1 Edward Moore & Marie Moore Family Trust Case No. 11CEPR00596

Atty Moore, Terence E. (Pro Per – Trustee Petitioner) (formerly represented by Attorney WIliam H. Coleman)
Atty Roberts, Gregory J. (for Timothy E. Moore – Named 2nd Successor Trustee)
Atty Markeson, Thomas A. (for Jonna M. Key, Richard A. Elston and Vern E. Elston – Step-Siblings)
Atty Moore Huston, Deborah R. (Pro Per – Beneficiary)

Petition for Settlement of Account

Marie Moore
DOD: 10-15-96

Edward C. Moore
DOD: 9-16-06

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

TERENCE E. MOORE, Trustee, is Petitioner.

Account period: 9-16-06 through 10-31-11

Accounting: $578,548.71
Beginning POH: $561,502.26
Ending POH: $4,000.00
(personal property only)

Petitioner states that pursuant to Probate Code §§ 15800-15804, 17203 and California Rules of Court 7.902, the parties entitled to notice are Terence E. Moore, Timothy E. Moore, and Deborah R. Moore Huston, who are the beneficiaries.

Petitioner states that in addition to the above beneficiaries, notice was also provided to Jonna M. Key, Vern E. Elston and Richard A. Elston, and their attorney.

Petitioner prays for an Order:

1. Finding that all facts stated in the Petition are true and that all notices required by law have been duly given;
2. Settling, allowing and approving this account and report;
3. Ratifying, confirming and approving all acts and transactions of Petitioner as set forth in the account; and
4. Such other and further orders as the Court may deem proper under the circumstances.

NEEDS/PROBLEMS/COMMENTS:

Note: Terence E. Moore, Trustee, was originally represented by Attorney William H. Coleman of Coleman & Horowitt, LLP, who prepared this accounting; however, Substitution of Attorney filed 1-4-12 indicates that Terence E. Moore is now self-represented.

Note: Trial is set for 2-3-12 on the Petition to Determine Validity of Purported Trust; Petition for Breach of Trust and to Impose Constructive Trust; Petition for Return of Property Pursuant to Section 850 of Probate Code filed by Jonna M. Key, Richard A. Elston and Vern E. Elston.

Background:

- **Settlors Edward C. Moore (DOD: 9-16-06) and Marie Moore (DOD: 10-15-96) created the Edward Moore and Marie Moore Family Trust dated 11-12-1991.**
- **Edward C. Moore amended the trust on 2-21-1997 (after Marie Moore's death) that modified the successor trustee appointment and apparently disinherited Marie Moore's children.**
- **Edward C. Moore's children are: Timothy E. Moore, Terence E. Moore, and Deborah R. Moore Huston.**
- **Marie Moore's children are: Jonna M. Key, Richard A. Elston and Vern E. Elston.**
- **Terence E. Moore became trustee after his father's death pursuant to the amendment and made distributions.**
- **On 7-11-11, Beneficiary Timothy E. Moore filed a petition to compel Terence E. Moore to account with specific reference to a dispute over some of their father's personal property (a gun collection).**
- **Examiner noted that the parties appeared to be operating as if the amendment removing their step-siblings applied to the entire trust; however, such amendment may be inappropriate, as it was made after Marie Moore's portion of the trust became irrevocable.**
- **On 8-25-11, the Court ordered notice to Marie Moore's children and an account. The trustee filed this account pursuant to that order.**
- **Marie Moore's children have now filed a petition to determine the validity of trust, breach, etc., which is now set for trial on 2-3-12.**

SEE PAGE 2

Reviewed by: skc
Reviewed on: 1-11-12
Updates:
Recommendation:
File 1 - Moore

Dept. 303, 9:00 a.m. Thursday, January 19, 2012

NEEDS/PROBLEMS/COMMENTS (Continued):

Examiner notes that the Court's findings with regard to this accounting may require review in connection with the trial set for 2-3-12 on the Petition to Determine Validity of Purported Trust; Petition for Breach of Trust and to Impose Constructive Trust; Petition for Return of Property Pursuant to Section 850 of Probate.

1. **Petitioner requests the Court find that all statements in the petition are true; however:**

   Petitioner/Trustee states that the only beneficiaries and parties entitled to notice are Edward C. Moore's children. Petitioner did also provide notice to Marie Moore's children and their counsel, but they are not included as parties.

   Examiner notes Petitioner appears to continue to be operating as if the amendment changing the designated successor trustee and disinheriting Marie Moore's children applied to the entire trust; however, such amendment may be inappropriate, as it was made after Marie Moore's portion of the trust became irrevocable.

   Therefore, need clarification or authority for the Court to make a finding regarding this statement.

2. **Petitioner requests that the Court ratify, confirm and approve all acts and transactions of Petitioner; however:**

   Examiner notes that Beneficiary Timothy E. Moore's original Petition to Compel Account stated that Petitioner/Trustee never provided beneficiaries with a Notice of Administration of the trust, and also did not provide account upon request.

   Examiner notes that such actions are required by Probate Code §16061.7 (notice of administration) and §16061 (request by beneficiary). Further, notice of administration should have been provided to the heirs of Marie Moore upon her portion of the trust becoming irrevocable.

   Examiner notes that Petitioner acted alone as trustee pursuant to the amendment, which may be inappropriate, as it was made after the death of the first Settlor.

   Therefore, need clarification or authority for the Court to ratify, confirm and approve Petitioner/Trustee's actions (or inaction) with regard to the requirements of the Probate Code, specifically §§ 16061.7 and 16061, and with regard to acting alone as trustee.

3. **Petitioner/Trustee made total distributions as follows:**

   Timothy E. Moore: $150,000.00 in cash, between 9-20-06 and 3-9-10

   Deborah R. Moore Huston: $150,000.00 in cash, between 9-20-06 and 3-9-10

   Terence E. Moore (Trustee): $183,157.75 in cash, between 9-20-06 and 9-15-11, plus the gun collection valued at $10,999.04.

   Petitioner/Trustee states he believed he had the right under Section 5.02(m) to make $10,000.00 per year gifts to himself during the administration of the trust.

   If the Court finds that such distributions were inappropriate, the Court may order the money and items returned for proper distribution.

   Examiner notes that this includes both cash and personal property already distributed, and may also include further relief, as determined by the Court at trial.

2 **Rosa Linda Larssen (CONS/PE)** **Case No. 0321261**

Atty **Ratzlaff, Ruth E**

				NEEDS/PROBLEMS/COMMENTS:
				OFF CALENDAR
				(Calendared in error)
	Aff.Sub.Wit.			
	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			
	Aff. Posting			**Reviewed by:** skc
	Status Rpt			**Reviewed on:** 1-11-12
	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 2 - Larssen**

Dept. 303, 9:00 a.m. Thursday, January 19, 2012

3 Magar Singh (Estate) **Case No. 05CEPR00925**

Atty Tahajian, Gerald L. (for Michael Panoo – Administrator)

(1) Waiver of Accounting and (2) Petition for Final Distribution and (3) for Allowance of Statutory Attorneys Fees (PC 10810, 11640)

DOD: 04/11/69		
Cont. from 112811		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	w/o
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	12/09/05
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	n/a

MICHAEL PANOO, Administrator, is Petitioner.

Accounting is waived.

