petition.*

**Petition for Appointment of Guardian of the Person (Prob. C. 1510)**  
**Petitioner: Blanca de Ramirez**

Age: 5 years DOB: 3/23/06	<u>Temporary Expires 1/12/12</u>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  Please see page 17B for competing petition filed by paternal grandmother Angela Agundez.  <ol style="list-style-type: none"> <li><b>#9 of the petition is incomplete re: reason for the guardianship.</b></li> <li><b>Petition does not include the names and addresses of the parents or the paternal grandparents. (Petitioner lists herself as the paternal grandmother however it appears that she is the maternal grandmother)</b></li> <li><b>UCCJEA is incomplete. It does not include the dates for the period of residency.</b></li> <li><b>Proof of personal indicates the Notice of Hearing was personally served on both the mother and the father however the Notice of Hearing has not been filed so the examiner is unable to verify that the parents were served for the correct hearing date.</b></li> <li><b>Need proof of service of the <i>Notice of Hearing</i> along with a copy of the petition or consent and waiver of notice or declaration of due diligence on:</b> <ol style="list-style-type: none"> <li><b>Paternal grandfather</b></li> </ol> </li> </ol>
	<b>BLANCA DE RAMIREZ</b> , maternal grandmother, is Petitioner.	
	Father: <b>NOT LISTED</b> ( <i>Edgar Agundez</i> ) – personally served on 9/27/11.	
Cont. from 112311	Mother: <b>NOT LISTED</b> ( <i>Karla Alvarez</i> ) – personally served on 9/27/11	
Aff.Sub.Wit.	Paternal grandfather: NOT LISTED ( <i>Angela Agundez</i> ) – personally served on 9/30/11)	
✓ Verified	Paternal grandmother: NOT LISTED	
Inventory	Maternal grandfather: Octavio Ramirez – served by mail on 9/26/11	
PTC	Petitioner states ??	
Not.Cred.	<b>Objection of Edgar Agundez, father, filed 10/03/11</b> states that he objects to the petitioner being appointed guardian of his daughter due to the Petitioners instability. He states that the petitioner is emotionally, mentally, and financially unstable and that he and his family have assisted the Petitioner and her family with housing in the past because they had no place else to go. Mr. Agundez states that the Petitioner and her family have moved frequently and he does not want his daughter uprooted from school on a regular basis. Mr. Agundez nominates his mother, Angelica Agundez, to be the minor’s guardian. Mr. Agundez states that the minor is very familiar with his mother and his family and has stayed in their home frequently.  <b>Court Investigator Dina Calvillo’s Report filed on 11/16/11.</b>	
✓ Notice of Hrg		
✓ Aff.Mail W/		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv. X		
✓ Conf. Screen		
✓ Letters		
✓ Duties/Supp		
✓ Objections		
Video Receipt		
CI Report X		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
✓ UCCJEA		
Citation		
FTB Notice		
		<b>Reviewed by: KT</b> <b>Reviewed on: 11/16/11</b> <b>Updates: 1/4/12</b> <b>Recommendation:</b> <b>File 17A - Alvarez</b>

Atty De Ramirez, Blanca (pro per maternal grandmother)

Atty Agundez, Angelica (pro per, Petitioner/paternal grandmother)

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

Age: 5 years DOB: 3/23/06	<p><b>ANGELICA AGUNDEZ</b>, paternal grandmother, is petitioner.</p> <p>Father: <b>EDGAR AGUNDEZ</b></p> <p>Mother: <b>KARLA ALVAREZ</b></p> <p>Paternal grandfather: Moises Agundez Maternal grandfather: not listed Maternal grandmother: Blanca de Ramirez</p> <p><b>Petitioner states</b> guardianship is necessary because the minor is living with Blanca de Ramirez. Ms. de Ramirez is a lying, crazy person. She does not have any family values or morals. Petitioner alleges Ms. de Ramirez wants guardianship for financial reasons since she used to live off welfare.</p> <p><b>Court Investigator Dina Calvillo's Report filed on 1/5/12.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Need <i>Notice of Hearing</i>.</li> <li>2. Need proof of service of the <i>Notice of Hearing</i> along with a copy of the Petition or consent and waiver of notice or declaration of due diligence on:                     <ol style="list-style-type: none"> <li>a. Edgar Agundez (father)</li> <li>b. Karal Alvarez (mother)</li> </ol> </li> <li>3. Need proof of service of the <i>Notice of Hearing</i> along with a copy of the Petition or consent and waiver of notice or declaration of due diligence on:                     <ol style="list-style-type: none"> <li>a. Moise Agundez (paternal grandfather)</li> <li>b. Maternal grandfather</li> </ol> </li> <li>4. UCCJEA is incomplete. It does not include the dates for the period of residency.</li> <li>5. Confidential Guardian Screening form is incomplete at #6. Ms. Agundez marked yes to the question "Do you, or does any other person living in your home, have a social worker or parole or probation officer assigned to him or her" without explaining in attachment 6 as required.</li> </ol>	
Cont. from			
Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			X
Aff.Mail			X
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			X
<input checked="" type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
Objections			
Video Receipt			
<input checked="" type="checkbox"/> CI Report			
9202			
<input checked="" type="checkbox"/> Order			
Aff. Posting			
Status Rpt			
<input checked="" type="checkbox"/> UCCJEA			
Citation			
FTB Notice			
		Reviewed by: KT	
		Reviewed on: 1/3/12	
		Updates: 1/5/12	
		Recommendation:	
		File 17B - Alvarez	

Age: 17 months DOB: 07/24/10	<p align="center"><b><u>TEMPORARY EXPIRES 01/12/12</u></b></p> <p><b>DAWN SMITH</b>, maternal grandmother, is Petitioner.</p> <p>Father: <b>ANDREW HALVORSON</b> – <i>personally served 11/09/11</i></p> <p>Mother: <b>BREANNA BUSHEY</b> – <i>consent and waiver of notice filed 11/09/11</i></p> <p>Paternal grandfather: <b>TOM HALVORSON</b>          Paternal grandmother: <b>UNKNOWN</b> – <i>declaration of due diligence filed 11/09/11</i></p> <p>Maternal grandfather: <b>ROSS BUSHEY</b></p> <p>Petitioner states that both parents have drug problems and there is abuse/domestic violence between the parents. Petitioner states that Braiden has lived with her since he was 3 months old. Petitioner states that she feels it is in Braiden’s best interest to live with her and have supervised visits with his parents. Petitioner states that both parents need anger management and parenting classes.</p> <p><b>Court Investigator Jennifer Young’s Report was filed 01/04/12.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>1. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> along with a copy of the <i>Petition for Appointment of Guardian of the Person</i> <u>or</u> Consent and Waiver of notice <u>or</u> Declaration of Due Diligence for:</b></p> <ul style="list-style-type: none"> <li>- Tom Halvorson (paternal grandfather)</li> <li>- Ross Bushey (maternal grandfather)</li> </ul>
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
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<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 01/03/12</p> <p><b>Updates:</b> 01/06/12</p> <p><b>Recommendation:</b></p> <p><b>File:</b> 18 - Halvorson</p>