



## 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.

Atty Shehadey, Vanessa L.; Chiu, Henry Y.; of Tucker, Chiu, Hebesha & Ward (for Conservators, Ted Miller and Norma Miller)

(1) Biennial Status Report of Conservators, (2) Petition for Authority to Pay Attorneys' Fees and Costs, and (3) Withdrawal of Funds from Blocked Account and Budget

<b>Age: 38 years</b>	<p><b>TED MILLER and NORMA MILLER</b>, parents and Co-Conservators of the Person and Estate appointed in 1994 without bond, are Petitioners.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 10/28/2014.</b> Minute Order states Mr. Chiu is appearing via CourtCall. The Court is prepared to accept the biennial report and approve the other matters prayed for upon the submission of a detailed declaration setting forth the expenditures. The Court notes that this matter is being continued so counsel can submit a declaration and the Court can address the issue regarding the accounting procedure.</p> <p><b>Note:</b> Court will set a status hearing as follows: <b>Monday, October 31, 2016 at 9:00 a.m. in Dept. 303</b> for filing of the next biennial status report or the first account of the Conservatorship estate.</p> <p style="text-align: center;">~Please see additional page~</p>
<b>Cont. from 102814</b>	<p><b>Report period: 6/1/2012 - 8/31/2014</b></p> <p><b>Beginning POH - \$700,211.46</b> (consisting of 2008 handicap-equipped van (\$56,233.95), unblocked Merrill Lynch account cash of \$6,797.96, and blocked Merrill Lynch account valued at \$637,179.55.)</p> <p><b>Ending POH - \$630,986.39</b> (consisting of 2008 handicap-equipped van (\$56,233.95), unblocked Merrill Lynch account cash of \$9,286.39, and blocked Merrill Lynch account valued at \$565,466.05.)</p> <p><b>Biennial Budget - \$115,200.00</b> (total of <b>\$57,600.00</b> each year for two years (2014 through 2016) to be withdrawn from blocked account @ \$4,800.00 per month;)</p> <p><b>Conservators - waive</b></p> <p><b>Attorney - \$2,400.00</b> (for services for preparation of biennial report and related pleadings; for protracted hearing on the Report of Conservator filed 6/20/2012; per Declaration of Henry Y. Chiu filed 9/23/2014;)</p> <p><b>Costs - \$682.50</b> (Courtcall; filing fees for petition for withdrawal and for instant Report; certified copies;)</p> <p><b>Petitioners state:</b></p> <ul style="list-style-type: none"> <li>• During the period of this account, the sum of <b>\$4,800.00</b> per month has been deposited into the unblocked account at Merrill Lynch for the payment of ongoing monthly expenses of the Conservatorship;</li> <li>• Conservators used these funds for payment of expenses related to living, medical, health care, education, rehabilitative, handicap accessibility and handicap transportation expenses of the Conservatee;</li> </ul> <p style="text-align: center;">~Please see additional page~</p>	
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		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 1/8/15</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 1 – Miller</b></p>

**Petitioners state, continued:**

- The Budget filed herewith provides an itemized list that specifies the estimated expenses for the Conservatorship for October 2014 through October 2016 (*Please refer to Biennial Budget for Conservatee filed 9/23/2014 and expenses on Exhibit A;*)
- No increase in the **\$4,800.00** monthly withdrawal is requested;
- There is still a need for the Conservatorship; there is likely to remain a need for the Conservatorship throughout the lifetime of the Conservatee;
- Conservators have administered the conservatorship without waste and in the exercise of their powers as Conservators have rendered services to the Conservatorship in connection with the management and administration of the Conservatorship, including bookkeeping, preservation of records, clerical functions, dealing with the institution at which Conservatorship funds are maintained, meeting with counsel to discuss various matters with regard to the Conservatorship;
- Conservators are entitled to a reasonable fee for the services; however, Conservators have waived, and hereby again waive, their right to any fee for said services.

**Conservators pray for an Order:**

1. Approving the Report of Conservators;
2. Approving and confirming the acts of the Conservators;
3. Authorizing the Conservators to withdraw from the blocked account at Merrill Lynch the amount of **\$2,400.00** to pay Tucker, Chiu, Hebesha & Ward on account of legal services rendered by the attorney on behalf of the Conservatorship, at the amount of **\$682.50** for costs advanced.

**Court Investigator Jennifer Young's Annual Review was filed on 10/23/2014.**

**Notes for background:**

- Conservatee received a settlement of over **\$940,000.00** in 1990 as a result of a motor vehicle accident she suffered at age 13. Petitioners were appointed as Guardians of her estate in 1990 and were later appointed Conservators of her Person and Estate in 1994. The **JOCELYN MILLER IRREVOCABLE TRUST** (Case 0493690) owns a single asset consisting of the home in which Conservatee and her parents reside, which was specially designed for the Conservatee's needs associated with her traumatic brain injury and medical conditions stemming from the accident.
- *Order Settling Fifth Account and Report* filed 9/5/2007 authorized the **\$4,800.00** per month withdrawals as an increase from the previous **\$4,400.00** allowed per month; prior to 2000, the amount was **\$4,000.00** per month.
- Conservators have purchased, after obtaining Court approval for the withdrawals from blocked account, handicap-equipped vans as follows:
  1. 1994 Ford van for **\$43,562.57**, approved by Order signed 11/14/1994;
  2. 2003 Pontiac van for **\$38,768.11** (valued at **\$46,268.11**), approved by Order signed 10/28/2003;
  3. 2008 Dodge van for **\$56,233.95**, approved by Order signed 8/27/2008.

**~Please see additional page~**

**NEEDS/PROBLEMS/COMMENTS, continued:**

1. *Declaration of Henry Y. Chiu filed 9/23/2014* requests **\$2,400.00** for attorney fees for services rendered to the Conservatorship, including conferences with Conservators, conferences with Merrill Lynch representatives, preparation for Court hearings on behalf of the Conservatorship, preparation of the *Report of Conservators and Petition for Authority to Pay Attorney's Fees and Costs*, preparation of annual budget and corresponding documents, and other related Conservatorship matters. Declaration states the Conservatorship estate incurred considerable attorney fees in connection with the hearing in October 2012 as a result of multiple Court appearances at the request of Judge Oliver; in addition, time was expended in assisting Conservators in filing an ex parte petition to withdraw funds [of **\$7,495.13**] to replace an air conditioning unit. Paragraph 28 of the *Report* state that the attorney fees are requested as a result of a protracted hearing on the *Report of Conservators* filed on 6/20/2012. Need authority to support the attorney request for fees based upon the following case history, provided for the Court's information in determining whether the requested fees should be authorized:
  - **Minute Order dated 7/25/2007** from the hearing on the *Fifth Account and Report of Conservators* filed 6/18/2007 states: "**The Court orders that no further attorney fees will be paid on future accountings [emphasis added.] Accounting should be on file by 8/29/2007.**" It is noted that accountings appear to have been waived in 1994 such that accountings have not been filed pursuant to Probate Code § 2620 et seq. by the Conservators throughout the conservatorship, but Conservators have filed budget reports, which in every respect are less taxing to prepare than accountings. *Local Rule 7.16(B)(4)* provides that Court will allow a flat fee for attorney services for each timely filed subsequent account of **\$1,250.00** per year; this rule is mentioned by analogy for the Court's consideration in determining whether the Conservator's Reports warrant the fee request in spite of the Court's order of 7/25/2007 ordering that no further attorney fees will be paid in the matter.
  - **Report of Conservators filed on 6/20/2012** was set for hearing on 7/25/2014. *Minute Order* dated 7/25/2014 from the hearing on that Report states: "No appearances. Matter continued to 8/22/2012." It is noted that Exhibit 1 attached to *Declaration of Henry Y. Chiu filed 9/23/2014* containing the itemization of services does not include the date of 7/25/2014 on which no appearance was made by the attorney; the itemization begins on 8/16/2012, and itemizations dated 8/22/2014 (the date of the continued hearing due to attorney non-appearance) include services to attend 8/22/2014 hearing by CourtCall and conference with Judge Oliver regarding concerns of the Court. *Minute Order* dated 8/22/2012 states: "Counsel is directed to submit a declaration regarding the household budget as well as any improvements made and paid by the Millers." *Declaration of Ted Miller and Norma Miller in Support of Report of Conservators* was filed on 9/21/2012.

**Supplemental Declaration of Henry Y. Chiu in Support of Report of Conservators and Petition for Authority to Pay Attorney's Fees and Costs filed 1/6/2015 states:**

- Exhibit 1 attached to the *Declaration of Henry Y. Chiu in Support of Report of Conservators and Petition for Authority to Pay Attorney's Fees and Costs* filed 9/23/2014 is a detailed statement setting forth the legal services provided to the Conservators; the total attorney fees requested is the sum of **\$2,400.00**; to keep fees to a minimum, their firm utilizes the services of their paralegal when at all possible;
- The last order approved attorney fees was the order filed 10/3/2013; however, the petition associated with that order was filed 6/20/2012; the fees approved in that order were for fees incurred prior to 6/20/2012;
- The current petition captures fees incurred since the 6/20/2012 filing; during the period 6/21/2012 through 9/17/2014, the conservatorship estate incurred expenses for (1) the continued hearings on the petition filed 6/20/2012, through the date of the order filed on 10/3/2012; (2) the preparation of an ex parte petition and order to withdraw funds from blocked account for the purchase of HVAC units, and an appearance through CourtCall for the same; and (3) the preparation of the budget as well as the status report;
- No fees have been included for the appearance on 10/28/2014 by CourtCall or for the expenses incurred in preparation of the response to the Court's inquiries which [was filed 1/6/2015];
- The attorney fees span a period of over 2 years; the sum of **\$2,400.00** is a reasonable expense for such work.