I & A - **$96,000.00**
POH - **$96,000.00**

Administrator - **waives**

Attorney - **$3,840.00** (statutory, to be paid outside of the estate)

Distribution, pursuant to intestate succession and assignments of interest from intestate heirs, is to:

Michael Panoo- Real property valued at $96,000.00

Declaration re Bante Carol Matinzo and Nellie S. Marez filed 12/28/11 states:
Bante Carol Matinzo died a resident of Fresno County, intestate on 04/14/2000 and was survived by three adult children. At the time of her death, Bante owned no assets other than her ¼ interest in the decedent's estate, valued at approximately $24,000.00. No administration of the estate was ever conducted and her family has no interest or desire to commence probate proceedings.
Nellie S. Marez died a resident of Fresno, intestate on 04/05/1999 and was survived by a spouse and five adult children. Nellie's spouse, Gilbert Marez, died intestate on April 12, 2007 and is survived by their five adult children. Even though Gilbert was entitled to a 1/3 share of Nellie's estate, upon his death, his share passes to their five adult children who have assigned their interests to the Petitioner. At the time of her death, Nellie owned no assets other than her ¼ interest in the decedent estate, also valued at approximately $24,000.00. No administration of the estate was ever conducted and her family has no interest or desire to commence probate proceedings.

Continued on Page 2

NEEDS/PROBLEMS/COMMENTS:

CONTINUED FROM 11/28/11
As of 01/11/12, the following issues remain:

1. **Assignments of interest have been filed by the heirs of Bante Carol Matinzo and Nellie S. Marez (deceased daughters of the decedent) However, these daughters died after the decedent (post-deceased); therefore their portion of the decedent's Estate is distributable to the Estate of each daughter and does not directly pass to their children. Need Assignments of Interest from the Personal Representatives of the Estate of Bante Carol Matinzo and the Estate of Nellie S. Marez.**
2. **Based on #1 above, the following additional items are needed absent Assignments of Interest from the personal representatives as noted above:**
   - Need Waiver of Accounting from the Personal Representatives of the Estate of Bante Carol Matinzo and the Estate of Nellie S. Marez;
   - Need Proof of Service by mail at least 15 days before the hearing to the Personal Representatives of the Estate of Bante Carol Matinzo and the Estate of Nellie S. Marez.

Reviewed by: JF
Reviewed on: 01/11/12
Updates:
Recommendation:
File 3 - Singh

Petitioner states that he began farming his grandfather's ranch (which is the real property to be passed with this administration) over 20 years ago and has paid all property, irrigation, and inheritance taxes and maintained the ranch over all these years. Petitioner further states that his grandfather was of East Indian extraction and in that culture the male descendants inherit all real property. Petitioner states that he is certain that had his grandfather prepared a Will, he would have left the ranch to his father and his uncle, both of whom have assigned their interest to him. Petitioner further states that he is confident that his deceased aunts were also comfortable with this assumption and neither of them, nor their children ever made any mention of the ranch property. Petitioner is requesting that the Court allow the direct assignments to Petitioner from the heirs of Bante Matinzo and Nellie Marez.

4A Raymond Joseph Lemos, Jr. Case No. 06CEPR00443

Atty Fanucchi, Edward L. (for Jennifer Anooshian – Beneficiary)
Atty Gingo, George M. (of Mims, Florida, for Trustee and Executor Layne Hayden)
Atty Lemos, Matthew (Pro Per – Beneficiary)

Trustee Layne Hayden's Statement as to Revoked Terms of Executory Offer of Settlement Agreement and Current Offer to Settle with Jennifer Anooshian; Demand for Statement of Decision; Demand for Jury Trial

Cont. from 091211, 101811, 111511

	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	

LAYNE HAYDEN, Trustee, filed this Statement as to Revoked Terms of Executory Offer of Settlement Agreement and Current Offer to Settle with Jennifer Anooshian; Demand for Statement of Decision; Demand for Jury Trial.

Petitioner's Demand for Jury Trial: Petitioner demands a jury trial on the issue of whether a settlement agreement dated 3-5-11 exists or is enforceable in part or in whole.

Petitioner's Demand for Statement of Decision: Petitioner states if the Court makes any fact-finding determination as to enforcement of the alleged settlement agreement or the right to a jury trial regarding the validity or partial or total enforcement thereof, the Trustee demands a Statement of Decision pursuant to California Code of Civil Procedure section 632.

Petitioner states the issue of accounting is res judicata. A full accounting was filed. Judge Kazanjian ordered that objections to the accounting be filed within a certain period. Judge Kazanjian ruled Jennifer Anooshian's objection untimely and struck the objection. Instead of filing a motion to set aside the order, Mr. Fanucchi wrote an ex parte letter to Judge Kazanjian asking her to set the order aside. Judge Kazanjian told him to file the appropriate motion. That was two years ago and he never filed the appropriate motion. Mr. Fanucchi brings up the issue of an accounting at every opportunity. The issue of the accounting is res judicata.

Regarding the settlement agreement: Matthew Lemos was not present at the meeting and Mr. Gingo was about to get on a plane, so Mr. Fanucchi was to keep the original and forward it to Matthew Lemos for signature. **The Trustee and Mr. Gingo recollect that Mr. Gingo initialed the bottom of each page except the signature page. The settlement agreement offered in court by Mr. Fanucchi does not carry Mr. Gingo's initials.** Additionally, the document was dated 3-5-11. In open court on 3-24-11 and 4-21-11, and particularly on 5-26-11, the Trustee stated there was no deal and any offer to deal was revoked. Matthew Lemos ***thereafter*** signed the proposed agreement on 5-31-11, after it had clearly been revoked in open court.

Matthew Lemos' Declaration filed 8-29-11 states that he signed, scanned and sent the document via email to Mr. Gingo on 3-8-11 with his signature, and the agreement was complete. *He later learned that an original signature was wanted by Mr. Fanucchi, and he was mailed the signed offer, which he signed and returned to Mr. Fanucchi's office on 5-31-11. However, that is irrelevant because his original 3-8-11 signature is absolutely sufficient. Mr. Gingo's claim that there was no agreement is invalid.*

SEE PAGE 2

NEEDS/PROBLEMS/COMMENTS:

Probate Code § 825: Except as otherwise expressly provided in this code, there is no right to a jury trial in proceedings under this code.

Minute Order 9-12-11: The Court orders that any remaining proceeds from the Weber property be retained by the Executor until further order of the Court. Additionally, the Court directs that an accounting of the **estate** be prepared.

Minute Order 11-15-11: Mr. Fanucchi advises the Court that he has filed a PC 850 Petition that is set to be heard 1-19-12. The Court directs Mr. Gingo to file his response regarding the issue before the Court. Matter continued to 1-19-12. **See Page 4B.**

As of 1-12-12, no accounting of the estate has been filed.

Updates:

Contacts: Reviewed 1-12-12

Recommendation:

Reviewed by: skc

File 4A - Lemos

Dept. 303, 9:00 a.m. Thursday, January 19, 2012

4A Raymond Joseph Lemos, Jr. (Estate) Case No. 06CEPR00443

Atty Fanucchi, Edward L. (for Jennifer Anooshian – Beneficiary)
Atty Gingo, George M. (of Mims, Florida, for Trustee and Executor Layne Hayden)
Atty Lemos, Matthew (Pro Per – Beneficiary)

Trustee Layne Hayden's Statement as to Revoked Terms of Executory Offer of Settlement Agreement and Current Offer to Settle with Jennifer Anooshian; Demand for Statement of Decision; Demand for Jury Trial

SUMMARY (Continued):

The Trustee continues: The entire deal rested upon the sale of the commercial property between $250,000.00 and $275,000.00 because the debts, trustee fees, attorney fees, and a sum payable to Matt Lemos could not be paid in full if the property did not sell for this amount.

At the 3-5-11 meeting, the Trustee agreed to deed the home to Jennifer Anooshian on certain terms that are outlined in the Petition. At no time did the Trustee ever agree to be personally responsible for anything that had to do with the estate and trust, including known and unknown debts, and especially not while Jennifer Anooshian gets a home deeded to her at the Trustee's and creditors' expense. Petitioner states the rule was stated over and over in the 3-5-11 meeting by the Trustee that the trust stated the debts had to be paid before any assets were turned over to the beneficiaries per Probate Code 19001 that provides for the Trustee's duty not to give away assets at the creditors expense (Arluck v. Dobler, 116 Cal. App. 4th 1324 (2004).

