1 Darleen Joyce Parks (CONS/PE) **Case No. 03CEPR01192**

Atty Shahbazian, Steven L. (for Petitioner/Conservator Connie Lynn Rana)

(1) Third Account and Report of Conservator and (2) Petition for Fees

Age: 75 years DOB: 2/11/1936		
Cont. from 102511, 120611		
	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	
✓	2620(c)	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

CONNIE RANA, Conservator, is petitioner.

Account period: 1/8/08 – 12/31/09

Accounting - **$782,889.76**
Beginning POH- **$642,039.07**
Ending POH- **$496,754.10**

Conservator - **waives**

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

Petitioner prays for an Order:

1. Settling and allowing the third account and report and approving and confirming the acts of petitioner as filed;
2. Authorizing Petitioner to pay her attorney the sum of $2,000.00 for ordinary legal services provided to the conservator and the estate during the period of the account.

NEEDS/PROBLEMS/COMMENTS:

Continued from 12/6/11. Minute order states the Court orders staff to contact Ms. Kruthers for the purpose of having the Public Guardian's office explore the conservatorship requirements in Las Vegas. ***As of 1/18/12 there have been no additional documents filed.***

1. **Order dated 3/16/05 allowed the Conservator to fix the residence of the Conservatee to Las Vegas Nevada. With a provision that a conservatorship or its equivalent be established in the new state (Nevada) within 4 months. However, no conservatorship has been established in Nevada. Court may want to inquire about the establishment of a conservatorship in Nevada. –** ***Supplemental Declaration filed on 11/30/11 states*** the Conservator has attempted to obtain counsel in Las Vegas, NV for a conservatorship or "related proceeding" for the conservatee. However attorneys that the Conservator has spoken to do no in general want to commence such an action in the Nevada Courts. One attorney who proposed to take the case required a retainer of between $12,000 and 15,000 and would require "quarterly reports" to be paid separately. Based on the exorbitant fees that have been quoted, it has not been economically reasonable in relation to the size of the estate even if an attorney could be employed. The Fresno County conservatorship is financially more reasonable to maintain with it biennial accountings and reports.

Please see additional page

Reviewed by: KT
Reviewed on: 11/29/11
Updates: 12/5/11
Recommendation:
File 1 - Parks

Dept. 303, 9:00 a.m. Tuesday, January 24, 2012

2. **Disbursement schedule shows payments bi-monthly of $2,700 to Rana and Rana for rent. The court may require clarification regarding these rent payments and whether or not Rana and Rana has any relationship to the conservator. California Rules of Court 7.1059(a)(4) states the conservator must not engage his or her family members to provide services to the conservatee for a profit of fee when other alternatives are available. Where family members do provide services, their relationship must be fully disclosed to the court and their terms of engagement must be in the best interest of the conservatee compared with the terms available from other independent service providers**. – *Declaration of Conservator filed on 11/30/11 states the rental property is owned by the conservator and her husband; however, the sub-market rent is not sufficient to pay the mortgage, property taxes, insurance and maintenance costs for the property. Conservator states she and her husband do not make any property from the conservatee's tenancy.*

3. **Disbursement schedule shows several months where it appears the conservatorship is paying the cell phone of the live in care provider Sandra Martin. Court may require clarification**. *–Declaration of Conservator filed on 11/30/11 states the cell phone payments for Sandra Martin, live in care provider, because the care provider would often take the conservatee to various places and therefore, it was required that the care provider have a cell phone. Because it was a requirement for this care provider, it was agreed that the conservatorship would pay the costs.*

4. **Disbursement schedule shows several months where there are two payments per month for Las Vegas Valley Water (utilities), Pesky Pete's Pest control, Embarq (phone), Cox Enterprises (cable service), Southwest Gas (utilities), Republic Service (trash), Nevada Power (utilities). It appears the conservatorship may be paying for more than just the conservatee's expenses. Court may require clarification**. – *Declaration of Conservator filed on 11/30/11 states some payment were made, on behalf of the care providers, as part of the "barter" agreement between the care providers and the conservator. The various utilities or cable services expenses would be paid, on occasion, for the conservatee at her residence and on occasion as the "barter" for services by a care provider.*

5. **Disbursement schedule shows items purchased that should be included on the property on hand schedule such as:**
   a. **3/11/08 – TV Surround + patio furniture for $1,723.65**
   b. **4/22/08 – Washer and dryer for $1,578.90**
   c. **12/22/09 – firmer sofa(?) – for $2,196.19** - *Declaration of Conservator filed on 11/30/11 states the purchases were necessary. (**Note to Judge:** The Examiner does not question whether not the purchases were necessary but that they are not listed on the property on hand schedule as required.).*

6. **Disbursement schedule shows gifts of cash on 12/28/09 to the conservatee's great nephews, Josh Rana - $250.00 and Jacob Rana - $200.00. California Rules of Court, Rule 7.1059(b)(3) states the conservator must refrain from making loans or gifts of estate property, except as authorized by the court after full disclosure.** – *Declaration of Conservator filed on 11/30/11 states the cash gifts are minimal reflections of the conservatee's affection for her great nephews.*

7. **Disbursement schedule shows payments identified as Summerlin Dues (without stating the nature and purpose of the payment) as follows:**
   - **4/15/08 - $271.00**
   - **4/15/08 - $271.00**
   - **8/26/08 - $271.00**
   - **8/26/08 - $271.00** - *Declaration of Conservator filed on 11/30/11 states Summerlin is the name of the large planned development where the Conservatee (and conservator and her husband) reside. Because of the lower rental payments Conservator states she has paid (quarterly) the Summerlin assessment for the rental house. The four assessment payments are the only ones paid and the conservatorship has not been further charged for these homeowner assessments.*

Please see additional page

8. **Disbursement schedule shows a transfer correction of $250.00 on 12/22/08. Court may require clarification.**
   - *Declaration of Conservator filed on 11/30/11 states the payment of $250.00 was to the Nevada DMV to license Darlene's 2003 Jaguar.*

9. **Disbursement schedule shows a disbursement for "Home Warranty" in the amount of $313.95 on 5/27/09. Court may require explanation as to why the conservatorship is paying for home warranty when renting (see item #2 above).** – *Declaration of Conservator filed on 11/30/11 states this is a 50-50 split for payment on the home warranty for the rental house.*

10. Need Bank Statements as required by Probate Code 2620(c)(2).

11. **This conservatorship was established in 2003. Property on hand schedule from the 2nd account ending on 12/31/2007 shows promissory notes (all apparently established during the 2nd account period) as follows:**
    - **$38,000 dated 6/27/05 from Aaron Wallace secured by a Deed of Trust with interest at 16% per annum**
    - **$252,000.00 dated 7/19/05 from Aaron Wallace secured by a Deed of Trust with interest at 13% per annum.**
    - **$60,000.00 dated 10/11/05 from John P. Rana and Kea Rana with interest at 4% per annum. (It appears that John P. Rana is the son of the petitioner.)**

    Probate Code §2570 requires the Conservator to obtain prior court approval before investing money of the estate. There is nothing in the file to indicate the conservator obtained permission from the Court to invest money of the estate. – *Declaration of Conservator filed on 11/30/11 states the promissory notes contained in the 2nd account were paid current, principal and interest included. All the notes were first trust deeds secured by real properties with sufficient equities. However, because the notes were of such a high rate of return (16% and 13% interest annum), the mortgagor was in danger of being unable to make further payments, which would have resulted in the requirement of the conservatorship to foreclose on the properties. To avoid foreclosure and subsequent costs incurred, and to avoid owning the properties, the conservator, through her husband who is a real estate investor, replaced these notes with other notes also secured by first trust deeds which are now paying at a more normal rate of return of 4%.*

12. **Property on hand schedule for this (the 3rd) accounting shows two promissory notes as follows:**
    - **$95,000 secured by 1209 Coral Isle Way, Las Vegas, NV with interest at 4% per annum and an outstanding balance of $95,000.00**
    - **$205,000 secured by 11464 Crimson Rock, Las Vegas, NV with interest at 4% per annum an outstanding balance of $191,286.22.**