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**NEEDS/PROBLEMS/COMMENTS, continued:**

2. Paragraph 6 of the Report states that on **11/16/1994**, an Order Appointing Petitioners as Conservators was filed with the Court, wherein the Court waived further accountings and ordered that the amount of **\$933,069.53** be placed in a blocked account at Merrill Lynch. **Minute Order dated 8/27/2008** from the hearing on the Report of Conservators filed 9/5/2008 states, in pertinent part: "Attorney Shehady brings to the Court's attention that the order dated 11/16/1994 waived all accountings. This Court will require an annual report." Probate Code § 2620 et seq. requires accountings be filed for all conservatorship estates unless the conservatorship estate satisfies the requirements of Probate Code § 2628(a). It is unclear from Court records the basis upon which the Conservators had founded their request for waiver of accountings in 1994. The following is provided for the Court's consideration in revisiting the Court's granting in 1994 of the waiver of accountings:

- **Probate Code § 2628(a) provides:** the court may make an order that the conservator need not present the accounts otherwise required by this chapter so long as **all** of the following conditions are satisfied:
  - (1) The estate at the beginning and end of the accounting period for which an account is otherwise required consisted of property, exclusive of the residence of the conservatee, of a total value of less than **\$15,000.00**; [*Here, Conservatorship value is stated as \$630,986.39 as of 8/31/2014; the Court is provided no bank statements for verification of assets and income as would otherwise be required under Probate Code § 2620(c), due to the waiver of accountings*];
  - (2) The income of the estate for each month of the accounting period, exclusive of public benefit payments, was less than **\$2,000.00**; [*Again, the Court is provided no information as to assets and income to the Conservatorship in the form of Merrill Lynch bank account statements of balance and any gain or loss on investments*]; and
  - (3) All income of the estate during the accounting period, if not retained, was spent for the benefit of the Conservatee.
- **Exhibit A, Budget for October 2014 through October 2016 (Estimated)** lists expenses incurred each year, a few of which are listed below, about which the Court may require further information and itemization as to allocation of the expenses solely to the Conservatee; because accountings are waived, there is no indication in the Report that the Conservators apportion the amounts to share the expenses with the Conservatee:
  - Home Health Aide/Therapy of **\$18,000.00**;
  - Credit Card of **\$6,000.00**;
  - AT&T of **\$350.00**;
  - Cable of **\$1,750.00**;
  - PGE/Utilities of **\$5,500.00**;
  - Taxes of **\$4,500.00**;
  - Home/Van insurance, gas, repairs and expense totaling **\$4,150.00**;
  - Home repairs and upkeep of **\$3,000.00**;
  - Pool expense of **\$1,200.00**;
  - Miscellaneous of **\$1,400.00**.

~Please see additional page~

**Declaration of Ted Miller and Norma Miller in Support of Report of Conservators and Waiver of Further Accountings filed 1/6/2015 states:**

- This declaration is being provided per the Court's instruction on 10/28/2014 to us as Conservators to provide further explanation as to certain charges, and to address the issue of whether an accounting should be imposed;
- Their daughter, Jocelyn (the Conservatee), was a passenger involved in a motor vehicle accident when she was 13 years old and sustained a traumatic brain injury with resultant spasticity and contractures with developmental delay; she has short-term memory of ~5 minutes; she is also paraplegic, and requires 24-hour assistance for many routine daily activities, including use of the restroom;
- Petitioners were appointed as Jocelyn's Guardians of the person and estate on 3/2/1990 in part to receive funds in settlement and compromise causes of action and damages suffered by Jocelyn in connection with the accident;
- On 9/9/1994, they were name conservators of Jocelyn's conservatorship estate; on the same date a Minute Order was entered by Judge Stephen R. Henry authorizing a withdrawal of **\$4,000.00** per month for the Conservatee's expenses and requiring them to file verified budgets; he also waived an accounting of the **\$4,000.00** withdrawals;
- The assets on hand in the guardianship were transferred to them as Conservators and have been retained in the same Cash Management Account at Merrill Lynch; the account has been blocked since the Court's order authorizing compromise of minor's settlement, and no withdrawals can be made without order of this Court;
- As a further term of the settlement a trust known as the **JOCELYN MILLER IRREVOCABLE TRUST** was established with settlement funds; Wells Fargo was the initial trustee; the current trustee is **STEVEN L. JACKSON, CPA**;
- The Court Investigator has been interviewing the Conservatee and Conservators since the first report filed 9/6/1994, and has found no issues to report to the Court with regard to Jocelyn's physical or financial wellbeing;
- To keep up with the cost of living and monthly expenses, they requested the Court approve increases in the monthly draw; on 7/26/2000, the Court approved an increase in the original monthly draw from **\$4,000.00** to **\$4,400.00** per month; in 2007, the Court granted another increase from **\$4,400.00** to **\$4,800.00** per month, where it remains today;
- As set forth in the Biennial Status Report filed 9/23/2014, they checking account had **\$9,286.39** as of 8/31/2014; they are not depleting the funds each month and believe they have a health reserve in the account;
- The investment account at Merrill Lynch was down approximately \$67,000.00 from December 2012 to December 2013 due to a downturn in the market and monthly withdrawal ;
- To fulfill their duties as prudent investors as Conservators, within the last 2 years, they reviewed the Merrill Lynch Investment account and made the decision to transfer the accounts held at Merrill Lynch to a new account manager;
- Since that transfer, the accounts have been producing a greater rate of return and have remained relatively steady as shown on *Exhibit B (attached)*;
- **Explanation of Budget and Expenses:** *[Please refer to Part II, pages 3 to 8 of Declaration of Ted Miller and Norma Miller];*
- **Petitioners' respectfully request the Court continue to waive accountings** *[Please refer to Part IV, pages 8 to 10 of Declaration of Ted Miller and Norma Miller.]*

<b>Age: 6 years</b>	<b>COLBY LEWIS and JENNY LEWIS</b> , maternal uncle and aunt, are petitioners.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from</b>	<b>DONALD LEWIS and ARLA LEWIS</b> , maternal grandparents, were appointed guardians on 6/23/2009. Mr. and Mrs. Lewis have filed a resignation as guardians effective upon the appointment of Colby and Jenny Lewis.	
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<b>PTC</b>	Father: <b>WILLIS WALKER</b> – personally served on 12/2/14	
<b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Mother: <b>SHASTA LEWIS</b> – deceased.	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	W/ Paternal grandfather: John Walker – served by mail on 11/18/14.	
<b>Aff.Pub.</b>	Paternal grandmother: Carol Duarte – served by mail on 11/18/14.	
<b>Sp.Ntc.</b>		
<input checked="" type="checkbox"/> <b>Pers.Serv.</b>	W/ <b>Petitioners state</b> over the past two years Jett has been spending more and more time with their family. Over the last year Jett has primarily lived with them (the guardian's live down the street). Petitioners and the current guardians believe that it is in Jett's best interest for Petitioners to be appointed his guardian. Petitioners have children near the same age as Jett. He is like one of their family and considers Petitioners' children as his siblings. Petitioners would like guardianship to make legal decisions for Jett and to put him on their health insurance.	
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<b>Aff. Posting Status Rpt</b>	<b>Tulare County, Court Investigator Mario Correa's Report filed on 12/31/14</b>	
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by: KT</b>
		<b>Reviewed on: 1/7/15</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 2 - Lewis</b>

**Amended First Account and Report of Trustee of Edward Crable Special Needs Trust; Amended Petition to Settle Account**

<p><b>Age: 17</b></p> <hr/> <hr/> <hr/> <hr/> <p><b>Cont. from</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:10%;"></td> <td style="width:80%;"><b>Aff.Sub.Wit.</b></td> <td style="width:10%;"></td> </tr> <tr> <td style="text-align:center;">✓</td> <td><b>Verified</b></td> <td></td> </tr> <tr> <td></td> <td><b>Inventory</b></td> <td></td> </tr> <tr> <td></td> <td><b>PTC</b></td> <td></td> </tr> <tr> <td></td> <td><b>Not.Cred.</b></td> <td></td> </tr> <tr> <td></td> <td><b>Notice of Hrg</b></td> <td style="text-align:center;">x</td> </tr> <tr> <td></td> <td><b>Aff.Mail</b></td> <td style="text-align:center;">x</td> </tr> <tr> <td></td> <td><b>Aff.Pub.</b></td> <td></td> </tr> <tr> <td></td> <td><b>Sp.Ntc.</b></td> <td></td> </tr> <tr> <td></td> <td><b>Pers.Serv.</b></td> <td></td> </tr> <tr> <td></td> <td><b>Conf. Screen</b></td> <td></td> </tr> <tr> <td></td> <td><b>Letters</b></td> <td></td> </tr> <tr> <td></td> <td><b>Duties/Supp</b></td> <td></td> </tr> <tr> <td></td> <td><b>Objections</b></td> <td></td> </tr> <tr> <td></td> <td><b>Video Receipt</b></td> <td></td> </tr> <tr> <td></td> <td><b>CI Report</b></td> <td></td> </tr> <tr> <td></td> <td><b>9202</b></td> <td></td> </tr> <tr> <td></td> <td><b>Order</b></td> <td style="text-align:center;">x</td> </tr> <tr> <td></td> <td><b>Aff. Posting</b></td> <td></td> </tr> <tr> <td></td> <td><b>Status Rpt</b></td> <td></td> </tr> <tr> <td></td> <td><b>UCCJEA</b></td> <td></td> </tr> <tr> <td></td> <td><b>Citation</b></td> <td></td> </tr> <tr> <td></td> <td><b>FTB Notice</b></td> <td></td> </tr> </table>		<b>Aff.Sub.Wit.</b>		✓	<b>Verified</b>			<b>Inventory</b>			<b>PTC</b>			<b>Not.Cred.</b>			<b>Notice of Hrg</b>	x		<b>Aff.Mail</b>	x		<b>Aff.Pub.</b>			<b>Sp.Ntc.</b>			<b>Pers.Serv.</b>			<b>Conf. Screen</b>			<b>Letters</b>			<b>Duties/Supp</b>			<b>Objections</b>			<b>Video Receipt</b>			<b>CI Report</b>			<b>9202</b>			<b>Order</b>	x		<b>Aff. Posting</b>			<b>Status Rpt</b>			<b>UCCJEA</b>			<b>Citation</b>			<b>FTB Notice</b>		<p><b>PATTI CRABLE</b>, trustee, is petitioner.</p> <p>Account period: <b>09/25/12 – 08/15/14</b></p> <p>Accounting - <b>\$19,250.00?</b>          Beginning POH - <b>\$0.00</b>          Ending POH - <b>\$9,250.00</b></p> <p>Trustee - <b>not addressed</b></p> <p>Attorney - <b>not addressed</b></p> <p>Bond is currently filed in the amount of \$11,000.00, petitioner is requesting that bond be reduced to zero because the remaining assets of the Trust are held in a blocked account.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Need <i>Notice of Hearing</i> and proof of service by mail at least 30 days before the hearing of <i>Notice of Hearing</i> to all interested parties.</li> <li>2. There appears to be an addition error in the accounting and it does not balance. Further, it does not appear that the ending balance on hand is correct, as the bank statement attached to the Supplement filed 12/03/14 indicates that the balance is \$9,251.55 and not \$9,250.00 as stated on the Summary of Account. Also, the figures on the Summary of Account do not match the Summary on page 3 of the Supplement. Need revision/clarification.</li> <li>3. The account indicates that the trust disbursed \$10,000.00 to the Leigh Law Group for legal services that resulted in the beneficiary being placed in a private out of state school valued at over \$50,000.00 that was paid for by the school district. Declaration of Jay Jambeck indicates that the placement was essential to the well-being of the beneficiary and the family agreed to pay the fees from the Special Needs Trust. However, it does not appear that a court order was obtained authorizing the payment and it is unclear whether this type of expenditure was authorized by the Trust instrument without a Court order. The court may require more information/authority for this expenditure. Further <i>Notice of Hearing</i> to the bonding company (International Fidelity Insurance Company) may be required.</li> <li>4. Need Order.</li> </ol> <table border="1" style="width:100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td><b>Reviewed by:</b> JF</td> </tr> <tr> <td><b>Reviewed on:</b> 01/08/15</td> </tr> <tr> <td><b>Updates:</b></td> </tr> <tr> <td><b>Recommendation:</b></td> </tr> <tr> <td><b>File 3 - Crable</b></td> </tr> </table>	<b>Reviewed by:</b> JF	<b>Reviewed on:</b> 01/08/15	<b>Updates:</b>	<b>Recommendation:</b>	<b>File 3 - Crable</b>
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**4 George L. Smith (Estate)**