Petitioner states there were $455,584.56 in known debts (listed) on the table. There was not sufficient cash to pay the trust debts, nor income, and only two assets remained: the home that Ms. Anooshian wanted and the commercial property on Weber. It was discussed that Ms. Anooshian had been residing in the Fremont home for the past five years, and she was to pay the mortgage because the trust could not pay it, directly to the accountants, who would pay the bank. The Trustee was not advised that there were arrears on the mortgage information regarding the home.

Ms. Anooshian was a co-owner with Tom Grow of Sign-a-Rama (not a corporation), which was the tenant of the commercial property. Similarly, Sign-a-Rama was to pay the mortgage on that property directly through the accountants. However, they unilaterally decided to stop paying the accountants and pay the mortgage company directly.

Petitioner states the reason for paying the accountants was to keep accurate records. The Trustee did not have access to the mortgage information regarding this property.

At the 3-5-11 meeting, Mr. Anooshian informed the Trustee that about $130,000.00 was owed on the commercial property and payments were current and would remain so. Trustee relied on this statement. Ms. Anooshian did not reveal that she was behind on her payments to the mortgage company, but Trustee learned this prior to Matt Lemos signing the document on 5-31-11, and learned that penalties amounted to approx. $13,000.00 greater than the $130,000.00 she had stated.

Ms. Anooshian also did not reveal, that she and Tom Grow planned to not make any more payments on the property or insurance, and that they would stay as long as possible and move Sign-a-Rama out, and not cooperate with the realtors, and prohibit the realtors from showing the property and advertising it with a sign. They took the sign down, and refused the realtor access to the building, refused to cut the grass, let the weeds grow three feet high, and piled up garbage two feet high all through the inside of the buildings. They further removed an air conditioner unit that cost $5,000.00 from the contract sale price.

In sum, Ms. Anooshian misled the Trustee with material misstatements and then took negative action to impair his ability to sell the property. The property ultimately sold for $210,000.00, which is not sufficient to pay fees, debts, and Matt Lemos.
The Trustee's current offer is:

- to distribute assets according to the trust
- to deed the Fremont property to Ms. Annoshian IF she does the following:
  - pays all known and unknown debts, including the future accounting bill and tax bill for future accounting bills and tax bills;
  - indemnifies, agrees to defend and holds harmless the Trustee and his agents, attorneys and representatives;
  - agrees that the 3-5-11 proposed settlement agreement did not mature into an agreement.

SEE PAGE 3

4A Raymond Joseph Lemos, Jr. (Estate) Case No. 06CEPR00443

Atty Fanucchi, Edward L. (for Jennifer Anooshian – Beneficiary)
Atty Gingo, George M. (of Mims, Florida, for Trustee and Executor Layne Hayden)
Atty Lemos, Matthew (Pro Per – Beneficiary)

Trustee Layne Hayden's Statement as to Revoked Terms of Executory Offer of Settlement Agreement and Current Offer to Settle with Jennifer Anooshian; Demand for Statement of Decision; Demand for Jury Trial

SUMMARY (Continued):

Declaration of Edward L. Fanucchi in Reply to Trustee's Statement states:

1. Trustee has no right to a jury trial per Probate Code §§ 825, 850.
2. A Statement of Decision can be requested in a court trial but there would be no Statement of Decision required on the denial of a jury trial on the issues now pending before the court.
3. An accounting has not been provided in the form required (Probate Code §1060 et seq) and there has been no order approving any so-called accounting.
4. Regarding the terms of the agreement:
   - Mr. Fanucchi discusses the initialing on the page and the communications with Matthew Lemos.
   - Mr. Fanucchi states there was <u>no understanding</u> that the agreement was based on a sale price of $275,00.00 and the sale price of the Weber property was not discussed as a determinate of whether the Fremont residence would be sold. The court should recall that during the last status conference the court ordered the Trustee/Executor not to sell the Fremont property, although it appeared to be the intention of Trustee and Mr. Gingo to do so.
   - It was discussed at the meeting on 3-5-11 that most of the debts could be substantially negotiated lower.
   - There were no conditions precedent to the deeding of the Fremont house to Ms. Anooshian."
   - The Trustee/Executor has essentially washed his hands of tracking payments on the properties.
   - There were no conditions precedent to the agreement regarding management of Sign-A-Rama and its payments on the deed.
   - There was no request to delay verification of whatever facts the Trustee/Executor wanted before the agreement was executed voluntarily, without inducement from Ms. Anooshian.
   - The agreement cannot in any manner be revoked by the court for extrinsic fraud, i.e., to have prevented the Trustee/Executor, under direction of his attorney from making any investigation or inquiry prior to signing the agreement.

Attorney Fanucchi respectfully submits that the court find that the Agreement is in effect, that the Trustee/Executor comply with the Agreement fully, and that the Trustee execute a Grant Deed for the Fremont residence to Jennifer Anooshian and pay $20,000.00 to Matthew Lemos.

Mr. Fanucchi's paralegal submitted further declaration that their office has never received a signature bearing the date 3-8-11 for Matthew Lemos' signature.

<u>Minute Order 10-18-11</u>: Mr. Fanucchi informs the Court that he has not heard from Mr. Hayden or Mr. Gingo. The matter is continued to 11-15-11. The Court directs Mr. Fanucchi to contact Mr. Gingo. The Court advises counsel that if there is no agreement among the parties the Court will be expecting motions to be filed.

Dept. 303, 9:00 a.m. Thursday, January 19, 2012

4B **Raymond Joseph Lemos, Jr.** **Case No. 06CEPR00443**

Atty Fanucchi, Edward L. (for Jennifer Anooshian – Beneficiary - Petitioner)
Atty Gingo, George M. (of Mims, Florida, for Trustee and Executor Layne Hayden)
Atty Lemos, Matthew (Pro Per – Beneficiary)

Petition to Confirm Agreement Dated March 5, 2011

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

JENNIFER ANOOSHIAN, Beneficiary, is Petitioner.

Petitioner states this Petition to Confirm Agreement dated March 5, 2011 is brought under Probate Code §850a(a)(3)(A). Petitioner states the Trustee/ Executor, Layne Hayden, Esq., refuses to convey title to Petitioner to the realty located at 3247 W. Fremont Ave., Fresno, CA 93711, in accordance with, and which is the subject of, the Stipulation entered into among the parties indicated hereinabove.

Exhibit A to the Petition is a file-stamped copy of the Stipulation to Mutual Settlement Agreement and Renunciation of Further Interest by Jennifer Anooshian filed 6-9-11 with reference to the 3-4-11 hearing on the trustee's Motion for Summary Judgment.

NEEDS/PROBLEMS/COMMENTS:

Note: This petition appears to be a request for compliance with a settlement that has been subject to ongoing proceedings (See Page 4A).

1. **Notice was served on Attorney Gingo only, not Trustee/Executor Layne Hayden. Probate Code §1214 and Cal. Rule of Court 7.51 require direct notice to the party in addition to counsel.**

Reviewed by: skc
Reviewed on: 1-12-12
Updates:
Recommendation:
File 4B - Lemos

Dept. 303, 9:00 a.m. Thursday, January 19, 2012

5 **Janet Ruth Hartley (Estate)** **Case No. 10CEPR00428**

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

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

DOD: 3/30/10		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
✓	Inventory	
✓	PTC	
✓	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	W/
	Aff.Pub.	
✓	Sp.Ntc.	W/
	Pers.Serv.	
	Conf. Screen	
✓	Letters	8/25/10
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	FTB Notice	

PUBLIC ADMINISTRATOR, Administrator, is petitioner.