    It appears that the promissory notes in the second account are not the same promissory notes in the third account. What happened to the promissory notes in the second account? Where they paid in full? Need clarification and need change in asset schedule. – *Declaration of Conservator filed on 11/30/11 states the questions raised herein are address in the answer above. All principal and interest payments and current interest rates and principal balances are recorded on the Third Account and Report are accurate.*

2A **Shaymus Brant Doughty (GUARD/P)** **Case No. 05CEPR00511**

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

Petition for Visitation

Age: 7		
DOB: 03/05/04		
Cont. from 011012		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	x
	Aff.Mail	x
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

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

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

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

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

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

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

NEEDS/PROBLEMS/COMMENTS:

CONTINUED FROM 01/10/12

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

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

Reviewed by: JF	
Reviewed on: 01/17/12	
Updates:	
Recommendation:	
File 2A - Doughty	

Dept. 303, 9:00 a.m. Tuesday, January 24, 2012

2B **Shaymus Brant Doughty (GUARD/P)** **Case No. 05CEPR00511**

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

Petition to Eliminate/Modify Specific Paragraphs of Visitation Order

Age: 7
DOB: 03/05/04

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	x
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

ROY OKEN and **DOREEN OKEN,** maternal grandparents and Guardians, are Petitioners.

Petitioners were appointed co-Guardians on 09/12/05.

The current visitation order was filed 09/29/10 and grants visitation to the paternal grandparents every other weekend. The mother was to have supervised visitation once per week for a maximum of 4 hours. The father was granted visitation every Wednesday after school until 7:00 pm and was allowed unsupervised non-consecutive overnight visits during the paternal grandparents regularly scheduled weekend visits as the father and paternal grandparents agree. The visitation order also lays out specifics about counseling, sharing of information, handling of holidays, and admonishes the parties to not speak negatively about each other.

On 05/17/11 the visitation order was modified, discontinuing the father's Wednesday evening visits and stating that the father was allowed only supervised visits with Shaymus during the paternal grandparents regularly scheduled weekend visits.

On 11/08/11, father filed an Ex Parte Petition for Visitation seeking an exception to the visitation schedule so that the father and paternal grandparents could take Shaymus to Mexico to visit his great-grandmother. This Petition was set for hearing on 01/10/12 and continued to 01/24/12 (see page 2A).

Continued on Page 2

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: JF
Reviewed on: 01/18/12
Updates:
Recommendation:
File 2B - Doughty

Dept. 303, 9:00 a.m. Tuesday, January 24, 2012

On 08/05/11, the Court directed Dr. Errol Liefer to interview all parties and submit a written report summarizing the information gathered regarding his opinion as to what custody/visitation plan would be in Shaymus' best interest. Dr. Leifer's confidental report, dated 09/21/11.

Petition to Eliminate/Modify specific paragraphs of visitation order was filed by the Petitioners on 01/12/12.

Declaration of Doreen Oken in Support of Request for Modification of Order was filed 01/09/12 and states:

- Petitioners continue to have difficult and unpleasant exchanges with the paternal grandparents, who fail to recognize the harm and confusion they cause by their actions.
- James (father) has made direct contact with the Petitioners regarding time with Shaymus despite the current order's prohibition against unsupervised time between James and Shaymus.
- Petitioners state that they continue to see Shaymus drawn in to the adult aspects of this case by the paternal relatives, and by his unsolicited comments to them, he is clearly involved in conversations having to do with the guardianship during the paternal grandparents visitation.
- Petitioners state that they believe Shaymus is entitled to less disruption and more stability than the current order provides. Shaymus has been in the Petitioners home as his primary care providers for over six years. He has expressed a very strong desire to have his time stabilized. While he loves his paternal grandparents and his father, he strives to be a "normal" child with normal routines that do not take him away from home every other weekend or randomly interrupt his traditional family celebrations.
- Petitioners also state that they feel the current order requiring Shaymus's therapist to share her notes with the father and paternal grandparents poses a risk of harm to Shaymus, infringes on his right to privacy, interferes with his ability to maintain an open and honest line of communication with the therapist and should be eliminated.

Petitioners request to eliminate specific paragraphs of the 09/24/10 order as follows:

<u>Paragraph 2.03</u> <u>The Guardians are to provide the other parties with information concerning the well-being of the child, including, but not limited to: report cards; State standardized test results; order forms for school pictures; significant communications from medical or mental health care providers, the names, addresses, and telephone numbers of all schools, health care providers, regular childcare providers, and counselors.</u>

- Petitioners feel that it impinges upon and diminishes their role as guardians by making them merely caretakes who must report to the paternal family. Petitioners state that it is not their intent to be secretive or keep significant information, like where Shaymus attends school, from the father and the paternal grandparents, they are seeking validation from the Court of their role as the adults who make all of the decisions for Shaymus without restraint by or input from the paternal family. Petitioners believe that if this paragraph is eliminated, they, as guardians, will clearly have exclusive authority to make decisions without interference by the father or paternal grandparents, nor will there be room for the paternal relatives to misconstrue the guardians roles in Shaymus' life.

<u>Paragraph 2.06</u> <u>No party shall enroll the child in any activity that encroaches on or interferes with any other party's time with the child, without first obtaining the consent of that party. The parties shall consult and cooperate with one another to insure the child is able, as much as is practicable and reasonable, to participate in the extracurricular activities he chooses.</u>

Continued on Page 3

- Petitioners state that Shaymus is nearly eight and is entitled to participate in on-going extra-curricular activities that they deem appropriate. Petitioners state that this paragraph contributes to the lack of clarity regarding the Petitioner's roles and interferes with their freedom of choice and Shaymus's ability to commit to weekly activities. Petitioners further fee that this paragraph undermines their roles as the guardians who have exclusive custody and the right to make these decisions.

Paragraph 3.03 - This paragraph outlines the mother's visitation.

- Petitioners state that the mother has not had a visit since August 11, 2007 and this paragraph would, if she chose to exercise her rights under it, throw Shaymus into an unknown environment with an unknown individual. Petitioners state at this point, it is in the child's best interest that the mother have to Petition the Court for visitation, if she decides she wants to begin visits.

Paragraph 3.04 While the child is in school, he shall be with the father each Wednesday from after school until 7:00 pm. The father shall be responsible for providing all transportation for these visits, and for insuring any homework assignments or other school requirements due the next day are completed and turned in on Thursdays. The father shall also have unsupervised, non-consecutive overnight visits during respondents [paternal grandparents] regularly scheduled time as he and the respondents agree. The father's unsupervised overnight visits shall not commence until the father has scheduled his therapy session with Dr. Robert Bernstein, represented to be calendared for June 4, 2010.

- Petitioners state that the father continues to disregard and disrespect them as Shaymus' guardians. Petitioners further believe that the paternal grandparents support the father in these attitudes both in and out of Shaymus' presence. Petitioners believe that until the father understands how his behaviors are harming Shaymus, and corrects that behavior, that his time with Shaymus be limited to daytime only, once per month, at a supervising agency, and at his cost. Petitioners state that it is clear to them that Shaymus is routinely exposed to and included in disrespectful and negative conversations about them and the guardianship while he is with the paternal grandparents. Petitioners state that if the father is removed from that environment, it may minimize the paternal grandparents verbalization of their unhappiness with the situation while Shaymus is in earshot. Petitioners further state that by limiting the father to agency supervision, he will be forced to eliminate all negative comments about them and the guardianship, or lose his privilege of seeing Shaymus.

Paragraph 4.02 During the summer of 2010, the child shall reside with the respondents [paternal grandparents] on an alternating weekly schedule. Their first week shall commence Friday, June 11, 2010 at 4:00 pm and conclude the following Friday at 4:00 pm. The regular weekend schedule under paragraph 3.02 shall commence on the first Friday after school commences in August 2010. The guardians and respondents shall be entitled to two (2) consecutive weeks with the child during the summer of 2010, upon 7 days notice to the other grandparents. The alternating weekly schedule shall adjust at the conclusion of each two-week block of time so that no visit exceeds two weeks. The guardians will exercise their summer 2010 two-week block of time between July 4, 2010 and July 17, 2010; and the respondents' week commencing June 25, 2010, shall continue through July 4, 2010 at noon, and their week concluding July 23, 2010 shall commence on July 17, 2010 at noon.