**Case No. 13CEPR00058**

**Atty Thompson, Timothy L.; Cunningham, Nikole E., of McCormick Barstow (for Petitioner Michelle K. Johnson, daughter)**

**Atty Nuttall, Natalie (for Christine Reynolds, Decedent's former caregiver)**  
**Status Hearing**

<b>DOD: 10-3-12</b>	<b>MICHELLE K. JOHNSON</b> , daughter, filed a Petition for Letters of Administration on 1-22-13 that was set for hearing on 2-21-13.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Status Report filed 1-6-15 by Attorney Cunningham states</b> that on 10-30-14, Judge Oliver requested that Petitioner agree to a 30 day "hold" on all matters to provide Respondent time to locate new counsel. This status hearing was set to determine the status of Ms. Reynolds' efforts in locating new counsel and to set a trial date. It has now been more than 60 days since the settlement conference; however, the attorney has not been informed as to whether Ms. Reynolds has located new counsel. Petitioner continued the "hold" through the holidays, but intends to begin conducting discovery following the 1-13-15 status hearing and will request that the matter be set for trial.</p> <p><b>A status report was also filed by Attorney Natalie Nuttall. See additional page.</b></p>
	On 2-21-13, the Court was informed that a petition/will contest would be filed. The matter was continued to a date to be determined once a petition is filed.	
	On 4-9-13, <b>MICHELLE K. JOHNSON</b> filed a petition against <b>CHRISTINE REYNOLDS</b> , former non-relative caregiver, seeking findings of financial elder abuse, conversion, and recovery of estate property pursuant to probate Code § 850.	
<b>Aff.Sub.Wit.</b>	Following settlement attempts, and pursuant to Ex Parte Petition filed 12-20-13, the Court appointed <b>CHRISTINE REYNOLDS</b> as Special Administrator for the purpose of obtaining copies of Decedent's financial accounts on 1-7-14 (exp. 4-7-14).	
<b>Verified</b>	On 6-9-14, <b>MICHELLE K. JOHNSON</b> filed a petition for Letters of Special Administration	
<b>Inventory</b>	On 7-21-14, the Court appointed <b>MICHELLE K. JOHNSON</b> as Special Administrator with Letters to expire 10-16-14 for the sole purpose of obtaining true and correct copies of all account statements from all financial accounts held in the name of Decedent George L. Smith, and set status hearing for 10-16-14 for a report of the special administration.	
<b>PTC</b>	<b>Minute Order 10-16-14 states:</b> The Court is advised that the Letters of Special Administration do not need to be extended. Matter is set for settlement conference on 10-30-14.	
<b>Not.Cred.</b>	<b>Minute Order 10-30-14 set this status hearing.</b>	
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 1-7-15</p> <p><b>Updates:</b> 1-9-15</p> <p><b>Recommendation:</b></p> <p><b>File 4 - Smith</b></p>

**Status Hearing Report filed 1-9-15 by Attorney Natalie Nuttall states** that at the settlement conference, it was discussed that Ms. Reynolds would obtain new counsel and it was apparent that settlement discussions would have to be continued until documents could be provided and reviewed. As Ms. Nuttall was still Ms. Reynolds' attorney of record, Ms. Nuttall requested that Ms. Cunningham provide her with the relevant documents, as she was prepared to review them in preparation for transfer to a new attorney. However, no documentation has been received. To date, Ms. Reynolds has not obtained new counsel, due mainly to financial restraints. Ms. Nuttall has communicated to Ms. Reynolds that she is still her attorney of record, and she will appear on her behalf at the status hearing on 1-13-15.

**First Account Current - Report of Conservatorship**

<b>Age: 31 years</b>	<b>NGOI NGUYEN</b> , Conservator, is petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Need Notice of Hearing.</li> <li>2. Need proof of service of the Notice of Hearing on Lan Nguyen, conservatee.</li> <li>3. Need Order. Local Rule 7.1 states a proposed Order shall be submitted with all pleadings that request relief. If the proposed order is not received in the Probate Filing Clerk's Office ten (10) days before the scheduled hearing, a continuance may be required.</li> </ol> <p><b>Note:</b> If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> <li>• <b>Wednesday, February 15, 2017</b> at 9:00 a.m. in Department 303, for the filing of the second account.</li> </ul> <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.</p>
	Account period: 10/24/13 – 11/26/14	
<b>Cont. from</b>	Accounting - <b>\$7,025.00</b>	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Beginning POH - <b>\$ 25.00</b>	
<input checked="" type="checkbox"/> <b>Verified</b>	Ending POH - <b>\$7,025.00</b>	
<input checked="" type="checkbox"/> <b>Inventory</b>	All funds are held in a blocked account.	
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
<input type="checkbox"/> <b>Notice of Hrg</b>	Conservator - <b>waives</b>	
<input type="checkbox"/> <b>Aff.Mail</b>	Attorney - <b>fees not requested</b>	
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>	<b>Petitioner requests an order of the Court that:</b>	
<input type="checkbox"/> <b>Conf. Screen</b>	1. The first account of petitioner be settled, allowed and approved as filed;	
<input type="checkbox"/> <b>Letters</b>	2. All of the acts and proceedings of Petitioner be confirmed and approved.	
<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>2620(c)</b>		
<input type="checkbox"/> <b>Order</b>	<input checked="" type="checkbox"/>	
<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: KT</b>
		<b>Reviewed on: 1/8/15</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 5 - Nguyen</b>

**1) Petition for Final Distribution on Waiver of Accounting, 2) and for Allowance of Attorneys' Fees and Costs of Administration**

<b>DOD: 9/14/13</b>		<b>LINDA CROUCH</b> , Executor, is petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Probate Code §10501(a)(6) requires Court supervision of sales of real property to the personal representative.</li> <li>2. Need Order. Local Rule 7.1 states a proposed Order shall be submitted with all pleadings that request relief. If the proposed order is not received in the Probate Filing Clerk's Office ten (10) days before the scheduled hearing, a continuance may be required.</li> </ol>
		Accounting is waived.	
		I & A - <b>\$190,000.00</b>	
		POH - <b>\$0</b>	
<b>Cont. from</b>		Executor - <b>waives</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Attorney - <b>\$6,130.00</b> (statutory, to be paid outside of probate)	
<input checked="" type="checkbox"/>	<b>Verified</b>	Costs - <b>\$1,867.50</b> (filing fees, certified copies, publication, probate referee, to be paid outside of probate)	
<input checked="" type="checkbox"/>	<b>Inventory</b>	<b>Petition states</b> prior to the death of the decedent due to a terminal illness and medical expenses, the decedent and his spouse (petitioner) sought a reverse mortgage with the lender of the real property. At that time, the property was in joint tenancy between the husband and wife and had been owed by them for many years. As a condition of the reverse mortgage, the lender, required the decedent to take title to the real property in his name solely. During the administration of the estate, the lender required the executor/spouse purchase the real property on a short sale for \$171,000.00. The Court is requested to approve the short sale as required by the lender.	
<input checked="" type="checkbox"/>	<b>PTC</b>	Petitioner is the sole beneficiary of the estate. Since the real property sold during the administration there are no assets to distribute.	
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	W/	
<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 checked="" type="checkbox"/>	<b>Letters</b>	2/10/14	
<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 checked="" type="checkbox"/>	<b>FTB Notice</b>		
		<b>Reviewed by:</b> KT	
		<b>Reviewed on:</b> 1/8/15	
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 5 - Crouch</b>	

Atty Kruthers, Heather H. (for Public Guardian, Conservator of the Person and Estate)  
 Atty Amador, Catherine A., of Pascuzzi, Pascuzzi & Stoker (Petitioner)

Probate Status Hearing Re: Filing Inventory and Appraisal

<b>Age: 87 years</b>	<p><b>PUBLIC GUARDIAN</b> was appointed Conservator of the Person on 2/10/2014; Letters issued on 2/20/2014.</p> <p><b>PUBLIC GUARDIAN</b> was appointed Conservator of the Estate on 8/26/2014; <i>First Amended Letters</i> reflecting appointment as Conservator of the Person and Estate issued on 9/2/2014.</p> <p><b>Minute Order dated 8/26/2014</b> from the hearing on the Public Guardian's <i>Petition for Appointment of Probate Conservator of the Estate</i> set this hearing on 1/13/2015 for filing of the <i>Inventory and Appraisal</i>.</p> <p><b>Notes for background:</b></p> <ul style="list-style-type: none"> <li>On 2/10/2014, the Public Guardian was appointed the Conservator of the Person of the Conservatee with medical powers;</li> <li>Conservatee's son, <b>ALBERT ROUSSEAU</b>, had filed a petition for his daughter, <b>ANDREA ROUSSEAU</b>, to become Conservator, and it was denied;</li> <li>Since 2/11/2014 the Public Guardian has been acting as Conservator of the Person, coordinating Conservatee's care providers;</li> <li>Prior to the Public Guardian's appointment as Conservator of the Estate, Albert and the Conservatee's other son, <b>JEAN ROUSSEAU</b>, as Co-Trustees, had been managing the estate assets, the majority of which are primarily held in the <b>LIZIBET E. ROUSSEAU LIVING TRUST</b>.</li> </ul>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<p>1. Need <i>Final Inventory and Appraisal</i> pursuant to Probate Code § 2610.</p>
<b>Cont. from</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b> <input checked="" type="checkbox"/>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
	<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 1/9/15</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 7B - Rousseau</b></p>	

**(1) First and Final Account and Report of Personal Representative and Petition for Settlement Thereof; (2) for Allowance of Statutory Attorneys' Fees and Costs; and (3) for Final Distribution**