Account period: 8/18/10 – 11/9/11

Accounting	-	**$188,300.00**
Beginning POH	-	**$188,300.00**
Ending POH	-	**$144,011.78**
Administrator (statutory)	-	**$6,319.00**
Administrator X/O (per Local Rule for sale of real property, sale of personal property and preparation of taxes)	-	**$3,248.00**
Attorney (statutory)	-	**$6,319.00**
Bond fee (o.k.)	-	**$588.44**
Court fees (certified copies)	-	**$204.00**

Distribution, pursuant to intestate succession, is to:

Robert Hartley	-	$42,444.44
David Guy	-	$28,296.30
Robert Guy	-	$28,296.30
Melody McCombs	-	$28,296.30

NEEDS/PROBLEMS/COMMENTS:

<u>Continued to 2/16/12</u> at the request of the attorney.

1. **Need proof of service of the *Notice of Hearing* along with a copy of the petition on Susan Moore pursuant to *Request for Special Notice* filed on 11/29/10.**

2. **Susan Moore represented Robert Hartley, spouse, in his Petition for Probate. Mr. Hartley was appointed as Administrator on 7/14/10 but was unable to bond and letters never issued. The Public Administrator was then appointed as successor Administrator on 8/25/10. It appears that pursuant to Probate Code §10814 Ms. Moore would be entitled to a portion of the statutory attorney fees.**

Reviewed by: KT

Reviewed on: 1/10/11

Updates:

Recommendation:

File 5 - Hartley

6 **Leon Kasparian (CONS/PE)** **Case No. 11CEPR00172**

Atty **Kruthers, Heather H (for Petitioner/Conservator Public Guardian)**

(1) First and Final Account and Report of Conservator; (2) Petition for Allowance of Compensation to Conservator and Her Attorney; and (3) Distribution (Prob. C. 1860 2620; 2623; 2630; 2942)

DOD: 9/8/11		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	W/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

PUBLIC GUARDIAN, Conservator, is petitioner.

Account period: 3/4/11 – 9/8/11

Accounting - **$148,234.13**
Beginning POH - **$143,534.17**
Ending POH - **$113,317.56**

Subsequent account period: 9/9/11 – 10/20/11

Accounting - **$113,331.09**
Beginning POH - **$113,317.56**
Ending POH - **$110,743.89**

Conservator - **$5,382.40** (44.35 Deputy hours @ $96/hr and 14.8 Staff hours @ $76/hr)

Attorney - **$2,000.00** (per Local Rule)

Bond fee - **$50.05** (o.k.)

Court fees - **$577.00** (filing fee, certified copies)

Petitioner prays for an Order:

1. Approving, allowing and settling the first and final account;
2. Authorizing the conservator and attorney fees and commissions;
3. Payment of the bond fee;
4. Payment of Court fees;
5. Distribution of remaining property on hand to the Public Administrator as Administrator of the Estate of Leon Kasparian (11CEPR00970)

NEEDS/PROBLEMS/COMMENTS:

1. **Disbursement schedule shows a disbursement on 9/15/11 for "*Urn for sister Shake Kasparian*" in the amount of $300.00 and another disbursement on 9/15/11 for "*Burial for sister Shake Kasparian*" in the amount of $500.00. Court may require clarification.**

Reviewed by: KT

Reviewed on: 1/10/12

Updates:

Recommendation:

File 6 - Kasparian

Dept. 303, 9:00 a.m. Thursday, January 19, 2012

7 **Leonard E. Goldberg (Estate)** **Case No. 11CEPR00365**

Atty **Shahbazian, Steven L. (for Petitioner/Executor Susan Lee Stein)**

(1) Petition for Final Distribution without an Accounting and (2) for Allowance of Compensation for Ordinary Services

DOD: 3/13/11		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✓	**Letters**	6/9/11
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

SUSAN LEE STEIN, Executor, is petitioner.

Accounting is waived.

Executor - **waives**

Attorney (statutory) - **$5,200.00**

Closing - **$1,000.00**

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

Susan Lee Stein - $119,265.60

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: KT

Reviewed on: 1/10/12

Updates:

Recommendation: SUBMITTED

File 7 - Goldberg

Dept. 303, 9:00 a.m. Thursday, January 19, 2012

8 Robert A. Palmquist (Det Succ) Case No. 11CEPR00669

Atty Motsenbocker, Gary L (for Barbara J. Palmquist – Surviving Spouse – Petitioner)

Spousal or Domestic Partner Property Petition (Prob. C. 13650)

DOD: 6-27-10		
Cont. from 090811, 111011		
	Aff.Sub.Wit.	
✔	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✔	**Notice of Hrg**	
✔	**Aff.Mail**	W
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✔	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

BARBARA J. PALMQUIST, Surviving Spouse, is Petitioner.

No other proceedings

Will dated 12-4-06 devises entire estate to the trustee of the Palmquist Family Trust dated 3-26-90 as amended and restated 12-4-06.

Petitioner requests court confirmation that her 50% community property interest in four parcels of real property belongs to her, and that Decedent's 50% interest in the real property passes to her.

Attorney Motsenbocker's Declaration filed 1-11-12 in response to Examiner Notes states Attorney Motsenbocker is of the opinion that the provision of the will at Article Five, Provision 5.1, on Page 5, permits the requested set aside of property by Petitioner.

Both Petitioner and Decedent were actively involved in real estate as their primary occupation, and as such properties were frequently transferred in and out of the trust for financing or other purposes.

The will devises all of Decedent's property to the trust; however, the aforementioned section, titled *Nonprobate Transfers of Community Property*, can be interpreted to show that the Decedent intended to allow his spouse to set aside any community property that was omitted or not currently held by the trust. Attorney Motsenbocker notes that the provision itself is "curious" and in 25+ years of practice, he has not seen such provision.

Petitioner's Declaration filed 1-11-12 states she does not believe it was her spouse's intent to limit her ability to file for a set aside of his community property interest to her. They had planned to limit the costs of passing the estate to their children without the need for probate. Petitioner states she and her husband apparently did not pay enough attention to this matter and through inadvertence and error finds herself in this "awkward position" having to "battle the court" to carry out what was the intent of her husband and herself. Petitioner states she intends to deed the property back into the family trust upon the Court granting her request in this matter.

NEEDS/PROBLEMS/COMMENTS:

Minute Order 9-8-11: The Court directs counsel to file supporting points and authorities or an amended petition.

Minute Order 11-10-11: Counsel requests a continuance.

As of 12-12-11, the following issue remains:

1. **Petitioner requests court confirmation that Decedent's 50% community property interest in certain real property passes to her as Surviving Spouse; however, Decedent's Will dated 12-4-06 devises his entire estate to the Palmquist Family Trust.**

   Declarations filed 1-11-12 refer to the will at Article Five, Provision 5.1 on Page 5, titled Nonprobate Transfers of Community Property.