- Petitioners state that this paragraph was limited to 2010 yet has been referred to by the paternal grandparents as justification for how Shaymus was to spend summer 2011. Eliminating it will clarify and define summer in the future, leading to less strife over where Shaymus will be.

Continued on Page 4

Paragraph 7.03 The guardians shall engage in counseling with a mental health care professional of their choice, who shall afford them advice and guidance as described in Dr. Liefer's report dated December 4, 2009. The counselor shall have discretion to communicate directly with Dr. Liefer and obtain any information he/she deems appropriate to his/her engagement; further, the counselor shall determine the frequency of his/her sessions with the guardians. The guardians shall be solely responsible for and pay all costs incurred in connection with the counselor's services under this paragraph.

- Petitioners state that Dr. Liefer has made recommendations that require them to regulate or modify their behavior, while they appreciate the need for better understanding among all of Shaymus' relatives, they believe they have more than complied with the spirit and intent of the order and have no need for mandatory counseling.

Petitioners request to modify specific paragraphs of the 09/24/10 order as follows:

Paragraph 2.01 The guardians shall have sole legal custody, which means the guardians shall have the right and responsibility to make decisions in matters relating to the health, education and welfare of the child. The guardians shall execute authorizations for medical treatment in favor of the respondents [paternal grandparents] and the father as necessary, including, but not limited to, to provide for the child's medical needs while in the care of the respondents or the father and for the purpose of enrolling the minor in activities while in the care of the respondents and father.

- Petitioners are requesting that the Court eliminate all language after the word "father", starting with the "and for the purpose of", until the sentence ends. Petitioners feel that, in order to maintain consistency in Shaymus' life, they as sole legal guardians, ought to have the exclusive authority to regulate the activities that he is enrolled in, particulary, if the father's time is restructured as requested.

Paragraph 3.02 The child shall reside with the respondents [paternal grandparents] on alternating weekends, commencing on the first Friday after school commences in August 2010, from Friday after school, or 4:00 pm if no school, until Monday morning when the child is returned to school. In the event a Monday is a holiday or a non-academic day, the child shall be with the party regularly scheduled to have the child until Tuesday when the child is returned to school, or 9:00 am, if no school.

- Petitioners state that they are trying to create a normal and consistent life for Shaymus and want to provide more flexibility to Shaymus' schedule and routines by encouraging, but not mandating, time with the paternal grandparents. Petitioners state they would like to modify the visitation to one 24 hour overnight visit per month and one after-school visit per month, as agreed upon by the four adults. Petitioners state that Shaymus loves his paternal family and should have access to them that serves his best interests, but this case is not about a child having "equal" access to his parents, it is now a long-term permanent placement for a minor whose parents cannot provide for him on a daily basis. Petitioners state that it is no longer appropriate to approach this guardianship like a custody case, as an 8 year old, Shaymus should not be uprooted every other weekend and put into an adverse environment where his primary care providers, the people he sees as his mom and dad (Petitioners), are maligned and not supported in their long-standing role as his guardians. Petitioners believe it is time to allow Shaymus as normal of an existence as possible under his very unique circumstances. Petitioners state that Shaymus' sense of connection to them is challenged and attacked while with the paternal relatives, and he suffers conflicting emotions and loyalties as a result, none of which is good for him or serves any good purpose. Petitioners state that it is their sincerest desire to do what is best for Shaymus.

Continued on Page 5

Traveling four days a month, being away from his primary residence for up to ten days a month and being subjected to negative commentary about the Petitioners cannot truly be in his best interests. Having a once a month overnight with the paternal grandparents is much more representative of what other grandparents experience in a good family dynamic.

Paragraph 7.02 The child shall continue in his visits with Dr. Susan Streeter, not to exceed one visit per week. The respondents [paternal grandparents] shall be given the opportunity to transport the child to and from one visit per month with Dr. Streeter, notice of which shall be provided to them by the guardians. Copies of the child's mental health care records shall be provided to the guardians' counsel and fathers' counsel once per month following any month the child has been seen by Dr. Streeter. The records are to remain confidential and not be disseminated by any party.

The parties shall participate in parenting team meetings as directed by Dr. Streeter, the first of which shall take place within thirty days of May 27, 2010, and thereafter every six to eight weeks as Dr. Streeter deems appropriate. In the event two or more of the five parties cannot attend a meeting, that meeting shall be rescheduled.

Copies of all parenting team meeting notes shall be submitted to counsel for the parties after each such team meeting.

Each participant shall at all times during the meetings be civil, respectful and respond to direction from Dr. Streeter as to conduct, or be excluded from the meeting. Concerns raised during the meetings shall be child-focused, and not address conflict resolution among the parties.

Counsel may have ex parte communications with Dr. Streeter, and it shall be within Dr. Streeter's discretion to respond to the individual attorney or to both counsel at the same time.

The guardians shall be solely responsible for and pay all costs incurred in connection with Dr. Streeter's services under this paragraph.

- Petitioners are requesting that all but the first sentence of this paragraph be eliminated. Shaymus is no longer visiting with his paternal family on any weekday and the paternal family has only taken advantage of this provision on one occasion. Petitioners further state that they believe it is patently unfair to Shaymus to expose his confidential session content to others about whom he is speaking. Petitioners believe this paragraph invades Shaymus' privacy, violates his patient/therapist privilege, and jeopardizes his ability to communicate freely, openly and safely with his therapist. Dr. Streeter is a mandated reporter, therefore she would not be prevented from reporting any abuse. The remainder of this paragraph was a well-intentioned by unsuccessful hope that the parties could work together for Shaymus' best interests through Dr. Streeter. However, none of these sessions have ever taken place and the paternal family has refused to appear at a mediation session that they were invited to at no cost to them and had previously agreed to attend. No notice of their intent to cancel was given to petitioners or the mediator, who called the paternal family several minutes into the session about their absence. Petitioners state that they do not believe that progress can be made jointly and that the paternal family harbors such ill will and resentment toward them that any form of forced joint therapy, guidance or mediation will always fail.

Paragraph 7.04 Dr. Liefer shall have direct access to the parties, the child, the guardians' mental health care provider, Dr. Bernstein and Dr. Streeter as he deems necessary and appropriate to complete each of the two evaluations described below in this order. None of the other mental health care providers shall communicate with the remaining providers in violation of the patient-therapist privilege.

Continued on Page 6

- Petitioners are requesting that this paragraph be updated to reflect Dr. Liefer's access in the event the court orders additional work be done by him. Petitioners propose to change the language beginning after the word "complete" and consist of the following "any new task assigned to him by the Court". The last sentence would remain as written.

Paragraph 7.05 No party shall himself or herself, or allow any third party to, refer to any adult as the minor's mother/mommy or father/daddy, other than the minor's biological mother and father. No party shall himself or herself, or allow any third party to, correct the minor when he refers to any adult other than his biological mother or father as mother/mommy or father/daddy.

Both parents shall be referred to by the parties as mommy/mother or father/daddy and not by her or his first name when speaking to the minor.

- Petitioners state that Shaymus has known them as and called them, his mom and dad for many years. Petitioners believe this paragraph requires them to call each other by first name when speaking to Shaymus about the other. Petitioners state that this is awkward, artificial and cumbersome and request to be excused from this prohibition as it relates to them speaking to Shaymus about the other.