<b>DOD: 01/10/12</b>	<b>ANITA HEATH</b> , Administrator, is Petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>The order does not, but should specify what the "½ interest in the remaining assets" consists of, to include the market value of those assets. <b>Note to Judge:</b> It appears that the remaining assets consist of a Wells Fargo brokerage account valued at \$477,427.23.</li> <li>The Petition does not address notice to the Franchise Tax Board, as required pursuant to Probate Code § 9202(c).</li> </ol>
	Account period: <b>01/10/12 – 11/21/14</b>	
	Accounting - <b>\$502,492.23</b>	
	Beginning POH - <b>\$390,673.10</b>	
	Ending POH - <b>\$501,293.20</b> (\$23,865.97 is cash)	
<b>Cont. from</b>	Administrator - <b>waived</b>	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Administrator costs - <b>\$6,833.50</b> (funeral expenses, taxes, filing/recording fees)	
<input checked="" type="checkbox"/> <b>Verified</b>	Attorney - <b>\$10,813.46</b> (statutory)	
<input checked="" type="checkbox"/> <b>Inventory</b>	Attorney costs - <b>\$1,680.67</b> (filing fees, publication, certified copies, probate referee)	
<input checked="" type="checkbox"/> <b>PTC</b>	<b>Distribution, pursuant to intestate succession, is to:</b>	
<input checked="" type="checkbox"/> <b>Not.Cred.</b>	Anita Heath - \$2,269.17 cash, plus ½ interest the remaining asset	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Gary Litle - \$2,269.17 cash, plus ½ interest in the remaining asset	
<input checked="" type="checkbox"/> <b>Aff.Mail</b> w/		
<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> 07/15/14		
<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>		
<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> 01/08/15
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 8 - Litle</b>

(1) Waiver of Accounting and Petition for Final Distribution and (2) for Allowance of Compensation for all Services Rendered

<b>DOD: 05/11/12</b>	<b>BENNETT SHERFY</b> , Executor, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need <i>Notice of Hearing</i> .  2. Need proof of service by mail at least 15 days before the hearing of Notice of Hearing on all interested parties.
	Accounting is waived.	
	I & A - <b>\$530,028.55</b>	
<b>Cont. from</b>	POH - <b>\$530,028.55</b> (no cash)	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Executor - <b>waived</b>	
<input checked="" type="checkbox"/> <b>Verified</b>	Attorney - <b>\$13,600.57</b> (statutory) (to be paid outside of the estate)	
<input checked="" type="checkbox"/> <b>Inventory</b>	Costs - <b>\$1,806.02</b> (filing fees, publication, probate referee) (to be paid outside of the estate)	
<input checked="" type="checkbox"/> <b>PTC</b>	Closing - <b>\$1,000.00</b>	
<input checked="" type="checkbox"/> <b>Not.Cred.</b>	<b>Distribution, pursuant to Decedent's Will, is to:</b>	
<input type="checkbox"/> <b>Notice of Hrg</b> x	Ben G. Sherfy, as Trustee of the Harold B. and Gloria T. Sherfy Family Trust dated 01/14/03 - 100% interest in 7 parcels of real property, 25% interest in another parcel of real property, and 100% interest in 33.701 Janus Fund D shares	
<input type="checkbox"/> <b>Aff.Mail</b> x		
<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> 05/06/14		
<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 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 checked="" type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 01/09/15
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 9 - Sherfy</b>

Probate Status Hearing Re: Filing Inventory & Appraisal

<b>DOD: 11/03/13</b>	<p><b>MARYANN GIBBS</b>, spouse, was appointed Administrator with full IAEA and without bond on 09/09/14. Letters of Administration were issued on 09/10/14.</p> <p><b>Minute Order</b> from hearing on 09/09/14 set this matter for filing of the Inventory &amp; Appraisal.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need <i>Inventory &amp; Appraisal</i> and/or <i>Verified Status Report</i>.</p>
<b>Cont. from</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202 Order</b>		
<b>Aff. Posting Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 01/09/15
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 10 - Gibbs</b>

<b>DOD: 8-1-13</b>	<b>PRIMAVERA DAMME</b> , Daughter, is Petitioner and requests appointment as Administrator with Full IAEA with bond of \$175,000.00.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 11-3-14, 12-3-14</b></p> <p><b>As of 1-7-15, nothing further has been filed. The following issues remain:</b></p> <ol style="list-style-type: none"> <li><b>1. Need Duties and Liabilities of Personal Representative (DE-147) and Confidential Supplement (DE-147S)</b></li> <li><b>2. Need Notice of Petition to Administer Estate (DE-121)</b></li> <li><b>3. Need proof of service of Notice of Petition to Administer Estate at least 15 days prior to the hearing pursuant to Probate Code §8110 on all parties listed at #8 of the petition:</b>                      - Javier F. Sanchez (son)                      - Daniel Adan Sanchez (son)</li> <li><b>4. Need publication pursuant to Probate Code §8120.</b></li> <li><b>5. Need Order.</b></li> <li><b>6. Need Letters.</b></li> </ol>
<b>Cont from 110314, 120314</b>	Petitioner is a resident of Mesa, AZ.	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Full IAEA – need publication	
<input checked="" type="checkbox"/> <b>Verified</b>	Decedent died intestate	
<input type="checkbox"/> <b>Inventory</b>	Residence: Fresno	
<input type="checkbox"/> <b>PTC</b>	Publication: need publication	
<input type="checkbox"/> <b>Not.Cred.</b>	Estimated value of estate:	
<input type="checkbox"/> <b>Notice of Hrg</b>	Personal property: \$ 5,000.00	
<input type="checkbox"/> <b>Aff.Mail</b>	Real property: \$ 170,000.00	
<input type="checkbox"/> <b>Aff.Pub.</b>	Total: \$ 175,000.00	
<input type="checkbox"/> <b>Sp.Ntc.</b>	Probate Referee: Rick Smith	
<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 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>		
<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> 1-7-15
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 11 – Valencia</b>

**12A Rose Rodriguez (CONS/PE)**

**Case No. 14CEPR00994**

**Atty Krbechek, Randolf (for Petitioner/son Dennis Rodriguez)**

**Atty McFarland, Pamela J (for Maxine Rodriguez)**

**Atty Knudson, David N. (court appointed for Conservatee)**

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

<b>Age: 83 years</b>	<b>DENNIS RODRIGUEZ</b> , son, is petitioner and requests appointment as conservator of the estate without bond.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Court Investigator advised rights on 12/18/14.</b></p> <p><b>Voting rights affected need minute order.</b></p> <ol style="list-style-type: none"> <li>Petition for Appointment of Probate Conservator, Duties of Conservator, Confidential Conservator Screening Form, and Confidential Supplemental Information all have the place where the petitioner is to sign the document completed using a cursive computer font (<i>Dennis Rodriguez</i>). Need original signature of petitioner on the above named documents.</li> <li>Need Notice of Hearing. (Notice of Hearing was filed for the 12/11/14 hearing however Minute Order dated 11/20/14 continued the matter to 1/13/15 therefore there was no hearing on 12/11/14.)</li> <li>Need proof of service of the Notice of Hearing (with the 1/13/14 hearing date) on:             <ol style="list-style-type: none"> <li>Lydia Henriques (sister)</li> <li>Johnny M. Trejo (brother) (Maxine Rodriguez and David Knudson were at the 11/20/14 hearing)</li> </ol> </li> </ol>
<b>Cont. from</b>	<b>Estimated value of the estate:</b>	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Personal property - \$500.00	
<input checked="" type="checkbox"/> <b>Verified</b>	Voting rights affected.	
<input type="checkbox"/> <b>Inventory</b>	<b>Petitioner states</b> the conservatee has been living at Hillcrest Assisted Living Facility since 1999. Conservatee receives her health care benefits through MediCal. Conservatee's husband, Jay Rodriguez died on 8/13/14. A conservatorship of the estate is needed to be sure his mother's interests are properly represented.	
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
<input type="checkbox"/> <b>Notice of Hrg</b>	<input checked="" type="checkbox"/>	
<input type="checkbox"/> <b>Aff.Mail</b>	<input checked="" type="checkbox"/>	
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input checked="" type="checkbox"/> <b>Conf. Screen</b>	<b>Court Investigator Jennifer Daniel's Report filed on 1/7/15.</b>	
<input type="checkbox"/> <b>Letters</b>	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input checked="" type="checkbox"/> <b>Video Receipt</b>		
<input checked="" 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 checked="" type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by: KT</b>
		<b>Reviewed on: 1/8/15</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 12A - Rodriguez</b>

4. Need Letters

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

- **Wednesday, May 20, 2015** at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.
- **Wednesday, March 30, 2016** at 9:00 a.m. in Department 303, for the filing of the first account

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

**12B Rose Rodriguez (CONS/PE)**  
 Atty Krbechek, Randolf (for Dennis Rodriguez)  
 Atty McFarland, Pamela J (for Petitioner Maxine Rodriguez)  
 Atty Knudson, David N. (court appointed for Conservatee)

Case No. 14CEPR00994

**First Amended Petition for Appointment of Probate Conservator of the Person & Estate**

<b>Age:</b> 83 years	<b>TEMPORARY OF THE PERSON ONLY</b> <b>EXPIRES 1/13/15</b>  <b>MAXINE RODRIGUEZ</b> , daughter, is petitioner and requests appointment as conservator of the person with medical consent powers and as conservator of the estate without bond.  <b>Estimated value of the estate:</b> Personal property - \$2,000.00  <b>Declaration of APS Sidhu 11/18/14</b>  <b>Petitioner states</b> the proposed conservatee is incapacitated due to a stroke. The proposed conservatee's husband provided for her basic needs, however he died suddenly on 8/13/14. Following the death of her father, Petitioner has assumed the responsibility of caring for her mother and making sure her needs are met. Petitioner request appointment as conservator of the person and estate to ensure that her mother's needs continue to be met.  <b>Court Investigator Jennifer Daniel's Report filed on 1/7/15</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Court Investigator advised rights on 12/18/14.</b>  <b>Voting rights affected need minute order.</b>  1. Capacity Declaration filed on 11/19/14 is incomplete. It is blank at #1 and #2 (name and address of the physician) and #7 is not initialed by the doctor as required indicating Rose Rodriguez lacks the capacity to give informed consent to medical treatment. (Note: the Capacity Declaration filed on 10/30/14 is blank on pages 2 and 3.)  <b>Please see additional page</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 checked="" type="checkbox"/> <b>Notice of Hrg</b>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b> W/		
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input checked="" 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 checked="" type="checkbox"/> <b>Video Receipt</b>		
<input checked="" 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 checked="" type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> KT <b>Reviewed on:</b> 1/9/15 <b>Updates:</b> <b>Recommendation:</b> <b>File 12B - Rodriguez</b>

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

- **Wednesday, May 20, 2015** at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.
- **Wednesday, March 30, 2016** at 9:00 a.m. in Department 303, for the filing of the first account