Updates:

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

Recommendation:

Reviewed by: skc

File 8 - Palmquist

9 **Doris Lambetecchio (Det Succ)** **Case No. 11CEPR00940**

Atty **Nahigian, Eliot S. (for Pete Lambetecchio**

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

DOD: 5-5-11			**PETE LAMBETECCHIO**, Trustee of the Pete Lambetecchio & Doris Lambetecchio Trust, is Petitioner.
Cont. from 112111			40 Days since DOD
	Aff.Sub.Wit.		
✔	**Verified**		No other proceedings
	Inventory		
	PTC		I&A: $95,000.00 *(See Item #1.)*
	Not.Cred.		
✔	**Notice of Hrg**		Will dated 9-29-05 devises the entire estate to the Pete Trustees of the trust designated in the Pete Lambetecchio & Doris Lambetecchio Trust.
✔	**Aff.Mail**	W	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		Petitioner requests court determination that Decedent's one-half community property interest in an undivided one-half interest in certain commercial real property passes to him as Trustee of the Pete Lambetecchio & Doris Lambetecchio Trust.
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✔	**Order**		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: skc

Reviewed on: 1-11-12

Updates: 1-12-12

Recommendation: SUBMITTED

File 9 - Lambetechhio

Dept. 303, 9:00 a.m. Thursday, January 19, 2012

Atty Kruthers, Heather H., of County Counsel's Office (for Public Administrator, Special Administrator)

Probate Status Hearing: Special Administration

DOD: 9/29/2011		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
✓	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

PUBLIC ADMINISTRATOR was appointed Special Administrator with General Powers and Full IAEA authority on 10/19/2011.

***Letters of Special Administration* expire on 1/19/2012**.

***Ex Parte Petition for Letters of Special Administration* filed 10/18/2011** identified the following urgent issues that needed to be addressed by the Public Administrator:

1. Decedent died with very little cash and a vehicle estimated at $**2,000.00**; immediate authority was needed to liquidate the vehicle to pay for burial or cremation costs;
2. It was believed that Decedent owned several apartments located on Van Ness Ave.; however, it appeared that Decedent deeded these properties to an individual named **JIM LeMON** without proper consideration; this man had already listed the properties for sale; special administration authority was necessary to commence a civil action and record a lis pendens against the properties;
3. Decedent is survived by her mother who is subject to a conservatorship, and the Public Guardian as her Conservator agrees to the appointment; Decedent is also survived by her sister, whose counsel reported that she had no objection to the appointment of the Public Administrator as special administrator.

***Order on Ex Parte Petition for Letters of Special Administration* signed 10/19/2011** set this status hearing for the status of the special administration.

***Status Report Regarding Special Administration* filed by the Public Administrator on 1/9/2012 states:**

- The Public Administrator's Office has secured both residences that are in the Decedent's name (both located on Van Ness Ave.), and rents are collected on one of them, while the other has been fixed, is ready to rent, and a search for a suitable tenant is ongoing;
- There are no monies remaining in Decedent's bank accounts;
- The Public Administrator is questioning the validity of the transfer from Decedent to James LeMon of properties located on Van Ness Ave., and James LeMon has placed a **$5,000.00** lien on the two residences in Decedent's name;
- The law firm of Dowling, Aaron and Keeler (DAK) has agreed to handle the civil litigation in this matter, and attorneys from that firm have spoken to attorney Roger Wilson, who represents Mr. LeMon;
- The Public Administrator intends to file a petition requesting authority to retain DAK with the understanding that no fees would be paid without prior court approval;
- The Public Administrator will also be filing a petition to become the general administrator of this estate.

NEEDS/PROBLEMS/ COMMENTS:

1. **Pursuant to Local Rule 7.5(B), need *Notice of Hearing* and proof of service of notice with a copy of the *Status Report* filed 1/9/2012 for:**
   - **Dorothy Hart, mother;**
   - **Sister of Decedent (name not identified in *Petition*.)**

Reviewed by: LEG

Reviewed on: 1/10/12

Updates:

Recommendation:

File 10 - Scott

11 Jack H. Boghosian (Estate) **Case No. 11CEPR01034**

Atty Kruthers, Heather H (for Petitioner Public Administrator)

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

DOD: 10/18/11		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
✓	Aff.Mail	W/
✓	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✓	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

PUBLIC ADMINISTRATOR is petitioner.

Full IAEA – o.k.

Will dated: 8/11/1972
Audio Will dated: 9/2/1993

Residence: Fresno
Publication: Fresno Business Journal

Estimated value of the Estate:

Personal property	-	$464,027.00
Real property	-	$130,000.00
Total	**-**	**$594,027.00**

Probate Referee: STEVEN DIEBERT

NEEDS/PROBLEMS/COMMENTS:

Continued to 2/16/12 at the request of the attorney.

1. **Petition requests that the Decedent's audio Will dated 9/2/1993 be admitted to probate. Probate Code §6110 states in relevant part "a will shall be in writing." Need authority that allows the court to admit an audio will to probate.**

2. **# 6 of the Petition is not completed re: who decedent was survived by.**

Reviewed by: KT
Reviewed on: 1/10/12
Updates:
Recommendation:
File 11 - Boghosian

Dept. 303, 9:00 a.m. Thursday, January 19, 2012

12 **Claudell Arlene Robinson Garberson (Estate)** **Case No. 11CEPR01035**

Atty **Janian, Paulette (for Petitioner Janalee Garberson Moses)**

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

DOD: 9/4/11		
Cont. from		
	Aff.Sub.Wit.	S/P
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
✓	**Aff.Mail**	W/
✓	**Aff.Pub.**	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✓	**Letters**	
✓	**Duties/Supp**	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

JANALEE GARBERSON MOSES, daughter/named executor, is petitioner.

Petitioner is the sole heir.

Full IAEA – o.k.

Will dated: 8/28/1996

Residence: Oregon (leaving property in Selma, Fresno County)

Publication: Selma Enterprise

Estimated value of the estate:

Personal property	-	$ 16,200.00
Annual income	-	$ 21,000.00
Real property	-	$150,000.00
Total	-	**$187,200.00**

Probate Referee: RICK SMITH

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: KT

Reviewed on: 1/11/12

Updates:

Recommendation: SUBMITTED

File 12 - Garberson

Dept. 303, 9:00 a.m. Thursday, January 19, 2012

13 Lee Brashears (Estate) Case No. 07CEPR00779

Attys Kruthers, Heather H. (for Petitioner Public Administrator, Administrator of the Estate)
Harris, Richard (for Chet Leroy Wing, Jr., Joie Freed, and Shirley Gatlin, step-grandchildren)
Helon, Marvin T. (for Jan Hugenroth, Special Admin/Estate of David Billings, step-grandson)
Hunt, Jeffrey A. (of Sacramento, for Steve Brashears and Deanna Grant, grandchildren)
Smith, Frederick W., Jr. (of Oakdale, for Sandra Tucker, step-granddaughter)
Jaech, Jeffrey A. (for Janene Marsella, step-great-granddaughter)
Rountree, L. Clarke (for Amy Kovacevich, step-great-granddaughter)

Status Hearing Re: (1) First and Final Account and Report of Administrator and (2) Petition for Allowance of Ordinary and Extraordinary Commissions and Fees and (3) Distribution (PC 9202, 10800, 10810, 10951, 11600, 11850)

DOD: 6/3/2007

Cont. from 051111, 070711, 090811

	Aff.Sub.W	
✓	Verified	
✓	Inventory	
✓	PTC	
✓	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	W/
	Aff.Pub.	
✓	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	020408
	Duties/S	
	Objections	
	Video Receipt	
	CI Report	
✓	9202	
	Order	
	Aff. Post	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notc	N/A

PUBLIC ADMINISTRATOR, Administrator, is Petitioner.