Declaration of James Doughty, Sr. filed 01/12/12 states:

Many of the accusations in Doreen Oken's declaration are untrue. Mr. Doughty states that he and his wife are cordial to the Okens at the exchanges and that the Okens do not follow the Court order and instead call the police whenever they feel the Doughty's are not doing something correct. Mr. Doughty states that the Oken's untruths should not surprise the Court, as the Okens have a record, from the beginning, of perjury. Mr. Doughty alleges that Roy Oken lied about molesting/raping a foster daughter and then later admitted to the assault. Mr. Doughty states that because of this molestation, they are concerned about the possibility of Shaymus bringing female friends to the Okens home. Mr. Doughty states that he does not believe the Okens have Shaymus' best interest in mind with the changes to the Court order they are requesting and further refute/oppose the Petition as follows:

1) The Okens acknowledge the fact that they were ordered to go to counseling, however, to Mr. Doughty's knowledge, they never did. Mr. Doughty states that it appears that the Okens feel they don't need counseling and that was a good enough reason for them not to go even though it was ordered. Further, Mr. Doughty states they only went to one meeting with Dr. Streeter because that was all that was scheduled, he states that they would have gladly gone to more and felt the meeting was beneficial, but the Okens failed to schedule any further meetings because they didn't believe it was necessary. Mr. Doughty sites this as more evidence of the Oken's trying to usurp the Courts efforts, and feels that Mrs. Oken thinks she knows best, stating in Court that she knows better than the professionals.
2) Regarding Shaymus' visits with his mother, Mr. Doughty states that it is his understanding that the mother has not visited because the supervised visits cost $80.00 and the mother cannot afford this and thus the Okens have effectively excluded the mother from Shaymus' life. Mr. Doughty states that to require Shaymus' father to also pay for supervised visits could have the same effect and that it is not fair to Shaymus or James (father). Mr. Doughty states that he hopes the Court sees the wisdom in not limiting Shaymus' time with his father any more. Mr. Doughty states that the Okens have already accomplished what they want, to keep Shaymus' mother out of his life, and they don't see the point in putting further restraints on her or the father. Mr. Doughty states that the all the turmoil the Okens have introduced into Shaymus' life over this custody issue is unimaginable and they hope for Shaymus' sake that they would be able to work something good out for him; however, Mr. Doughty states that the Okens are completely intolerant of paternal family.

Continued on Page 7

3) Mr. Doughty states that the allegation that they speak negatively about the Okens in Shaymus' presence is false. Mr. Doughty states that they have always spoken of the Okens positively around Shaymus.
4) Regarding Shaymus having a "normal life", Mr. Doughty states that a children raised in broken homes or with circumstances like Shaymus' never lead a "normal life", whatever that is. Mr. Doughty states that he does not believe that Shaymus wants to spend less time with them, he states that he has told Shaymus that he would not be mad or hurt if Shaymus didn't want to come visit as much and Shaymus has always maintained that he wanted it to stay the way it is, further, Shaymus has told him many times that he wishes he could live with them instead of the Okens. Mr. Doughty states that they feel he is just in the moment and they would not be surprised if Shaymus says similar things to the Okens.
5) Mr. Doughty states that he thinks the Court realizes that limiting their contact with Shaymus as the Okens wish would be damaging to Shaymus, just as they realize that limiting the Okens time with Shaymus would be damaging. Mr. Doughty states that he believes they all have to make sacrifices for the best interest of Shaymus.
6) Mr. Doughty states that they do not understand why Dr. Liefer and every other individual appears to believe everything the Okens say and that it seems to take time for people to see that the Okens may have another agenda. Mr. Doughty states that Dr. Gandolfo began to realize this and stated in court that they may have some other agenda, but the Okens got him to recuse himself after that.
7) Mr. Doughty states that the final point of Ms. Oken's declaration regarding referring to each other by their first name is spooky, and states "Don't they feel they can refer to each other as granny and grandpa?" Mr. Doughty states that the reason Shaymus calls them mommy and daddy is because they expect him to do that and react when he says anything else. Mr. Doughty doesn't understand what the big issue is in this regard anyway, as they know the Okens have been ignoring this portion of the order, and states they just want the Court to validate their activity.
8) In review of the Oken's request, they want the Doughty's to disappear out of Shaymus life and feel that this would be better for him. Mr. Doughty states that they feel Shaymus needs people he can depend on and trust and needs stability in his life with people who love him that are not going to disappear. Mr. Doughty states that they cannot tell Shaymus that the reason he can only see them one day a month is because that is what the Okens want, further, they cannot tell Shaymus that the reason he can't go to Mexico with them is because the Okens don't want him to go anywhere with them; however, he states that Shaymus will figure this out on his own. Mr. Doughty states that he believes that Shaymus will figure out that the Okens are the ones who limited his contact with them and they feel that Shaymus may act out against them as a result and he fears that the Okens will then treat him the same way they treated their own daughter when she rebelled against them. Mr. Doughty states that they have given up a lot for Shaymus' well-being, he has made many trips to Mexico without his wife because someone had to be home for Shaymus to visit or the Okens will say that they do not care. Every time they have asked to take Shaymus to Mexico they are turned down by the Okens because "he will miss a day of school" or "it's too long". Now the Okens have told Shaymus they are taking him on a cruise to Mexico, probably so that he quit asking. Mr. Doughty states that the Okens tell Shaymus all about the Court and that everything they are doing is because the Judge is telling them to, they are always trying to paint them in a bad light. Mr. Doughty fears that the Okens attempts to paint them as criminals to Shay will skew his view of authority. Mr. Doughty states that they have tried to teach him otherwise and they pray that the Court will have clear insight into these matters.

3 Walter Lambrecht (CONS/PE) Case No. 05CEPR01397

Atty **Jaech, Jeffrey A. (for Joanne Lambrecht – Conservator)**

(1) Second and Final Account and Report of Conservator Following Conservatee's Death, and (2) Petition for Allowance of Attorneys' Fees and (3) Delivery of Assets to Trustee (Prob. C. 2620)

DOD: 08/05/10		
Cont. from 113011		
	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	
✓	**2620(c)**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

JOANNE LAMBRECHT, Conservator, is Petitioner.

Final Account period: **11/16/07 – 08/05/10**

Accounting	-	**$4,586,102.20**
Beginning POH	-	**$3,418,836.13**
Ending POH	-	**$2,307,533.07**

Subsequent to the final account period: **08/06/10 – 12/31/10**

Accounting	-	**$2,373,315.80**
Beginning POH	-	**$2,307,533.07**
Ending POH	-	**$2,290,140.19**

Conservator - **waives**

Attorney - **$16,263.50** (per declaration of attorney Jeffrey Jaech, for his office's work in preparing the first account and second account and reports)

Costs - **$750.00** (for filing fees)

Bond Amount - **$86,200.00**

Petitioner requests that she be authorized to transfer the remaining conservatorship estate to the trustees of the Walter and Joanne Lambrecht Living Trust, created by Court order on 08/28/08.

Petitioner states that legal fees have been paid from the Conservatorship estate to three law firms without prior court approval and requests approval of the payment of these fees.

Petitioner prays for an Order:

1. Approving, allowing and settling the second and final account;
2. Authorizing the attorney fee to Baker, Manock & Jensen;
3. Approving the payment of attorney's fees previously paid without court approval;
4. Authorizing petitioner to deliver the remaining estate assets to the trustees of the revocable trust established pursuant to Court order;
5. Discharging the conservator's bond in the amount of $86,200.00 on filing of receipts by the trustee. *[examiner added: and upon approval of the Ex Parte Petition for Final Discharge and Order.]*

See page 2 for more

NEEDS/PROBLEMS/COMMENTS:

CONTINUED FROM 11/30/11

As of 01/18/12, the following remains outstanding:

1. **The Petition states that the conservator paid attorney's fees to three law firms without prior court approval. According to the accounting, the conservator paid a total of $116,161.20 in attorney's fees for representation in Ranch Litigation, Ranch Sale, and an auto accident. The accounting also shows that $410,000.00 in settlements were paid from the conservatorship estate. The Court may require more information.**
2. **There are two disbursements under caregiver's expense to Citi Card in the combined amount of $5,325.04 with no explanation as to what the charges were for. Need more information pursuant to Probate Code § 1064.**
3. **The accounting reflects several cash withdrawals (totaling several thousand dollars) by Joanne Lambrecht without explanation. Need more information pursuant to Probate Code § 1064.**
4. **The Petitioner requests to discharge the conservator's bond, however, the bond may only be discharged upon approval of an Ex Parte Petition for Final Discharge and Order which has not been filed in this matter.**
5. **The Petition accounting reflects several $500.00 monthly payments to Gwen Lee Cedar and Watershed, Inc. for personal manager services. Need more information pursuant to Probate Code § 1064.**

See Page 2 for more

Reviewed by: JF

Reviewed on: 01/18/12

Updates:

Recommendation:

File 3 - Lambrecht

3 Walter Lambrecht (CONS/PE) **Case No. 05CEPR01397**

Atty Jaech, Jeffrey A. (for Joanne Lambrecht – Conservator)

Declaration of Quentin Cedar, filed 01/13/12 states: that his law firm, Wilkins, Drolshagen & Czeshinski, LLP, previously represented Conservator, Joanne Lambrecht in multiple matter, including this matter. Mr. Cedar's declaration describes various matters that his firm represented the conservator in and attaches copies of billing statements for that representation.