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior

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

Kash, 8		<p style="text-align: center;"><u>TEMPORARY EXPIRES 01/13/15</u></p> <p><b>JENNIFER ELDRIDGE</b>, maternal aunt, is Petitioner.</p> <p>Father: <b>RICHARD JACKSON</b>, currently incarcerated – served by mail on 11/15/14</p> <p>Mother: <b>STACY ELDRIDGE</b> – Personally served on 11/14/14</p> <p>Paternal grandparents: DECEASED</p> <p>Maternal grandfather: STEPHEN ELDRIDGE          Maternal grandmother: DECEASED</p> <p><b>Petitioner states</b> that the mother suffered a heart attack and is hospitalized and the father is currently incarcerated. The father has a history of domestic violence and drug abuse.</p> <p><b>Court Investigator Julie Negrete filed a report on 12/22/14.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need proof of service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> or <i>Consent &amp; Waiver of Notice</i> or <i>Declaration of Due Diligence</i> for:</p> <p>a. Richard Jackson (father) – personal service required</p> <p>b. Stephen Eldridge (maternal grandfather) – service by mail sufficient</p>	
Kalyssa, 7				
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			
<input checked="" type="checkbox"/>	Aff.Mail			w/
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input checked="" type="checkbox"/>	Pers.Serv.			w/
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<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> 01/09/15</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 13 - Jackson</b></p>		

Atty Markeson, Thomas A., of Wild, Carter & Tipton (for Petitioner Edwin G. King, Jr. and Judy King Johnson)

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

<b>DOD: 10/24/2014</b>		<b>EDWIN G. KING, JR. and JUDY KING JOHNSON</b> , children and named Co-Executors without bond, are Petitioners.	<b>NEEDS/PROBLEMS/COMMENTS:</b>									
<b>Cont. from</b>		Full IAEA – O.K.	<p><b>Note: If <i>Petition</i> is granted, Court will set Status Hearings as follows:</b></p> <ul style="list-style-type: none"> <li>Monday, June 15, 2015 at 9:00 a.m. in Dept. 303 for the filing of final inventory and appraisal; and</li> <li>Monday, March, 14, 2016 at 9:00 a.m. in Dept. 303 for the filing of first account and/or petition for final distribution.</li> </ul>									
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			S/P								
<input checked="" type="checkbox"/>	<b>Verified</b>		<p>Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.</p>									
<input type="checkbox"/>	<b>Inventory</b>											
<input type="checkbox"/>	<b>PTC</b>											
<input type="checkbox"/>	<b>Not.Cred.</b>											
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>											
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	W/										
<input checked="" 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 checked="" type="checkbox"/>	<b>Letters</b>		<p><b>Estimated value of the Estate:</b></p> <table> <tr> <td>Real property</td> <td>-</td> <td><b>\$ 8,000.00</b></td> </tr> <tr> <td>Personal property</td> <td>-</td> <td><b>\$190,000.00</b></td> </tr> <tr> <td>Total</td> <td>-</td> <td><b>\$198,000.00</b></td> </tr> </table>	Real property	-	<b>\$ 8,000.00</b>	Personal property	-	<b>\$190,000.00</b>	Total	-	<b>\$198,000.00</b>
Real property	-	<b>\$ 8,000.00</b>										
Personal property	-	<b>\$190,000.00</b>										
Total	-	<b>\$198,000.00</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>Probate Referee: Steven Diebert</b>			<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 1/9/15</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b> SUBMITTED</p> <p><b>File 14 - King</b></p>									

**Probate Status Hearing re: Failure to File an Inventory and Appraisal and for Failure to File a First Account or Petition for Final Distribution.**

<b>DOD: 05/04/2006</b>	ARTHUR K. O'BRIEN, son, was appointed Administrator with full IAEA with bond set at \$100,000.00 on 10/24/2006.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	PUBLIC ADMINISTRATOR was appointed 10/15/2014.	<b>Minute Order of 10/15/2014: The Court accepts Arthur O' Brien's resignation and appoints the Public Administrator as the personal representative.</b>
<b>Cont. from 101514</b>	Letters issued 10/20/2014.	1. Need Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>	Final Inventory and Appraisal filed 10/29/2014 showing an estate valued at \$125,000.00.	
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by: LV</b>
		<b>Reviewed on: 01/09/2015</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 15 – O'Brien</b>

		NEEDS/PROBLEMS/COMMENTS:  <p style="text-align: center;"><b><u>OFF CALENDAR</u></b></p> Receipt for blocked account filed 1-8-15, Final I&A filed 1-9-15
Cont. from 093014, 110314, 120814		
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		
		Reviewed by: skc
		Reviewed on: 1-7-15
		Updates: 1-9-15
		Recommendation:
		File 16A - Fuente

**Status Hearing Re: Filing of the Inventory and Appraisal**

<b>DOD: 06/30/11</b>	<p><b>RICARDO GARCIA</b>, brother, was appointed as Administrator with Limited IAEA and without bond on 07/21/14. Letters of Administration were issued on 07/24/14.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b>  <u><b>CONTINUED FROM 10/21/14</b></u>   <b>As of 01/07/15, nothing further has been filed.</b></p> <p>1. Need Inventory &amp; Appraisal.</p>		
<b>Cont. from 082214, 102114</b>				
<b>Aff.Sub.Wit.</b>				
<b>Verified</b>				
<b>Inventory</b>				
<b>PTC</b>				
<b>Not.Cred.</b>				
<b>Notice of Hrg</b>				
<b>Aff.Mail</b>				
<b>Aff.Pub.</b>				
<b>Sp.Ntc.</b>				
<b>Pers.Serv.</b>				
<b>Conf. Screen</b>				
<b>Letters</b>				
<b>Duties/Supp</b>				
<b>Objections</b>				
<b>Video Receipt</b>				
<b>CI Report</b>				
<b>9202</b>				
<b>Order</b>				
<b>Aff. Posting</b>				
<b>Status Rpt</b>				
<b>UCCJEA</b>				
<b>Citation</b>				
<b>FTB Notice</b>				
			<b>Reviewed by: JF</b>	
			<b>Reviewed on: 01/07/15</b>	
			<b>Updates:</b>	
		<b>Recommendation:</b>		
		<b>File 17 – Blanco</b>		

Atty Alegria, Eddie (Pro Per – Petitioner – Cousin)

Atty Dominguez, Pablo III (Pro Per – Father of Nevaeh – Objector)

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

Neveah Age: 1 yr		<p align="center"><b>TEMPORARY AS TO NAVAEH EXPIRES</b> <b>01/13/2015</b></p> <p><b>EDDIE ALEGRIA</b>, cousin, is petitioner.</p> <p>Father of Neveah: <b>PABLO DOMINGUEZ, III</b>, Objection filed 08/08/2014, Declaration of Due Diligence filed 12/11/2014</p> <p>Mother: <b>CHRISSEY QUAIR</b>, Declaration of Due Diligence filed 06/09/2014</p> <p>Paternal Grandfather of Nevaeh: Not Listed</p> <p>Paternal Grandmother: Maylou Dick</p> <p>Maternal Grandfather: Not Listed Maternal Grandmother: Not Listed</p> <p><b>Petitioner states:</b> Neveah has been with the petitioner for 12 months and Josiah was tested positive for meth when he was born, CPS was involved and the children were given to the petitioner by the mother.</p> <p><b>Objection filed by Pablo Dominguez, father of Nevaeh, on 08/08/2014</b> states he feels that his daughter should reside with him. He was not informed that the child's mother left the child with strangers. He states he can provide a stable home, love, time and affection. He states he was not given the opportunity to be in his daughter's life, but now he can. He also states that the petitioner is not a relative to him, his family, or the mother.</p> <p align="center"><b><u>Please see additional page</u></b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>Petition as to Nevaeh only.</p> <p><b>Minute Order of 12/15/2014 (Judge Hamlin): Examiner notes are provided to the petitioner. The petitioner advises the Court that she no longer has Josiah. The petition as to Josiah is withdrawn. The temporary as to Neveah is extended to 01/13/2015.</b></p> <p><b>The following issues remain:</b></p> <ol style="list-style-type: none"> <li>1. Need Notice of Hearing.</li> <li>2. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> <li>• Pablo Dominguez, III (Father of Nevaeh) – Unless the Court dispenses with notice</li> </ul> </li> </ol> <p><b>Note:</b> Declaration of Due Diligence filed 12/11/2014 states she does not know him. The day he came to take the child he gave her his number but because she never got an answer she assumed it was the wrong number.</p> <ul style="list-style-type: none"> <li>• Chrissy Quair (Mother)-Unless the Court dispenses with notice.</li> </ul> <p><b>Note:</b> Declaration of Due Diligence is incomplete. It does not provide any information regarding petitioner's last contact nor the results of her search for the mother.</p> <p align="center"><b><u>Please see additional page</u></b></p>	
Cont. from 081414, 101414				
<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 type="checkbox"/>	Aff.Mail			x
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			x
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
Reviewed by: LV				
Reviewed on: 01/09/2015				
Updates:				
Recommendation:				
File 18– Gayten & Dominguez				

Court Investigator Samantha D. Henson's report filed 08/06/2014.