Account period: 1/29/2008 – 3/14/2011

Accounting	-	**$2,299,284.35**
Beginning POH	-	**$1,517,530.00**
Ending POH	-	**$1,806,632.64**
		($284,102.64 is cash)
Administrator *(statutory)*	-	**[$34,480.27]**
Attorney *(statutory)*	-	[**$34,480.27**]
Administrator XO	-	**$1,546.42**

(per Local Rules, for sale of real property @ $1,000.00; sale of personal property @) $298.42 (10% of net sales of $2,984.15); preparation of tax returns @ 1 Deputy hour/$96 and 2 assistant hours/$76 for total $248.00;)

Costs	-	**$472.50** *(filing fees, certified copies)*
Closing	-	**$2,000.00**
Bond Fee	-	**$16,300.95** *(ok)*

Distribution pursuant to allowed Creditor's Claims (Decedent's Will has been superseded by his previous distribution agreement) is to:

- **SANDRA TUCKER –** 25% of the estate consisting of tractor, real property and **[$48,705.56 cash]**;
- **JAN HUGENROTH** as Special Administrator of the **Estate of DAVID BILLINGS (11CEPR00053) –** ½ of 25% of the estate consisting of tractor, real property and **[$24,352.78 cash]**;
- **DEANNA GRANT –** ½ of 25% of the estate consisting of tractor, real property and **[$24,352.78 cash]**;
- **STEVE BRASHEARS**, after payment to Attorney **JEFFREY A. HUNT** of **$21,250.00** per assignment filed on 5/7/2009 **–** ½ of 25% of the estate consisting of tractor, real property and **[$24,352.78 cash]**;
- **CHET LEROY WING, JR., –** 1/3 of 25% of the estate consisting of tractor, real property and **[$16,235.19 cash]**;
- **SHIRLEY GATLIN –** 1/3 of 25% of the estate consisting of tractor, real property and **$16,235.19 cash]**;
- **JOIE FREED –**1/3 of 25% of the estate consisting of tractor, real property and [**$16,235.19 cash]**;
- **AMY KOVACEVICH –** ½ of ½ of 25% of the estate consisting of tractor, real property and **[$12,176.39 cash]**;
- **JANENE MARSELLA –** ½ of ½ of 25% of the estate consisting of tractor, real property and **[$12,176.39 cash]**.

NEEDS/PROBLEMS/ COMMENTS:

Continued from 12/8/2011. *Minute Order* set this matter for a Status Hearing on 1/19/2012.

Note for background: *Minute Order* dated 9/8/2011 states Ms. Kruthers requests a 90-day continuance to file an amended accounting.

1. **Need amended accounting.**

Reviewed by: LEG

Reviewed on: 1/10/12

Updates:

Recommendation:

File 13 – Brashears

14 Sean K. O'Dougherty (GUARD/P) **Case No. 08CEPR00596**

Atty Brungess, Julia Ann (for Guardians Jeffrey Halstead and Pamela Halstead)
Atty Rodriguez, Jenifer (pro per mother)

Status Hearing Re: Mother's Progress

Age: 5 years **DOB: 12/1/05**	**JEFFREY HALSTEAD** and **JENNIFER HALSTEAD** (non-relatives) were appointed as guardians on 10/23/08. Petitioners filed an Ex Parte Petition on 12/3/10 regarding the visitation. Petition alleges mother has tested positive for drugs and states a drug user does not provide a safe, healthy, stable environment for the minor. Copy of positive drug test attached to the petition. The Court set the matter for hearing. **Minute order from the hearing on 2/23/11** states counsel advises the court that one of Ms. Rodriguez's tests came back positive for drugs. Visitation remains as previously ordered. The Court orders that before Ms. Rodriguez may petition the court for a modification she must have negative test results for four months. Ms. Brungess to prepare the order. **Minute order from 8/24/11** states Ms. Brungess advises the court that the mother has refused to drug test since January 2011, and it appears that she has been under the influence during visits. The Court orders that all visits between the mother, Jennifer Rodriguez and Sean cease immediately until further order of the Court. The Court indicates for the record that it is not ordering mother to attend AA/NA three times per week, but wishes to see proof of the mother's self-initiated attendance. The Court orders the mother to drug test as previously ordered. All prior orders not modified remain in full force and effect. The court on its own mother set case no. 08CEPR00598 (see page 15) for further status on 10/19/11. Richard Ruiz is ordered to be present at the hearing. Minute order indicates that Richard Ruiz was present in court on 8/24/11.	**NEEDS/PROBLEMS/COMMENTS:** **Continued from 10/19/2011. Minute Order states Counsel advises the Court that mother Jennifer Rodriguez tested positive for methamphetamine in August, was late for her test in September, and refused to be tested in October. Proof of attendance at AA/NA is show to the Court by the mother, and the Court finds substantial compliance. The Court advises the mother that she will need to provide three clean tests. The Court orders the mother to get tested within one week and continue testing once per month. The Court is advised that the mother has made some phone calls to the child. The Court encourages mother to make phone calls to the child. Visitation is not ordered at this time. The Court orders all prior orders remain in full force and effect.** **1. Need current status report.**
Cont. from 101911		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		**Reviewed by: KT**
Status Rpt		**Reviewed on: 1/9/12**
UCCJEA		**Updates:**
Citation		**Recommendation:**
FTB Notice		**File 14 – O'Dougherty**

15 Madison V. O'Dougherty (GUARD/P) **Case No. 08CEPR00598**

Atty Ruiz, Renee M. (pro per Guardian)
Atty Ruiz, Richard (pro per Guardian)
Atty Rodriguez, Jenifer (pro per mother)

Further Status

Age: 8 years DOB: 2/26/03	**RENEE RUIZ** and **RICHARD RUIZ,** maternal aunt and uncle, were appointed guardians on 8/18/08. The Court on its own motion set this matter for further states per minute order dated 8/24/11 in the Guardianship of Sean O'Dougherty, case no. 08CEPR00596. Minute order indicates that Richard Ruiz was present in court on 8/24/11.	**NEEDS/PROBLEMS/COMMENTS:** **Continued from 10/19/2011. Minute Order states Counsel advises the Court that mother Jennifer Rodriguez tested positive for methamphetamine in August, was late for her test in September, and refused to be tested in October. Proof of attendance at AA/NA is show to the Court by the mother, and the Court finds substantial compliance. The Court advises the mother that she will need to provide three clean tests. The Court orders the mother to get tested within one week and continue testing once per month. The Court is advised that the mother has made some phone calls to the child. The Court encourages mother to make phone calls to the child. Visitation is not ordered at this time. The Court orders all prior orders remain in full force and effect.**
Cont. from 101911		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: KT
Status Rpt		Reviewed on: 1/9/12
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 15 – O'Dougherty

Dept. 303, 9:00 a.m. Thursday, January 19, 2012

Atty Keeler, Jr., William J.; Marshall, Jared (of DAK, for Bertha Law, Special Administrator)

Probate Status Hearing Re: Filing of the Petition for Final Distribution

DOD: 3/172007		
Cont. from 111810, 030311, 060211		
	Aff.Sub.Wit.	
	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	X
	UCCJEA	
	Citation	
	FTB Notice	

BERTHA LAW, mother, was appointed Special Administrator on 5/13/2010 with special powers and bond of **$1,000.00.**

***Order for Probate* dated 5/13/2010** grants the following special powers to the Special Administrator: To request and obtain any and all medical and pharmaceutical records and files relating to or pertaining to the decedent from Community Regional Medical Center in Fresno; Rite-Aid on Fresno Street; Westside Pharmacy on Fresno Street; and any other health care provider or pharmaceutical provider.

Background: Decedent died while receiving care at Community Regional Medical Center. Prior to the Special Administrator's appointment, she and her attorneys had made several requests to obtain decedent's complete medical file and/or pharmaceutical records from the medical center, and the requests had been refused based upon the position that CA law requires some type of Court document to release the information. Letters of Special Administration were required to obtain records for pursuit of a claim or lawsuit against Glaxo Smith & Kline.

***Declaration of William J. Keeler* filed on 5/12/2010** states the U.S. District Court of the Eastern District of Pennsylvania has tolled the civil action against Glaxo Smith & Kline filed by the Estate of Lorraine Wright, being case no. MDL No. 1871 to 4-23-10, in order to permit time for Plaintiffs to provide medical records of the decedent. Mr. Keeler believes it will take the medical providers of the decedent approximately 30 days to gather and produce all of the medical records.