Needs/Problems/Comments (Con't):

6. **The Petition states that the petitioner hired the law firm of Wilkins, Drolshagen & Czeshinski of which her grandson, Quentin Cedar, is an associate and states that there were no other family or affiliate relationships during the accounting period. However, the account shows several disbursements to Gwen Lee Cedar for personal manager services. It is unclear whether Quentin Cedar & Gwen Lee Cedar are related. Court may require more information.**

Note: A court order authorizing a substituted judgment to create and fund a revocable trust and execute a pour-over will on behalf of conservatee, was granted 8/28/08 by Judge Quaschnick. Petitioner states on or about 10/30/08 she transferred all the real property of the conservatorship to the trust by grant deeds.

4 Mildred Foin (CONS/PE) Case No. 07CEPR00088

Atty Kruthers, Heather H. (for Public Guardian, Successor Conservator of the Estate)
Atty Lescoulie, Donald P. (for Susan Schlievert, Co-Conservator of the Person)
Atty Motsenbocker, Gary (for Catherine Foin, Co-Conservator of the Person; Elizabeth Foin & Owen Foin, III)

Petition for Court Authorization to Sell Real Property (Former Residence) and Personal Property of the Estate (Prob. C. 2540 & 2541)

Age: 99

DOB: 7-20-12

	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, Successor Conservator of the Estate, is Petitioner.

The conservatorship estate includes real property that was Conservatee's former residence and furniture and furnishings that are no longer in use.

Petitioner states Conservatee is 99 years old and presently resides at Somerford Place, which provides her with 24-hour supervision and care. She is not expected to regain a level of competence that would allow her to live independently, and will not be returning to live in her former residence.

The Conservatee currently has $19,907.19 in her Public Guardian Trust Account and $30,008.26 in her savings. Her monthly income from various sources including retirement pensions and veterans benefits is $7,169.44, and her expenses, including mortgage and expenses related to the residence, as well as expenses for her current placement, total $6,851.22. The expenses relating to her former residence total $815.22.

The property is currently vacant and is therefore at risk for vandalism and theft. Furthermore, the ongoing bills are a drain on Conservatee's estate. Therefore, it would be to Conservatee's benefit to sell the residence and any personal property that she no longer needs.

Deputy Public Guardian Stacy Mauro discussed the sale of the real property with Conservatee on 11-7-11. Conservatee made eye contact, but did not appear to comprehend the conversation. She responded by singing.

Therefore, Petitioner prays for an order:

1. Authorizing the Public Guardian to sell the conservatee's 100% interest in the real property;
2. Authorizing the Public Guardian to sell any personal property no longer needed by the Conservatee;
3. Authorizing the Public Guardian to retain the services of a licensed real estate broker to assist in the sale of the property; and
4. Such other orders as the Court deems appropriate.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: skc

Reviewed on: 1-13-12

Updates:

Recommendation:

File 4 - Foin

Dept. 303, 9:00 a.m. Tuesday, January 24, 2012

5 **Sarah Hazel Morrow (Estate)** **Case No. 10CEPR00560**

Atty **Helon, Marvin T. (for Arden B. Morrow – Son – Administrator – Petitioner)**

Atty **Keeler, William J., Jr. (for fees in connection with representation of Roger Tiller and Barbara Miller)**

Report of Administrator and Petition for Payment of Claims, (2) Allowance of Statutory and Extraordinary Fees and Reimbursements of Costs, and (3) for Final Distribution on Waiver of Accounting [Prob. C. §§ 10831, 10954, 11640]

DOD: 6-9-10		
	Aff.Sub.Wit.	
✓	Verified	
✓	Inventory	
✓	PTC	
✓	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	W
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✓	Letters	8-4-10
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	FTB Notice	

ARDEN B. MORROW, Son and Administrator with Full IAEA without bond, is Petitioner.

Accounting is waived.

I&A: $538,363.30
POH: $559,283.07 (real property, in Fresno and Madera counties, vehicles, miscellaneous personal property, and cash in the amount of $88,283.07)

Administrator: Waived

Attorney Helon (Statutory): $13,767.27

Attorney Helon (Extraordinary): $24,454.15 (93.44 hours @ $250.00/hr in connection with contested matters including will contest and recovery of property, which substantially benefited the estate, plus $1,094.15 in costs.)

Costs: $1,778.00 (filing fees, service of process)

Attorney (DAK): $20,000.00 (per Court order 8-4-11, for legal services in connection with contested matters of this case, including conferences, review and preparation of documents, etc. Itemization provided.)

Creditor's Claims:
- California Business Bureau $1,602.00
- County of Fresno $2,016.00 (Claim was $4,416.00)

Closing: $2,084.99

Distribution pursuant to intestate succession:

Arden B. Morrow: real property, in Fresno and Madera counties, vehicles, miscellaneous personal property, and remaining cash.

NEEDS/PROBLEMS/COMMENTS:

1. **Petitioner states the County of Fresno creditor's claim for $4,416.00 has been settled for $2,016.00 with violations corrected; however, no allowance or rejection has been filed by Petitioner showing 90 days' notice that only a portion of the claim will be paid, and no waiver or amended claim has been filed by the creditor.**

   Therefore, need Allowance or Rejection of Creditor's Claim (DE-175) with proof of service on the creditor.

   For the amount rejected, the Court may delay distribution during the 90-day notice period, or require waiver or amended claim by the creditor or an adequate amount set aside for payment of the claim in the closing expenses.

2. **The proposed order does not specify the amount of cash to be distributed to Petitioner pursuant to Local Rule 7.6.A.**

   Examiner notes that there is a blank to fill in the amount of attorney's fees authorized to Attorney DAK. If $20,000.00 is authorized, and if the amount payable to the County of Fresno is $2,016.00, the amount distributable to Petitioner would be $22,580.66.

Reviewed by: skc	
Reviewed on: 1-13-12	
Updates:	
Recommendation:	
File 5 - Morrow	

6 **Virginia A. Dealy (Estate)** **Case No. 11CEPR00262**

Atty **McCloskey, Daniel T. (for Kristin Berry – Executor/Petitioner)**

First Amended First and Final Report of Executor and Petition for Its Settlement, and Reimbursement of Estate Expenses, and Allowance of Statutory Fees to Attorney and Executor for Ordinary Services and Final Distribution (Independent Administration of Estates Act)

DOD: 02/21/11

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	06/06/11
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	9202	
	Order	x
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	FTB Notice	

KRISTIN BERRY, Executor, is Petitioner.

Account period: **02/21/11 – 10/06/11**

Accounting	-	**$122,056.94**
Beginning POH	-	**$122,000.00**
Ending POH	-	**$87,607.38** (all cash)
Executor	-	waives
Attorney	-	**$4,660.00** (statutory)
Costs (publication, filing fees, certified copies)	-	**$1,170.00**
Closing	-	**$100.00**

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

Kristin Berry	-	$38,508.69
John Dealy	-	$38,508.69

NEEDS/PROBLEMS/COMMENTS:

1. **Paragraph 16 of the Amended Petition states that the Petitioner waives her right to commissions as the Executor; however item 4 of the prayer requests an order paying the Executor a fee of $4,660.00 and the proposed distribution of $38,508.69 is calculated by including the payment of the Executor fee. Need Clarification.**
2. **Need order.**

Reviewed by: JF

Reviewed on: 01/18/12

Updates:

Recommendation:

File 6 - Dealy

Dept. 303, 9:00 a.m. Tuesday, January 24, 2012

7 Fairy Ree Miles (Det Succ) Case No. 11CEPR00589

Atty **Barrus, John E. (for Petitioners Melody Miles, Willie Price, Eugene Jetton, Ledale Jetton, Orlyn Jetton, and Zena Jetton)**

Second Amended Petition to Determine Succession to Real Property

DOD: 12-3-10		
	Aff.Sub.Wit.	
✔	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
N/A	**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	

PETITIONERS: MELODY MILES, WILLIE PRICE, EUGENE JETTON, LEDALE JETTON, BENITA JETTON, PRINCE JETTON, ORLYN JETTON, and ZENA JETTON (all of Decedent's adult children)

40 days since DOD

No other proceedings.