**NEEDS/PROBLEMS/COMMENTS continued:**

3. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:
  - **Paternal Grandmother of Nevaeh (Not Listed)**
  - **Maylou Dick (Paternal Grandmother)**
  - **Maternal Grandfather (Not Listed)**
  - **Maternal Grandmother (Not Listed)**

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

<b>DOD: 3-14-14</b>	<b>FLORINE FURLOW</b> is Petitioner. (Relationship to Decedent is not stated.)	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Minute Order 10-28-14:</b> Examiner Notes are provided to the petitioner.  <b>As of 1-7-15, nothing further has been filed. The following issues remain:</b>  <ol style="list-style-type: none"> <li>The petition is incomplete at #5 as to whether the decedent died intestate or testate.   <u>Note:</u> At #12, Petitioner states she is a successor pursuant to a will, and at #15 Petitioner states she is the named executor; however, no will is attached and Court records do not indicate that a will has ever been deposited with the Court pursuant to Probate Code §8200.   <u>Need clarification.</u> Is there a will?</li> <li>The petition is incomplete at #9. Was the decedent survived by issue of a predeceased child?</li> <li>The petition is incomplete at #10. #10 must be completed if the decedent was not survived by a spouse or issue.</li> <li>The petition is incomplete at #13. Need specific property interest claimed by Petitioner.</li> <li>The petition is incomplete at #14. Need list of names, including Petitioner, each person's relationship to decedent, and addresses, if applicable.   <u>Note:</u> What is Petitioner's relationship to the decedent?</li> </ol>	
	40 days since DOD		
<b>Cont from 102814</b>	No other proceedings		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>			
<input checked="" type="checkbox"/> <b>Verified</b>			
<input type="checkbox"/> <b>Inventory</b>	I&A: \$66,500.00 (real property and personal property including a vehicle and home furnishings)		
<input type="checkbox"/> <b>PTC</b>			
<input type="checkbox"/> <b>Not.Cred.</b>			
<input type="checkbox"/> <b>Notice of Hrg</b>	x Petitioner states at #12 that she is a successor pursuant to Decedent's will; however, no will is attached.		
<input type="checkbox"/> <b>Aff.Mail</b>	x		
<input type="checkbox"/> <b>Aff.Pub.</b>			
<input type="checkbox"/> <b>Sp.Ntc.</b>			
<input type="checkbox"/> <b>Pers.Serv.</b>	The petition is blank at #13 regarding the specific property interest claimed by Petitioner.		
<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 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> 1-7-15
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 19 – Moore</b>	

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

<b>DOD: 6-13-14</b>	<b>JUANA M. AGUILAR and BENJAMIN AGUILAR</b> are Petitioners.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	(Relationships not stated.)	<b><u>OFF CALENDAR</u></b>
<b>Cont from 111814</b>		Amended petition filed 12-24-14 is set for hearing on 2-5-15.
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	40 days since DOD	<ol style="list-style-type: none"> <li>The petition is blank at #9a(2). Was the decedent survived by any children?</li> <li>The petition is blank at #9a(3). Was the decedent survived by issue of a predeceased child?</li> <li>#10 is blank. Need information, if applicable.</li> <li>Petitioners did not attach Attachment 11, which should provide the legal description of the real property and a description of any personal property included in this petition, and should also state what the decedent's interest in the real and personal property is.</li> <li>#12 and #15 indicate that there was a will; however, #5 indicated that the decedent died intestate. Need clarification and will, if any.</li> <li>#13 is blank. Need specific property interest claimed by each petitioner in the real and personal property.</li> <li>#14 is blank. Need list of heirs, including petitioners, and their relationship to the decedent.</li> <li>#16 indicates that the petitioners are trustees of a trust. Need clarification and Attachment 16.</li> <li>#17 is checked re conservatorship, but no names are provided. Need clarification and Attachment 17.</li> <li>Need revised order, including legal description of real property.</li> </ol>
<input checked="" type="checkbox"/> <b>Verified</b>	No other proceedings	
<input checked="" type="checkbox"/> <b>Inventory</b>		
<b>PTC</b>	I&A: \$106,101.21	
<b>Not.Cred.</b>	(residential real property valued at \$105,000.00 plus cash of \$1,101.21)	
<b>Notice of Hrg</b>	x	
<b>Aff.Mail</b>	x	
<b>Aff.Pub.</b>	Decedent died intestate (?)	
<b>Sp.Ntc.</b>	Petitioners request (?) (#13 is blank)	
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<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>	x	
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		Reviewed by: skc
		Reviewed on: 1-7-15
		Updates:
		Recommendation:
		File 20 - Aguilar





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

<b>Age: 7</b>		<b><u>NO TEMPORARY REQUESTED</u></b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need <i>Notice of Hearing</i> .  2. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> <u>or</u> <i>Consent &amp; Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for: a. Paternal grandparents b. Maternal grandparents
		CLARITA MARTINEZ, non-relative, is Petitioner.		
		Father: NIZANDRO PINEDA SOLORIO – <i>deceased</i>		
<b>Cont. from</b>		Mother: MAGGIE SOLORIO aka MARGARITA NUNEZ – <i>Consent &amp; Waiver of Notice filed 12/15/14</i>		
<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>	Paternal grandparents: NOT LISTED		
<input type="checkbox"/>	<b>Not.Cred.</b>	Maternal grandparents: NOT LISTED		
<input type="checkbox"/>	<b>Notice of Hrg</b>	<input checked="" type="checkbox"/>		
<input type="checkbox"/>	<b>Aff.Mail</b>	<input checked="" type="checkbox"/>		
<input type="checkbox"/>	<b>Aff.Pub.</b>			
<input type="checkbox"/>	<b>Sp.Ntc.</b>			
<input type="checkbox"/>	<b>Pers.Serv.</b>	<input type="checkbox"/>	n/a	
<input checked="" type="checkbox"/>	<b>Conf. Screen</b>	Siblings: RAYMOND PINEDA, DESTINY PEREZ – <i>Consents &amp; Waiver of Notice filed 12/15/14</i>		
<input checked="" type="checkbox"/>	<b>Letters</b>	<b>Petitioner states</b> that Bryan's mother was deported and his father is deceased. Petitioner states that she is the only person in the United States that is willing to provide him a better life and help with his special needs.		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>			
<input type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>	<b>Court Investigator Jennifer Daniel filed a report on 12/18/14.</b>		
<input checked="" 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 checked="" type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			
<b>Reviewed by:</b> JF				
<b>Reviewed on:</b> 01/09/15				
<b>Updates:</b>				
<b>Recommendation:</b>				
<b>File 23 - Pineda</b>				

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

<b>DOD: 10-16-14</b>		<b>DEBORA A. CAVANAUGH, Daughter, is Petitioner.</b>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Need amended petition.</u></p> <p>- The attached will is not the will of the decedent. If the decedent died testate, need original will deposited pursuant to Probate Code §8200.</p> <p>- The petition is incomplete at many sections and must attach a copy of the decedent's will (the original having been separately deposited per above).</p>
		The petition is blank at #2b regarding request for appointment.	
		Full IAEA: ok (included in publication)	
	<b>Aff.Sub.Wit.</b>	Will dated: ??	
✓	<b>Verified</b>	Residence: Kerman, CA	
	<b>Inventory</b>	Publication: Fresno Bee	
	<b>PTC</b>	Estimated Value of Estate:	
	<b>Not.Cred.</b>	Real property: \$158,000.00, less	
✓	<b>Notice of Hrg</b>	"obligation by Donnie Brewer" of	
✓	<b>Aff.Mail</b>	\$53,000.00, total \$105,000.00	
✓	<b>Aff.Pub.</b>	Probate Referee: Rick Smith	
	<b>Sp.Ntc.</b>	<b>Objection filed 12-29-14 by Terry Brewer, Son, states the decedent Emma Joann Brewer did not have a will. The petitioner, Objector's sister, attached the will of their father, Charles Brewer, to this petition. Charles Brewer died 12-21-96. Objector objects to his sister Debora A. Cavanaugh and his brother Donnie Brewer being appointed administrator and Objector wishes to be appointed. Objector alleges that his sister and brother committed financial elder abuse on their mother. See objection for details. Objector states his siblings are not trustworthy and would not fulfill their administrative and fiduciary duty to fairly administer and distribute the assets of the estate. Objector requests that any future court dates be set on his days off (list provided).</b>	
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
✓	<b>Letters</b>		
✓	<b>Duties/Supp</b>		
✓	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
✓	<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: 1-9-15</b>	
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 24 - Brewer</b>	

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

		<b>TEMP GRANTED EX PARTE EXPIRES 1-13-15</b>	
		<b>GENERAL HEARING 2-25-15</b>	
		<b>MYEISHA RICHARDSON</b> , Paternal Aunt, is Petitioner.	
	<b>Aff.Sub.Wit.</b>	Father: <b>BRENDAN WHITECLOUD</b>	
✓	<b>Verified</b>	Mother: <b>SHATERA HARRIS</b>	
	<b>Inventory</b>	Paternal Grandfather: Stephan Whitecloud	
	<b>PTC</b>	Paternal Grandmother: Olivia Johnson	
	<b>Not.Cred.</b>	Maternal Grandfather: Deceased	
	<b>Notice of Hrg</b>	Maternal Grandmother: Renee Scott	x
	<b>Aff.Mail</b>	Sibling: Zaniyah Whitecloud	
	<b>Aff.Pub.</b>	<b>Petitioner states</b> the parents are not capable of properly caring for the minor and the mother is making threats to come and retrieve the minor. In February 2014, there was a domestic violence disturbance between the parents and both were arrested in Connecticut, where they reside. As there was already a CPS case in Connecticut, the parents feared the minor would be placed in foster care while they were incarcerated and asked Petitioner and the paternal grandmother to take custody of the minor. Petitioner provides additional information regarding the minor's CPS history and states the mother has a long history of abuse, domestic violence, homelessness, and having her children removed from her custody. The father also has a history of substance abuse, domestic violence, criminal behavior and instability. Petitioner lives with her mother, the paternal grandmother, and they are able to provide the minor with love and stability. Before coming to live with Petitioner, the minor had not had her necessary vaccinations and required medical attention for untreated asthma and eczema. Attached is a "Temporary Guardianship Letter" dated 2-28-14 granting Petitioner "temporary guardianship."	
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		x
✓	<b>Conf. Screen</b>		
	<b>Letters</b>		
✓	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
✓	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		
			<b>NEEDS/PROBLEMS/COMMENTS:</b>
			1. Need Notice of Hearing.
			2. Need proof of personal service of Notice of Hearing with a copy of the temp petition at least five court days prior to the hearing pursuant to Probate Code §2250(e) or consent and waiver of notice or declaration of due diligence on: - Brendan Whitecloud (Father) - Shatera Harris (Mother)
			<b>Reviewed by:</b> skc
			<b>Reviewed on:</b> 1-9-15
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 25 - Whitecloud</b>



		<b>TEMP GRANTED EX PARTE EXPIRES 1-13-15</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>GENERAL HEARING 2-10-15</b>	
		<b>RODOLFO ESTRADA, SR.,</b> Father, is Petitioner and requests appointment as Temporary Conservator of the Person.	
	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>		
	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
✓	<b>Notice of Hrg</b>		
✓	<b>Aff.Mail</b>	W	
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
✓	<b>Pers.Serv.</b>	W	
✓	<b>Conf. Screen</b>		
	<b>Letters</b>		
✓	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
✓	<b>CI Report</b>		
	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
✓	<b>Citation</b>		
	<b>FTB Notice</b>		
			<b>Reviewed by:</b> skc
			<b>Reviewed on:</b> 1-9-15
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 28 - Estrada</b>

Atty Aguirre, Micaela (pro per – paternal great-aunt/Petitioner)

Atty Garcia, Lena (pro per – mother/Objector)