***Minute Order* dated 5/13/2010** set a status hearing regarding the special administration for 11/18/2010; that date was also set as the expiration date for *Letters of Special Administration*.

***Minute Order* dated 11/18/2010** from the status hearing states Attorney Heather Mardel-Jones [of DAK] provided an oral status report and requested an additional 90 days; the matter was continued to 3/3/2011; Attorney Mardel-Jones appeared on that date, and the matter was continued to 6/2/2011.

NEEDS/PROBLEMS/COMMENTS:

<u>Continued from 6/2/2011</u>. ***Minute Order* states Counsel advises the Court that all the files have been obtained and there should be a ruling in six months. Matter continued to 1/19/2012.**

1. **Need first account, petition for final distribution, or current status report pursuant to Local Rule 7.5(B).**

Reviewed by: LEG / skc / LEG

Reviewed on: 1/10/12

Updates:

Recommendation:

File 16 - Wright

17 Lupe R. Delgado (Trust) **Case No. 11CEPR00213**

Atty O'Malley, David T. (of Kerman, for Petitioners Robert R. Delgado and John R. Delgado, Co-Trustees)
Atty Porter, Tres A. (for Respondent Max R. Delgado, Jr., Co-Trustee)

Further Status Hearing

Cont. from 081811		
	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	

ROBERT R. DELGADO, son, and JOHN R. DELGADO, son, Co-Trustees of the **LUPE R. DELGADO LIVING TRUST created on 3/22/1997** petitioned the court for an Order terminating the trust and for partition of real property.

MAX R. DELDAGO, JR objected to the petition for termination of trust and partition of real property.

Minute order dated 5/5/11 states the court orders counsel to submit a proposed order rescinding the Quitclaim Deed executed by Max Delgado, Jr. in favor of his children with an agreement as to the acreage. The matter was continued to 7/21/11 for further status.

A Stipulation was filed on 6/29/11 signed by both David T. O'Malley and Tres Porter, stipulating that the matter could be continued to 8/18/11. Order for continuance was signed on 6/30/11 granting the continuance.

Declaration of Robert R. Delgado filed on 1/17/12 states in accordance with the Trust and a verbal agreement with his brother, Max R. Delgado, Jr., he had the western 20 acres surveyed and a parcel map drawn which cost him $3,735.30. Max Delgado, Jr. was represented by Stanley Teixeira when he agreed to receive the western 20 acres plus some offsetting cash. The only issue not settled was the distribution of equipment and personal property.

NEEDS/PROBLEMS/COMMENTS:

Continued from 8/18/2011. Minute order states Mr. O'Malley advises the court that they have a good offer, but they need to put it together.

1. Need current status report.

<u>Note:</u> Robert R. Delgado and John R. Delgado, co-trustees, filed a *Brief for Petition for Termination of Trust and Partition of Real Property* on 1/17/12. The *Brief* proposes to divide the real property into 3 separate 20 acre parcels and distribute the 20 acre parcels to the three beneficiaries. It appears the *Brief* should be set for a noticed hearing with proper notice to Max R. Delgado, Jr. (a proof service is attached showing the *Brief* was mailed to Tres Porter, attorney for Max R. Delgado, Jr. on 1/16/12, 3 days-notice and not the required 30 days-notice. Also, a *Notice of Hearing* is required to be served on all interested parties). Max R. Delgado, Jr. did object to the previously filed petition and the current petition does not include anything from him or his attorney indicating Max R. Delgado, Jr. is in agreement with this distribution plan.

Reviewed by: KT

Reviewed on: 1/9/12

Updates: 1/17/12

Recommendation:

File 17 – Delgado

Dept. 303, 9:00 a.m. Thursday, January 19, 2012

18 Anaya Moreno, Phillip Ockletree & Phineas Okeletree (GUARD/P)
Case No. 09CEPR00409
Atty Garcia, Patricia Ann (pro per Petitioner/maternal grandmother)
Petition for Appointment of Guardianship of the Person

Phillip age: 3 years DOB: 12/17/2008		
Phineas age: 1 year DOB: 3/30/2010		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	X
✓	Conf. Screen	
✓	Letters	
✓	Duties/Supp	
	Objections	
	Video Receipt	
✓	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

TEMPORARY EXPIRES 1/19/12

PATRICIA GARCIA, maternal aunt, is petitioner.

Father: **NOT LISTED** (per CI report father is PHILLIP OCKLETREE)

Mother: **URSULA REYES**

Paternal grandfather: Not listed
Paternal grandmother: Not listed
Maternal grandfather: Not listed

Petitioner states mom is unfit, on drugs and partying. Father is nowhere to be found.

Court Investigator Charlotte Bien's Report filed on 12/20/11.

NEEDS/PROBLEMS/COMMENTS:

This Petition is as to PHILLIP OKELTREE and PHINEAS OKELTREE only. Guardianship of Anaya Moreno was previously granted to petitioner.

1. **Need *Notice of Hearing*.**
2. **Need proof of personal service of the *Notice of Hearing* along with a copy of the Petition or *Consent and Waiver of Notice* or *Declaration of Due Diligence* on:**
   a. **Phillip Ockletree (father)**
   b. **Ursula Reyes (mother)**
3. **Need proof of service of the *Notice of Hearing* along with a copy of the Petition or *Consent and Waiver of Notice* or *Declaration of Due Diligence* on:**
   a. **Paternal grandparents**
   b. **Maternal grandfather**
4. **Petition does not include the names and addresses of the father, paternal grandparents or maternal grandfather.**

Reviewed by: KT
Reviewed on: 1/11/12
Updates:
Recommendation:
File 18 – Moreno & Ockletree

19 Destiny Cedano, Alexis Cedano, Victor Cedano, Gabriel Cedano, Noah Cedano, Jayden Cedano, Victoria Cedano, Reyna Cedano and Jonah Cedano (GUARD/P) **Case No. 11CEPR00795**

Atty Barbosa, Judy (pro per Petitioner/maternal aunt)
Atty Barbosa, Maximino (pro per Petitioner/maternal uncle)
Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 3 years (twins) DOB: 12/9/2008		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	X
✓	Conf. Screen	
✓	Letters	
✓	Duties/Supp	
	Objections	
	Video Receipt	
✓	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

Temporary Expires on 1/19/12

JUDY BARBOSA and MAXIMINO BARBOSA, maternal aunt and uncle, are petitioners.

Father: **VICTOR CEDANO** - *deceased*

Mother: **JENNIFER CEDANO**

Paternal grandfather: Unknown
Paternal grandmother: Jenny Hernandez – *deceased.*
Maternal grandfather: Pete Gutierrez – *deceased.*
Maternal grandmother: Judy Coronado

Petitioners state mom is in jail and is not able to care for her children at this time.

Court Investigator Dina Calvillo's Report filed on 1/13/12.

NEEDS/PROBLEMS/COMMENTS:

This petition is as to VICTORIA CEDANO and REYNA CEDANO only.

Petition for Appointment of Guardian for Jayden Cedano (age 5) filed by Michelle Lopez, paternal cousin, is set for hearing on 2/16/12.

Petition for Appointment of Guardian for Alexis Cedano (age 12) was filed by Vickie Vasquez, paternal aunt, and is set for hearing on 2/16/11.

Guardianship of the other minors has been previously granted to other relatives.