Decedent died intestate.

I&A: $45,000.00

Petitioners request Court determination that Decedents 100% interest in certain real property passes to them in 1/8 undivided shares of interest.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: skc

Reviewed on: 1-13-12

Updates:

Recommendation: SUBMITTED

File 7B - Miles

Dept. 303, 9:00 a.m. Tuesday, January 24, 2012

8 **Mable Lene Simpson (Estate)** **Case No. 11CEPR01065**

Atty **Roberts, Gregory J. (for Petitioner Barbara Ann Knight)**

Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 6/18/2008			**BARBARA ANN KNIGHT**, daughter, is petitioner and requests appointment as Administrator with bond set at $0.
Cont. from			
	Aff.Sub.Wit.		Full IAEA – o.k.
✓	**Verified**		
	Inventory		Decedent died intestate.
	PTC		
	Not.Cred.		Residence: Fresno
	Notice of Hrg		Publication: Fresno Business Journal
✓	**Aff.Mail**	W/	
✓	**Aff.Pub.**		**Estimated Value of the Estate:**
	Sp.Ntc.		Real property - -$50,000.00
	Pers.Serv.		
	Conf. Screen		
✓	**Letters**		**Probate Referee: RICK SMITH**
✓	**Duties/Supp**		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

<u>Note:</u> Decedent died intestate survived by several children and grandchildren. Petitioner requests bond be set at $0. Waivers of bond have not been filed. Petition indicates the value of the estate is (negative) $50,000.00.

Reviewed by: KT

Reviewed on: 1/17/2012

Updates:

Recommendation:

File 8 – Simpson

Dept. 303, 9:00 a.m. Tuesday, January 24, 2012

9 Robert Snyder (CONS/PE) **Case No. 12CEPR00028**

Atty Walters, Jennifer L. (for Catherine Snyder – Sister – Petitioner)

Atty Wright, Janet (Court-Appointed for Proposed Conservatee Robert Snyder)

Petition for Appointment of Temporary Conservator of the Person and Estate (Prob. C. 2250)

Age: 53		
DOB: 5-24-58		
	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	

GENERAL HEARING 2-23-12

CATHERINE SNYDER, Sister, is Petitioner and requests appointment as Temporary Conservator of the Person and Estate with authority to change the proposed conservatee's residence during the temporary conservatorship.

Estimated Value of Estate: Personal property $15,000.00

Petitioner states Mr. Snyder suffered a stroke on 12-4-11 leaving him partially paralyzed and unable to speak. He is bed ridden and unable to make decisions regarding his medical or financial affairs. He is able to respond to verbal cues and appears to be showing emotion, but his doctor believes he is not cognizant and may be suffering from dementia.

Mr. Snyder is married, but he and his wife are estranged and have separate accounts and separate lives. His wife has a problem with alcohol and has ostracized his family. On 1-6-12, after discharge from the hospital, she moved him to a nursing home without any communication to his family. She is not taking care of the financial needs of the estate and has been using his separate account, but has not been paying the appropriate bills.

Petitioner is requesting conservatorship to take care of her brother's interests. Petitioner is a nurse and works in a hospital setting, and wishes to move her brother into her home to care for him, as he is slowly improving and a nursing home is not the most appropriate place for him. He should be with family in a loving environment.

Petitioner states that while he was in the hospital, she asked him if he wished to sign a medical and financial power of attorney to her, and he indicated that he did, so a notary came in and he signed the appropriate documents; however, his physician indicated that he could not deem the documents valid due to concerns about his capacity. Therefore, the only option to protect his wishes is conservatorship.

Petitioner filed additional declarations on 1-9-12 in support of her petition from Mr. Snyder's family and friends that describe that Mr. Snyder was unhappy in his marriage and at home, and make various allegations regarding his wife's alcoholism. All declarations support this petition.

Court Investigator Dina Calvillo filed a report on 1-19-12.

NEEDS/PROBLEMS/COMMENTS:
Court Investigator advised rights on 1-10-12.
Note: The general petition requests the Court find that the proposed conservatee has dementia and requests dementia medication powers. Attorney Janet Wright has been appointed to represent the proposed conservatee.

1. **Need Notice of Hearing.**
2. **Need proof of personal service of Notice of Hearing with a copy of the Temporary Petition at least five Court days prior to the hearing per Probate Code §2250(e) on the proposed conservatee.**
3. **Need proof of service of Notice of Hearing with a copy of the Temporary Petition at least five Court days prior to the hearing per Probate Code §2250(e) on all persons named in the petition:**
   - Kristen Snyder (wife)
   - Ross Snyder (son) (adult)
   - Katherine Snyder (daughter) (adult)
   - Edward Snyder (brother)
   - Jon Snyder (brother)
   - Lavonne Snyder (mother)
4. **Petitioner states the proposed conservatee's estate consists of $15,000.00 of personal property, which would require bond of at least $16,500.00 (including an amount for cost of recovery per Probate Code 2320(c)(4) and Cal. Rule of Court 7.207). However, the Court Investigator's report indicates that Petitioner is also aware of income of over $5,000.00 per month, which would add to the bond requirement. If granted, bond should be $22,128.33.**

Reviewed by: skc

Reviewed on: 1-13-12

Updates:

Recommendation:

File 9 - Snyder

10A Olivia Quijano (GUARD/E) **Case No. 0584746**

Atty Freitas, Regina (pro per Petitioner/Guardian)

Petition for Termination of Guardianship

Age: 19 years DOB: 12/25/1992		
Cont. from 092711, 110811		
	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	

REGINA FREITAS, Guardian/mother, is Petitioner.

Father: **GABRIEL QUIJANO** – *deceased.*

Paternal grandfather: Edward Quijano – *consents and waives notice.*
Paternal grandmother: Ines Quijano – *consents and waives notice.*
Maternal grandfather: Robert Maciel – *consents and waives notice.*
Maternal grandmother: Lupe Maciel – *consents and waives notice.*

The minor is now an adult and will be using the funds for her college education.

Petitioner states an investment reversal occurred in Olivia's account due to alleged (by Petitioner) account-churning and inappropriate investment strategies. Petitioner states she brought suit which resulted in approximately $20,000 of Olivia's account being replenished. This occurred in 2005-2006. At all times mentioned, Olivia's investments were made pursuant to advice from account executives with Petitioner's approval. An in-depth accounting was performed during the litigation. Accordingly, Petitioner requests the guardianship be terminated without the need for another accounting.

NEEDS/PROBLEMS/COMMENTS:

Continued from 11/8/11. Minute Order states the Court advises petitioner that once the final accounting has been satisfied the guardianship will be terminated by way of minute order.