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

Valentin, 5	<b><u>NO TEMPORARY REQUESTED</u></b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>
Adrian, 4	MICAELA AGUIRRE, paternal great-aunt, is Petitioner.		Petitioner is Spanish speaking.
Delaina, 1	Father: VALENTIN AGUIRRE – Personally served on 10/28/14		<b><u>CONTINUED FROM 01/07/15</u></b>
	Mother: LENA GARCIA – Personally served on 10/28/14		Minute Order from 01/07/15 states: Mr. Reyes submits a Notice of Hearing in open court. Elaine Garcia, maternal grandmother, is provided a copy of the petition in open court. The remaining defects are to be cured. Ms. Garcia is to meet with the Court Investigator and provide copies of all paperwork brought to court today. The Court orders the matter referred to the Department of Social Services to assess the safety and welfare of the minor children.
Cont. from 010715	Paternal grandfather: NOT LISTED Paternal grandmother: TERESA AGUIRRE – Declaration of Due Diligence filed 01/06/15		
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC	Maternal grandparents: NOT LISTED		
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg	Siblings: JONATHAN FRANCO (17), EVANGELINA SERNA (8), SERENITY SERNA (7)		1. Need proof of service of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person at least 15 days before the hearing or Consent & Waiver of Notice or Declaration of Due Diligence for:
<input type="checkbox"/> Aff.Mail	<input type="checkbox"/> x		a. Paternal grandparents – service by mail sufficient
<input type="checkbox"/> Aff.Pub.			b. Maternal grandparents -service by mail sufficient
<input type="checkbox"/> Sp.Ntc.	Petitioner states that guardianship is needed because the mother has left the children in her care and stated that she is unable to provide for them.		c. Jonathan Franco (brother) – service by mail sufficient
<input checked="" type="checkbox"/> Pers.Serv.	<input type="checkbox"/> w/		
<input checked="" type="checkbox"/> Conf. Screen	Objection to Guardianship filed 11/26/14 by mother, Lena Garcia, states that she only meant for petitioner to have the children temporarily and that she can care for them.		
<input checked="" type="checkbox"/> Letters			<b>Note to Judge:</b> Per CI report, the mother had her older children removed by CPS and had an open case from March 2003 through March 2006. 2 of her older children were adopted out during this time. There is currently an open referral dated 11/21/14 for general neglect of these 3 minors. DSS Social Worker Kevin Moua advised Petitioner to seek guardianship of these minors, however, it appears the mother still has custody of 3 of her older children. Mother has numerous CPS referrals. Father has a lengthy criminal history and is currently incarcerated for a probation violation.
<input checked="" type="checkbox"/> Duties/Supp	Court Investigator Jennifer Young filed a report on 12/18/14.		
<input checked="" type="checkbox"/> Objections	Declaration of Lena Garcia (mother) filed 01/06/15 objects to the guardianship and attaches a police report in which it states that the mother went with the police and took her children back from Petitioner on 12/29/14. Police released children to mother because petitioner did not have a court order granting her custody.		
<input type="checkbox"/> Video Receipt			
<input checked="" type="checkbox"/> CI Report			<b>Reviewed by:</b> JF
<input type="checkbox"/> 9202			<b>Reviewed on:</b> 01/08/15
<input checked="" type="checkbox"/> Order			<b>Updates:</b>
<input type="checkbox"/> Aff. Posting			<b>Recommendation:</b>
<input type="checkbox"/> Status Rpt			<b>File 29 - Aguirre</b>
<input checked="" type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			

Atty Belardinelli, Richard; Georgeson, C. Russell; of Georgeson & Belardinelli (for Petitioner Edmund Nolte, Jr.)

Atty Sullivan, Jr., Robert L.; Emerzian, David; of McCormick Barstow (for Respondent Marjorie A. Nolte, Trustee)

Petition for Recovery of Trust Property and Account

Edmund Sr. DOD: 12/13/2006	<p><b>EDMUND V. NOLTE, JR.</b>, son and Trust Beneficiary, is Petitioner.</p> <p><b>Petitioner states:</b></p> <ul style="list-style-type: none"> <li><b>MARJORIE A. NOLTE</b> is the duly appointed and acting Trustee of the <b>NOLTE FAMILY TRUST dated 5/20/1999</b>;</li> <li>The Trust that is the subject of this <i>Petition</i> was created pursuant to a written Declaration of Trust subsequently modified and restated pursuant to a document entitled "Resignation of Trustees and Agreement Modifying and Restating the Nolte Family Trust" of <b>EDMUND V. NOLTE, SR.</b>, and <b>ROSETTA M. NOLTE</b>, deceased (<i>copy attached as Exhibit A</i>);</li> <li>As set forth in the Trust, upon the death of the surviving Trustor, Rosetta, the Trustee was directed to distribute the assets of the Trust instrument in equal shares to <b>ERNEST RICHARD NOLTE</b>, son, and to the Petitioner;</li> <li>The Trustee has violated the duty owed to Petitioner as beneficiary in that she has failed and refused to administer the trust property according to the trust instrument, and in particular, has failed and refused to distribute half of the assets of the trust instrument to Petitioner;</li> <li>Marjorie A. Nolte, as Trustee, has failed and refused to provide an account of the Trust at any time;</li> <li>On 1/17/2013, Petitioner, through his counsel, delivered to the Trustee a written request for an accounting of her acts as Trustee (<i>copy of request attached as Exhibit B</i>); the Trustee has failed to provide the requested account.</li> </ul> <p align="center">~Please see additional page~</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note: This matter will be heard at 8:30 a.m. in Department 72.</b></p> <p><u>Page 1B</u> is the <i>Status Hearing</i>. (Examiner notes are not prepared for the <i>Settlement Conference</i> set for 1/13/2015.)</p> <p><u>Continued from 10/21/2014.</u></p> <p><b>Notes:</b></p> <ul style="list-style-type: none"> <li><i>Order Re: Stipulation for Continuance of Settlement Conference</i> filed 10/15/2014 re-sets the Settlement Conference on <b>12/2/2014</b>, which was later continued per Attorney request to <b>1/13/2015</b>.</li> <li><i>Minute Order</i> dated 6/20/2013 set the matter for Court Trial on 3/11/2014, which was stipulated and continued to <b>1/20/2015</b>.</li> </ul>
Rosetta DOD: 5/7/2009		
Cont. from 051513, 052013, 062013, 112213, 012414, 102114		
Aff.Sub.W.		
✓ Verified		
Inventory		
PTC		
Not.Cred.		
✓ Notc of Hrg		Non-jud. council
✓ Aff.Mail		W/
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/S		
Objection		
Video Receipt		
CI Report		
9202		
Order	X	
Aff. Post		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 1/7/15</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 1A – Nolte</b></p>

**Petitioner prays for an Order:**

1. Compelling Marjorie A. Nolte, as Trustee, to submit her accounting of her acts as Trustee since 5/7/2009 through present;
2. Compelling Marjorie A. Nolte to redress the breach of trust described in the *Petition* by distributing half of the assets of the Trust to Petitioner; and
3. For costs.

**Reply to Petition for Recovery of Trust Property and Account filed by MARJORIE A. NOLTE on 5/13/2013 states:**

- Edmund V. Nolte, Sr. and Rosetta M. Nolte originally established the **NOLTE FAMILY TRUST** by Declaration of Trust dated 5/20/1999; the Trust was amended and restated in its entirety by *Resignation of Trustees and Agreement Modifying and Restating the Nolte Family Trust* dated 11/7/2005 (copy attached as Exhibit A);
- When the Trust was initially established, the Trust was funded with only two assets: (a) a parcel of commercial property located on Marks Ave. in Fresno; and (b) a residence located at Windsor Blvd. in Cambria;
- On 10/28/2005, shortly before the Resignation and Restatement was executed, the commercial property was sold by the Trust and the net proceeds from the sale of the commercial property were deposited into a joint bank account established on 6/28/2005 by the Trustors in the joint names of Edmund V. Nolte, Sr., Rosetta M. Nolte, and their granddaughter, **NATALIE NOLTE**;
- On 11/7/2005, following the sale of the commercial property, Mr. and Mrs. Nolte executed the *Resignation of Trustees*, by which, among other things, they resigned as Trustees of the Trust and appointed their daughter-in-law, Marjorie (Respondent), as Trustee of the Trust; when Respondent became Trustee of the Trust on 11/7/2005, the only remaining asset of the Trust was the Cambria residence; at the time of death of the last surviving Trustor (Rosetta), the Trust became irrevocable and the Cambria residence remained the only asset of the Trust;
- On 9/2/2010, Respondent as Trustee of the Trust caused the Cambria residence to be distributed to the two beneficiaries of the Trust by execution of Grant Deed to Ernest Richard Nolte and Edmund V. Nolte, Jr., in equal shares as tenants in common (copy of Grant Deed attached as Exhibit B);
- By making final distribution of the Cambria residence, Respondent completed her duties and responsibilities as Trustee of the Trust;
- Petitioner alleges that Respondent "...has failed and refused to administer the trust property according to the trust instrument, and in particular, has failed and refused to distribute half of the assets of the trust instrument to Petitioner." This allegation is false, for indeed on 9/2/1010, the Respondent did in fact cause all of the assets of the Trust to be distributed to the Trust's beneficiaries;
- Petitioner alleges that Respondent "...has failed and refused to provide an account of the above-described trust at any time." Once again, this allegation is false; in a telephone conversation with Petitioner's counsel on 2/11/2012, Respondent's counsel advised Petitioner's counsel that there was only one asset of the Trust (the Cambria residence); that the residence had been distributed to the Trust's beneficiaries in 2010; and that under these circumstances it would seem a waste of time and money to prepare an accounting which merely showed the distribution in kind of the sole asset of the Trust; at no time did either Respondent or her counsel refuse to provide an accounting;

**~Please see additional page~**

**Reply to Petition filed 5/13/2013 by MARJORIE A. NOLTE, continued:**

- As demanded in the *Petition*, Respondent has prepared an accounting of the administration of the Trust from 5/7/2009 through 3/31/2013 (copy attached as *Exhibit C*); *Exhibit C, First and Final Account of Trustee, Marjorie A. Nolte, Covering the Period from 5/7/2009 To and Including 9/2/2010*, shows the following:

Accounting	-	<b>\$850,000.00</b>
Beginning POH	-	<b>\$850,000.00</b>
Ending POH	-	<b>\$ 0.00*</b>

**\*Schedule G, Deductions from Account / Distributions states:** Pursuant to Article Fourth, Section D, Subsection 4 and Article Fourth, Section F, Subsection 2 of the foregoing Trust, distribution of residential real estate in Cambria, CA [legal description omitted] to **ERNEST RICHARD NOLTE** and **EDMUND V. NOLTE, JR.**, each as to an undivided ½ interest as tenants in common, Appraised value -- **\$850,000.00**.

- In connection with the accounting, Petitioner caused the Cambria residence to be appraised as of 5/7/2009 [Rosetta's date of death, showing a value of **\$850,000.00**] by the San Luis Obispo County Probate Referee (copy of the *Appraisal Report* attached as *Exhibit D*).