1. **Need *Notice of Hearing*.**
2. **Need proof of personal service of the *Notice of Hearing* along with a copy of the Petition or *Consent and Waiver of Notice* on:**
   a. **Jennifer Cedano (mother) –** *Petitioners state mother is in jail therefore they are unable to serve her.*
3. **Need proof of service of the *Notice of Hearing* along with a copy of the Petition or *Consent and Waiver of Notice* or *Declaration of Due Diligence* on:**
   a. **Judy Coronado (maternal grandmother)**

Reviewed by: KT
Reviewed on: 1/9/12
Updates: 1/17/12
Recommendation:
File 19 - Cedano

20A Jade Estelle Whatley (GUARD/P) **Case No. 12CEPR00012**

Atty Kee, Dennis Sr. (pro per Petitioner/paternal grandfather)
Atty Kee, Linda (pro per Petitioner/paternal grandmother)
Atty Kee, Lashae (pro per Step-mother)

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

Age: 4 years
DOB: 5/10/2007

Cont. from

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

GENERAL HEARING 3/5/12

DENNIS KEE and **LINDA KEE,** paternal grandparents, are petitioners.

Father: **DENNIS KEE, JR.**

Mother: Not Listed (**Angela Whatley**)

Maternal grandparents: Not listed.

Petitioners state father is in jail and the child needs a guardian.

NEEDS/PROBLEMS/COMMENTS:

1. **Need *Notice of Hearing.***
2. **Need proof of personal service of the *Notice of Hearing* along with a copy of the *temporary petition or Consent and Waiver of Notice* or *Declaration of Due Diligence* on:**
   a. **Dennis Kee, Jr. (father)**
   b. **Angela Whatley (mother)**
3. **UCCJEA is incomplete. Need the minor's residence information for 5/10/2007 to present.**

Reviewed by: KT
Reviewed on: 1/11/12
Updates:
Recommendation:
File 20A - Whatley

20A

Dept. 303, 9:00 a.m. Thursday, January 19, 2012

20B Jade Estelle Whatley (GUARD/P) Case No. 12CEPR00012

Atty Kee, Dennis Sr. (pro per paternal grandfather)
Atty Kee, Linda (pro per paternal grandmother)
Atty Kee, Lashae (pro per Petitioner/Step-mother)

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

Age: 4 years
DOB: 5/10/2007

Cont. from

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

GENERAL HEARING 3/5/12

LASHAE KEE, step-mother, is petitioner.

Father: **DENNIS KEE, JR**. – *consents and waives notice.*

Mother: **ANGELA WHATLEY** – *declaration of due diligence filed on 1/9/12.*

Paternal grandfather: Dennis Kee
Paternal grandmother: Linda Kee
Maternal grandparents: Unknown – *declaration of due diligence filed on 1/9/12.*

Petitioner states she is the stepmother and has been raising the minor for the past four years. The father has full sole custody of the minor. Father is currently in jail and petitioner states he wanted her to have guardianship.

NEEDS/PROBLEMS/COMMENTS:

4. **Need proof of personal service of the *Notice of Hearing* along with a copy of the *temporary petition or Consent and Waiver of Notice* or *Declaration of Due Diligence* on:**
   c. **Angela Whatley (mother) –** *if court does not dispense with notice*.

Reviewed by: KT
Reviewed on: 1/11/12
Updates:
Recommendation:
File 20B - Whatley

20B

Dept. 303, 9:00 a.m. Thursday, January 19, 2012

Pro Per Rodriguez, Rigoberto (Pro Per Petitioner, paternal grandfather)
Pro Per De Rodriguez, Araceli Morales (Pro Per Petitioner, paternal grandmother)

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

Age: 12 years		
DOB: 6/20/1999		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	X
✓	Conf. Screen	
	Aff. Posting	
✓	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
✓	Letters	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

General Hearing set for 3/7/2012

RIGOBERTO RODRIGUEZ and ARACELI MORALES DE RODRIGUEZ, paternal grandparents, are Petitioners.

Father: **SAID RODRIGUEZ**

Mother: **JUDITH RAMOS**

Maternal grandfather: *Not listed*
Maternal grandmother: Sofia Ramos

Petitioners state:

- The mother removed the child from school maliciously and has absconded to Palm Springs with the child without the knowledge of the paternal relatives;
- They are afraid for the welfare of the child, and they need immediate guardianship to protect the child, as the mother abuses medications and drinks alcohol and she has not been stable;
- The mother's live-in boyfriend is a known felon, was just released from prison, and was paroled to Riverside County;
- The mother has kept the child from the paternal family since prior to the holidays; they received a call on 1/2/2012 from the child crying and distraught saying he wants to come home and his mother was hitting him;
- The child lived with them for half of his life and he stayed with them every weekend, and they have played an active role in raising the child until he was 6 years old.

NEEDS/PROBLEMS/COMMENTS:

Note: *UCCJEA* filed 1/5/2012 states that as of 11/31/2011, the child lives with the mother in Palm Springs, CA.

1. **Need *Notice of Hearing*, and proof of five (5) court days' notice by personal service of the *Notice of Hearing* with a copy of the *Petition for Appointment of Temporary Guardian*, or *Consent to Appointment of Guardian and Waiver of Notice*, or a *Declaration of Due Diligence*, for:**
   - **Judith Ramos, mother;**
   - **Said Rodriguez, father;**
   - **Isaiah Rodriguez, proposed ward.**

Reviewed by: LEG	
Reviewed on: 1/12/11	
Updates:	
Recommendation:	
File 21 - Rodriguez	

22 Saede Galvan & Jaeden A. Roberts (GUARD/P) Case No. 12CEPR00022

Atty Roberts, Youngae "Ann" (pro per – maternal grandmother/Petitioner)

Atty Roberts, Kenneth Jr. (pro per – maternal grandfather/Petitioner)

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

Saede, 5		
DOB: 11/17/06		
Jaeden, 3		
DOB: 08/09/08		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	x
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	x
✓	**Conf. Screen**	
	Letters	x
✓	**Duties/Supp**	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	x
	Aff. Posting	
	Status Rpt	
✓	**UCCJEA**	
	Citation	
	FTB Notice	

TEMPORARY GRANTED EX PARTE; EXPIRES 01/19/12

GENERAL HEARING 03/07/12

KENNETH ROBERTS and **YOUNGAE ROBERTS,** maternal grandparents, are Petitioners.

Father (Saede): **MARCOS GALVAN**
Father (Jaeden): **OSIRIS PULIDO** – *declaration of due diligence filed 01/05/12*

Mother: **SARAH ROBERTS** – *deceased*

Paternal grandparents: UNKNOWN

Petitioners state that the children's mother was murdered 01/01/12. Neither child's father has been involved in the children's lives. The Petitioners state that they have an ongoing loving relationship with the children and the children are familiar and comfortable in their home. Petitioners state that Jaeden's father agrees that it is best for Jaeden to be with them during this difficult time, but Saede's father removed her from their home. Petitioners state that Saede does not know her father as he has had no contact with her for over two years. Petitioners state that Saede expressed fear and discomfort at having to leave Petitioners home.

NEEDS/PROBLEMS/COMMENTS:

1. **Need *Notice of Hearing.***
2. **Need proof of personal service of *Notice of Hearing* with a copy of the *Petition for Temporary Guardianship* or Consent and Waiver of Notice or Declaration of Due Diligence for:**
   - Marcos Galvan (Saede's father)
   - Osiris Pulido (Jaeden's father)*
   *** A Declaration of Due Diligence was filed 01/05/12 regarding Mr. Pulido stating that the petitioners have not seen him since before Jaeden was born.**
3. **The General Guardianship Petition is missing a Child Information Attachment for Jaeden.**

Reviewed by: JF	
Reviewed on: 01/12/12	
Updates:	
Recommendation:	
File 22 – Galvan & Roberts	

Dept. 303, 9:00 a.m. Thursday, January 19, 2012