1. **Need *Notice of Hearing*.**
2. **Need proof of service of the *Notice of Hearing* on:**
   a. **Olivia Quijano (former minor)**

Reviewed by: KT
Reviewed on: 1/17/12
Updates:
Recommendation:
File 10A - Quijano

Dept. 303, 9:00 a.m. Tuesday, January 24, 2012

10B Olivia Quijano (GUARD/E) **Case No. 0584746**

Atty Freitas, Regina (pro per Guardian/mother)

Status Hearing re: Final Accounting

Age: 19 years **DOB: 12/25/1992**	**REGINA FREITAS,** mother, is Guardian of the estate.	**NEEDS/PROBLEMS/COMMENTS:**
	Guardian Regina Freitas filed a Petition to Terminate the Guardianship and a Petition for Withdrawal of Funds from Blocked Account.	**Continued from 11/8/11. Minute Order states the Court advises petitioner that once the final accounting has been satisfied the guardianship will be terminated by way of minute order.**
Cont. from 092711, 110811		
Aff.Sub.Wit.	Petitioner's first account for the account period ending 5/29/1998 showed a property on hand balance of $113,884.53. The petition for termination (page 9A) stated all funds have been held in a blocked account at Merrill-Lynch. The termination petition further stated the current balance of the account is $108,383.75.	**1. Need final account or current status report. – *Declaration re Final Account filed on 11/8/11.*** *Declaration is not in the property format for an accounting. It does not comply with Probate Code §1060. Notice of the Accounting has not been sent as required. Also, the declaration indicates there was a withdrawal in 1999 of $79,516.50 that would need clarification as all funds were ordered into a blocked account.*
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt	On 8/9/11 the Court continued the Petition to Terminate the Guardianship (page 9A), granted the petition to withdraw funds from blocked account, as amended, authorizing withdrawal of $25,000.00 and set this status hearing for the filing of the final account.	
CI Report		
9202		
Order		
Aff. Posting		**Reviewed by: KT**
Status Rpt		**Reviewed on: 1/17/12**
UCCJEA		**Updates:**
Citation		**Recommendation:**
FTB Notice		**File 10B - Quijano**

Dept. 303, 9:00 a.m. Tuesday, January 24, 2012

11 **Miracle Zadie Peoples and Royality Peoples (GUARD/P)** **Case No. 09CEPR00145**

Atty **Banks, Sarah (Pro Per – Maternal Great Aunt – Petitioner)**

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

Miracle Zadie Peoples
Age: 2
DOB: 7-29-09

Royality Peoples
Age: 4 months
DOB: 9-19-11

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

TEMPORARY EXPIRES 1-24-12

SARAH BANKS, Maternal Great Aunt, is Petitioner.

Father (Miracle): **UNKNOWN**
Father (Royality): **UNKNOWN**

Mother: **LATARA PEOPLES**

Paternal Grandfather (Miracle): Unknown
Paternal Grandmother (Miracle): Unknown

Paternal Grandfather (Royality): Unknown
Paternal Grandmother (Royality): Unknown

Maternal Grandfather: Calvin Peoples
Maternal Grandmother: Deceased

Petitioner states the mother abuses drugs and is not able to care for the children at this time.

Court Investigator Jennifer Young filed a report on 1-24-12.

NEEDS/PROBLEMS/COMMENTS:

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

   - Latara Peoples (Mother)
   - Calvin Peoples (Maternal Grandfather)

   Note: Petitioner asks to be excused from giving notice to Maternal Grandfather Calvin Peoples. She went to relatives and tried an old number, but she has not been able to find him.

2. **Petitioner states the minors' fathers are unknown, but has not filed a declaration of due diligence.**

   If diligence is not found, need proof of personal service per Probate Code §1511 or consent and waiver of notice or declaration of due diligence on:

   - Miracle's father
   - Royality's father

Reviewed by: skc

Reviewed on: 1-17-12

Updates: 1-20-12

Recommendation:

File 11 - Peoples

Dept. 303, 9:00 a.m. Tuesday, January 24, 2012

12 Mauriyana McArn & Alazha McArn (GUARD/P) Case No. 09CEPR00769
Atty McArn, Maurice (Pro Per – Father – Petitioner)
Atty King, Sheryl (Pro Per – Paternal Grandmother – Guardian)
Petition for Termination of Guardianship (Prob. C. 1460, 1601, 2626, 2627, 2636)

Mauriyana McArn
Age: 4
DOB: 10-20-06

Alazha McArn
Age: 5
DOB: 11-14-05

Cont. from 102511

	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	

MAURICE MCARN, Father, is Petitioner.

SHERYL KING, Paternal Grandmother, was appointed Guardian on 11-18-10.
- Signed Consent to Termination and Waiver of Notice on 8-30-11

Mother: **MARIA MCCOOK**
- Signed "Consent to Appointment of Guardian and Waiver of Notice" on 11-13-11 (filed 1-17-12)

Paternal Grandfather: Mario McArn
- Notice dispensed per minute order 9-23-10
Maternal Grandfather: Myron McCook
Maternal Grandmother: Stacey Ortega

Petitioner originally filed this Petition ex parte; however, it was set for notice hearing pursuant to Probate Code §1601, and Petitioner is responsible for notice to all interested parties pursuant to Probate Code §1460(b)(5).

The order setting the matter for hearing was mailed to Petitioner on 9-8-11.

Petitioner states the Guardian is no longer able to care for the children due to health issues (pain requiring a monthly epidural shot). She is no longer able to get them to and from school or attend school meetings. The Guardian agrees that termination of the guardianship as soon as possible is in the best interest of the children.

Petitioner states he is able to provide and be an exceptional role model in the children's lives. Petitioner states he is a current student and employee at Heald College and has arranged his schedule to fit the needs of his children. In addition, he has begun the paperwork to receive Tribal TANF to be able to provide housing and essentials for them.

Court Investigator Julie Negrete filed a report on 10-18-11.

NEEDS/PROBLEMS/COMMENTS:

Minute Order 10-2-11: The guardian Sheryl King is in favor of the Petition. The Petitioner informs the Court that he still has an outstanding warrant in Kings County. The Court continues the matter to 1-24-12. The Petitioner is directed to provide notice to the mother and clear up the DUI matter by the next hearing.

As of 1-13-12, nothing further has been filed.

The following issues remain:

1. **Need Notice of Hearing.**
2. **Need proof of service of Notice of Hearing at least 15 days prior to the hearing per Probate Code §1460(b)(5) on:**
   - Maria McCook (Mother)
   - Myron McCook (Maternal Grandfather)
   - Stacey Ortega (Maternal Grandmother)

   Note: Mother signed a "Consent to Appointment of Guardian and Waiver of Notice" on 11-13-11 that was filed 1-17-12 in connection with this petition for termination. However, the form does not reflect consent to termination of guardianship. The Court may still require service on the mother.
3. **Need status of outstanding warrant in Kings County and DUI matter per minute order 10-25-11.**

Reviewed by: skc
Reviewed on: 1-13-12
Updates: 1-18-12
Recommendation:
File 12 - McArn

Dept. 303, 9:00 a.m. Tuesday, January 24, 2012

Pro Per McLemore, Patrick (Pro Per Petitioner, Administrator)

Petition for Final Distribution on Waiver of Accounting and for Allowance of Statutory Commissions (Prob. C. 10400-10406, 10904, 11600, 11642)

DOD: 8/7/2010		
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	101310
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	FTB Notice	

PATRICK McLEMORE, son and Administrator, is Petitioner.

Accounting is waived.

I & A	-	**$145,000.00**
POH	-	**$125,000.00**
Administrator (statutory)	-	**[$5,260.00]**

Distribution pursuant to intestate succession is to:

- **MARK A. TROUTMAN** – 1/5 interest in real property;
- **CHERYL A. WIDENER** – 1/5 interest in real property
- **PEGGY E. TURNER** – 1/5 interest in real property
- **PATRICK McLEMORE** – 1/5 interest in real property
- **KELLY J. BASOCO** – 1/5 interest in real property.