**Respondent prays for an Order:**

- Denying any and all of the relief sought in the *Petition*;
- Allowing and approving the account of Trustee which is attached as *Exhibit C*; and
- Determining that by and upon distribution of the Cambria residence to the Trust's beneficiaries, the Respondent completed and fully performed all of her duties as Trustee of the Trust.

**Status Report filed by Attorney Sullivan for Marjorie A. Nolte, Trustee, on 6/17/2013 states:**

- At the 5/20/2013 hearing on the *Petition for Recovery of Trust Property and Account*, and in response to the question of the Court, Mr. Noyes advised the Court that he wished to proceed with discovery in this matter; to set a mandatory settlement conference; and to have the matter set for trial; Mr. Sullivan advised the Court that Mr. Noyes had represented that he had specific information concerning various accounts of the Trust, but that he had declined to provide them to Mr. Sullivan; the Court ordered that a status conference be set on 6/20/2013; that no discovery proceed until after the status conference; and that Mr. Noyes should provide to Mr. Sullivan the information in his possession concerning accounts held in the name of the Trust;
- On 5/23/2013, Mr. Noyes provided to Mr. Sullivan 112 pages of documents consisting of current and previous estate planning documents of Edmund V. Nolte, Sr., and Rosetta M. Nolte; the only documents delivered which referred to Trust account information at issue were [9 specific pages, copies attached as *Exhibits A, B and C*];

**~Please see additional page~**

**Status Report filed by Attorney Sullivan for Marjorie A. Nolte, Trustee, on 6/17/2013, continued:**

- Respondent and her attorney have reviewed the foregoing information and other account information in the possession of the Respondent, and report to the Court as follows:
  1. Exhibits A and B disclose 3 Mid-State Bank [*located in Cambria*] accounts [*numbers omitted*] standing in the name of Edmund V. Nolte, Sr., and Rosetta M. Nolte in May of 1999, the month in which the Trust was originally established;
  2. Exhibit C makes reference to 2 Mid-State Bank accounts [*numbers omitted*] standing in the name of the Trust in March of 2005;
- Respondent was not involved with the Trust in 1999, as she did not become Trustee of the Nolte Family Trust until 11/7/2005, and accordingly, she has no specific knowledge of the disposition of the 3 accounts referenced in Exhibits A and B; however, it appears that the 2006 checking and savings accounts referenced in Exhibit C were merely renumbering of the 1999 accounts referred to in Exhibits A and B in order to reflect the retitling of those accounts in the name of the Nolte Family Trust; the Respondent has no knowledge as to the disposition of the 1999 Certificate of Deposit [*number omitted*];
- At the time the Trust was amended and restated in its entirety on 11/7/2005, the Trust's Mid-State Bank checking and savings accounts continued in existence; both of these accounts were actively used by Edmund V. Nolte, Sr., and Rosetta M. Nolte as Trustees of the Nolte Family Trust from the establishment of the Trust in 1999 until 11/7/2005 when Mr. and Mrs. Nolte restated the Trust, resigned as Co-Trustees and appointed Respondent as Trustee of the Trust;
- Prior to amending and restating the Trust and resigning as Trustee, Mr. and Mrs. Nolte established a joint bank account at Union Bank, not in the name of the Trust but in the name of Edmund V. Nolte, Sr., and Rosetta M. Nolte, and their granddaughter, **NATALIE NOLTE** ("Joint Tenancy Account"); after 2005, the Joint Tenancy Account was the primary account used for the payment of Mr. and Mrs. Nolte's bills and living expenses;
- The Mid-State Bank checking account remained in existence until 5/4/2006, on which date the Respondent instructed Mid-State Bank to close the account by fax transmittal dated 5/4/2006 (*copy attached as Exhibit D*); bank statement for that account dated 5/5/2006 (*copy attached as Exhibit E*), indicates a balance of **\$17.78**, and after applying an account closing charge of **\$2.83**, the bank issued a check for **\$14.95**, thereby closing the account; Respondent has no recollection of the disposition of the **\$14.95** check;
- The Mid-State Bank savings account remained in existence until March of 2008, and the 3/31/2008 statement for the account (*copy attached as Exhibit F*) indicates a closing balance of **\$1,312.91**, and this is the last statement for this account in the Respondent's possession; on 5/6/2009, this account was closed by issuance of a cashier's check for **\$1,314.19** (*copy attached as Exhibit G*), which was deposited into the Joint Tenancy Account on 5/6/2009 by Respondent because this was the account used for the care and benefit of Mr. and Mrs. Nolte during their lifetimes; however, Respondent now realizes the check should not have been deposited into the Joint Tenancy Account in 2009 for the reason that both Mr. and Mrs. Nolte were then deceased, and the beneficiaries of the Trust were not the beneficiaries of the Joint Tenancy Account; had the funds been held in a trust account, they would nevertheless have not been available for distribution to the beneficiaries of the Trust, for the reason that the expenses of administration of the Trust, including preparation of the Trustee's accounting, far exceeded the **\$1,314.19** amount of funds in question;

~Please see additional page~

**Status Report filed by Attorney Sullivan for Marjorie A. Nolte, Trustee, on 6/17/2013, continued:**

- To the best of Respondent's knowledge, the bank accounts referred to in this *Status Report* are the **ONLY** [*emphasis in original*] accounts in which Edmund V. Nolte, Sr., and Rosetta M. Nolte ever held any interest, either individually or through the Trust; the Mid-State Bank accounts referred to in *Exhibit C* are the only bank accounts which ever came into the Trustee's possession and control;
- Accordingly, as fully set forth in Respondent's *Reply* filed 5/13/2013, the only remaining asset of the Trust on the date of Rosetta M. Nolte's death on 5/7/2009 was the Cambria Residence, which was distributed to the beneficiaries of the Trust on 9/2/2010, by reason of which there are no remaining assets in the Trust.

**Respondent requests the Court grant the relief set forth in her *Reply* by entering an Order as follows:**

1. Denying any and all relief sought in the Petition;
2. Allowing and approving the account of the Trustee filed 5/13/2013; and
3. Determining that upon distribution of the Cambria Residence to the Trust's beneficiaries, the Respondent completed and fully performed all of her duties as Trustee of the Trust.

**1B Nolte Family Trust**

**Case No. 13CEPR00264**

**Atty Belardinelli, Richard; Georgeson, C. Russell; of Georgeson & Belardinelli (for Petitioner Edmund Nolte, Jr.)**

**Atty Sullivan, Jr., Robert L.; Emerzian, David; of McCormick Barstow (for Respondent Marjorie A. Nolte, Trustee)**

**Status Hearing**

Edmund Sr. DOD: 12/13/2006	<p><b>EDMUND V. NOLTE, JR.</b>, son and Trust Beneficiary, filed a <i>Petition for Recovery of Trust Property and Account</i> on 3/29/2013.</p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
Rosetta DOD: 5/7/2009	<p><b>MARJORIE A. NOLTE</b>, daughter-in-law of Trustors and the current acting Trustee, filed a <i>Reply to Petition for Recovery of Trust Property and Account</i> on 5/13/2013.</p>	<p><b>Note: This matter will be heard at 8:30 a.m. in Department 72.</b></p>
Cont. from 102114	<p>Following discovery motions and rulings, <i>Minute Order</i> dated 6/20/2013 set the matter for Court Trial on 3/11/2014.</p>	<p><b>Continued from 10/21/2014.</b></p>
Aff.Sub.Wit.	<p><i>Order Granting Trial Continuance</i> filed 7/10/2014 continues the Court Trial to <b>1/20/2015</b>, and continues the Settlement Conference and Probate Status Hearings to <b>10/21/2014</b>. <i>Order Re Stipulation for Continuance of Settlement Conference</i> filed 10/15/2014 continues the Settlement Conference to <b>12/2/2014</b> at 10:30 a.m. Subsequently, the Court authorized a one-time continuance of the <i>Settlement Conference</i> to <b>1/13/2015</b> per request of Attorney Belardinelli based upon his stating that he had not taken any Depositions in the matter, though they were scheduled to take place in December 2014.</p>	<p><i>Minute Order</i> states the Court notes that there will not be a stipulation prepared by counsel and the <i>Minute Order</i> of 10/16/2014 will be the order of the Court. [Please refer to center column for text of <i>Minute Order</i> dated 10/16/2014.]</p>
Verified	<p><b>Tentative Ruling filed 10/15/2014</b> grants Respondent Marjorie Nolte's <i>Motion to Compel Deposition of Edmund Nolte, Jr. with Request for Production of Documents</i>, and denies Petitioner Edmund Nolte, Jr.'s <i>Motion for Protective Order Restricting Discovery by Excluding Ernest Nolte From the Deposition of Petitioner Edmund V. Nolte Jr.</i></p>	<p><b>Reviewed by: LEG</b></p>
Inventory	<p><b>Minute Order dated 10/16/2014</b> from the <i>Motion for Protective Order Restricting Discovery by Excluding Ernest Nolte From the Deposition of Petitioner Edmund V. Nolte Jr.</i>, and the <i>Motion to Compel Deposition of Edmund Nolte, Jr. with Request for Production of Documents</i> states: The time limit for depositions is extended. There being no objections to the Tentative Ruling, the Court adopts the Tentative Ruling as the order of the Court. Counsel is directed to prepare a stipulation that includes the Court's order that parties not speak to one another or engage in confrontations during depositions.</p>	<p><b>Reviewed on: 1/7/15</b></p>
PTC	<p><b>~Please see additional page~</b></p>	<p><b>Updates:</b></p>
Not.Cred.		<p><b>Recommendation:</b></p>
Notice of Hrg		<p><b>File 1B - Nolte</b></p>
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		

**Respondent MARJORIE A. NOLTE filed on 12/24/2014, the following documents:**

- *Notice of Ex Parte Application for Order Shortening Time to Hear Motion to Exclude Evidence;*
- *Declaration of David L. Emerzian in Support of Ex Parte Application for Order Shortening Time to Hear Motion to Exclude Evidence; and*
- *Memorandum of Points and Authorities in Support of Ex Parte Application on Motion to Exclude Evidence.*

**Order on Ex Parte Application for Order Shortening Time to Hear Motion to Exclude Evidence filed 12/30/2014 denies the application without prejudice for the following reasons:** (1) a copy of the proposed *Motion to Exclude Evidence* is not but should be attached to the *Ex Parte Application for Order Shortening Time to Hear Motion to Exclude Evidence*; and (2) the *Motion to Exclude Evidence* is a consideration for the trial judge.

**Clerk's Certificate of Mailing filed 12/30/2014 shows a copy of the Order on Ex Parte Application for Order Shortening Time to Hear Motion to Exclude Evidence** was mailed to Attorney David Emerzian on 12/30/2014.