NEEDS/PROBLEMS/COMMENTS:

Continued to 2/29/2012
Per Petitioner's Request

1. **Need *Notice of Hearing* of the *Petition for Final Distribution on Waiver of Accounting*, and proof of mailed service of 15 days' notice prior to hearing pursuant to Probate Code §§ 11000 and 11601 for the following persons:**
   - **Mark A. Troutman, son**
   - **Cheryl A. Widener, daughter;**
   - **Peggy E. Turner, step-daughter;**
   - **Kelly J. Basoco, step-daughter.**
2. **Need proof of mailed service of 15 days' notice prior to hearing of the *Notice of Hearing* along with a copy of the *Petition* for Union Bank per the *Request for Special Notice* filed 1/25/2011, pursuant to Probate Code §§ 1250, 1252, 11000, and 11601.**
3. **Pursuant to Local Rule 7.12.4, the Court will not order distribution of real property in undivided interests without the written consent of all distributees. Need written consent of:**
   - **Patrick McLemore, step-son;**
   - **Mark A. Troutman, son;**
   - **Cheryl A. Widener, daughter;**
   - **Peggy E. Turner, step-daughter;**
   - **Kelly J. Basoco, step-daughter.**
4. **Statutory fee base does not include the $3,000.00 loss on sale of Decedent's automobile. Correct statutory fee calculates as $5,260.00 when the loss is taken into account as required by Probate Code § 10800. Proposed order does not contain a finding for award of statutory commissions to Petitioner as is requested in the *Petition*. Need revised proposed order awarding the correct amount of statutory compensation to the Petitioner as Administrator.**

Reviewed by: LEG

Reviewed on: 1/17/12

Updates:

Recommendation:

File 13 - McLemore

14 Raymond & Faith Esqueda (GUARD/P) **Case No. 11CEPR00602**

Atty Cinco, Nancy Belen (Pro Per – Maternal Aunt – Petitioner)

Petition for Appointment of Guardian of the Person (Prob. C. 1510) and Status of Guardianship in Virginia

Raymond, 15 **DOB: 04/23/96**		
Faith, 12 **DOB: 10/27/98**		
Cont. from 102611		
	Aff.Sub.Wit.	
	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	X
	UCCJEA	
	Citation	
	FTB Notice	

TEMPORARY EXPIRES 10-26-11

NANCY BELEN CINCO, Maternal Aunt, filed a temporary and a general petition for guardianship of the two minors in order to take them to live with her in Virginia.

At the temporary hearing on 7-27-11, the Court granted temporary guardianship, but vacated the general hearing date and set this status hearing for filing of an equivalent petition in Virginia.

The Court Investigator has since received copies of Petitioner's documents from Virginia, and it appears the process has been started and was set for hearing there on 11-16-11.

As of 1-13-12, nothing further has been filed.

NEEDS/PROBLEMS/COMMENTS:

1. **Need status of Guardianship in Virginia.**

Reviewed by: skc	
Reviewed on: 1-13-12	
Updates:	
Recommendation:	
File 14 -Esqueda	

Dept. 303, 9:00 a.m. Tuesday, January 24, 2012

Age: 12		
DOB: 10/18/99		
Cont. from 110811		
	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	x
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

TEMPORARY EXPIRES 01/24/12

PAMELA JOY NEWMAN, paternal grandmother, is Petitioner.

Father: **ROBERT NEWMAN** – *personally served 09/10/11*

Mother: **SHANNON RAFFA** – *court dispensed with notice on 09/19/11*

Paternal grandfather: ROBERT NEWMAN – *deceased*

Maternal grandfather: GREG RAFFA – *served by mail 09/26/11*
Maternal grandmother: JOAN RAFFA – *served by mail 09/26/11*

Petitioner states that Caitlin's father is abusing her. He does not take care of her needs and spends her public assistance on drugs for himself. Petitioner states that Caitlin lived with her for several years in the past before living with her father. Petitioner states that she and Caitlin have a good relationship and Caitlin wants to live with her again.

Declaration of Jacqueline Thornton, great-grandmother, filed 11/03/11 states that Caitlin and her father (Robert Newman) have lived in her home for the past year. Ms. Thornton states that she has witnessed Mr. Newman being verbally and physically abusive to Caitlin. She further states that Mr. Newman continues to use drugs. Ms. Thornton states that she does not believe that Mr. Newman should be raising his daughter under these conditions and asks the court to appoint Pamela Newman as guardian of Caitlin.

Court Investigator Julie Negrete's report was filed 11/03/11.

NEEDS/PROBLEMS/COMMENTS:

CONTINUED FROM 11/08/11
As of 01/18/12, no additional documents have been filed and the following remains outstanding.

1. **Need proof of personal service of *Notice of Hearing* along with a copy of the *Petition for Guardianship* at least 15 days before the hearing or Consent and Waiver of Notice for:**
   - Caitlin Newman (minor)
2. **Petitioner reported to the CI that the minor has Native American ancestry on both sides of her family. Therefore, a *Notice of Child Custody Proceeding for Indian Child* (Form ICWA-030), must be served together with copies of petition and all attachments, including this form, on the child's parent; any Indian custodian; any Indian tribe that may have a connection to the child; the Bureau of Indian Affairs (BIA), and possibly the U.S. Secretary of the Interior, by certified or registered U.S. Mail, return receipt requested. (Please see Probate Code 1460.2, and CA Rules of Court 7.1015).**
   Note: Per Minute Order from the 11/08/11 hearing, an ICWA packet was provided to the Petitioner. As of 01/18/12, the packet has not been returned to the court to be served on all applicable parties.
3. **Per item 2, above, need proof of service of notice, including copies of the notices sent and all return receipts and responses received, pursuant to Probate Code 1460.2(d).**

Reviewed by: JF	
Reviewed on: 12/18/12	
Updates:	
Recommendation:	
File 15 - Newman	

16 Daniel Bret Con Fritcher (GUARD/P) **Case No. 11CEPR00836**

Atty Luna, Jacob (pro per Guardian/maternal uncle)
Atty Torres, Melissa C (pro per Guardian/maternal aunt)
Atty Luna, Daniella M (pro per Petitioner/Mother)

Petition for Termination of Guardianship

Age: 4 years DOB: 5/2/2007		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
✓	Pers.Serv.	W/
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
✓	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

DANIELLA LUNA, mother, is petitioner.

DANIEL LUNA, maternal uncle and **MELISSA TORRES,** maternal aunt, were appointed guardians on 11/17/11. – *both guardians were personally served on 1/5/12.*

Father: **P.J. FRITCHER** –*personally served on 1/5/12.*

Paternal grandfather: James Patrick Fritcher - *personally served on 1/5/12.*
Paternal grandmother: Brenda Ford - *personally served on 1/5/12.*
Maternal grandfather: Daniel Luna - *personally served on 1/5/12.*
Maternal grandmother: Katie C. Remke.

Petitioner states her charges have been dropped. She is also in the PATH program. She would like her son back. In court on 11/17/11 she said yes to something she meant to say no to. Petitioner states she has only seen her son 5 times, 15 to 20 minutes each time. The guardian, Daniel Luna, is being unreasonable and preventing her from seeing or talking to the minor.

Court Investigator Dina Calvillo's Report filed on 1/18/12.

NEEDS/PROBLEMS/COMMENTS:

1. **Need proof of service of the Notice of Hearing on Katie C. Remke (maternal grandmother).**

Reviewed by: KT
Reviewed on: 1/17/12
Updates: 1/20/12
Recommendation:
File 16 - Fritcher

Dept. 303, 9:00 a.m. Tuesday, January 24, 2012

17 Kaleb Elijah Zion Reed (GUARD/P) **Case No. 11CEPR01047**

Atty Gonzales-Reed, Michelle (pro per Petitioner/maternal grandmother)

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

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

Temporary Expires 1/24/2012

MICHELLE GONZALEZ-REED, maternal grandmother, is petitioner.

Father: **NOT LISTED –** *court dispensed with notice per minute order dated 12/6/11*.

Mother: **DONNEA M. J. REED** – *personally served on 11/30/11*.

Paternal grandparents: not listed
Maternal grandfather: not listed

Petitioner states the minor is in danger with his mother. Mom has a history of drug use and Petitioner suspects she is using drugs again. By her own admission mom's boyfriend is constantly physically abusive and has used drugs with her. Additionally, the minor has no medical benefits. Petitioner states she needs to take him to the doctor. Petitioner suspects the minor has asthma.

Court Investigator Julie Negrete's Report filed on 1/12/12.

NEEDS/PROBLEMS/COMMENTS:

1. **Petition does not include the names and addresses of the paternal grandparents or the maternal grandfather.**
2. **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 (not listed)**
   b. **Maternal grandfather (not listed)**

Reviewed by: KT
Reviewed on: 1/17/12
Updates:
Recommendation:
File 17 - Reed

Dept. 303, 9:00 a.m. Tuesday, January 24, 2012

Dept. 303, 9:00 a.m. Tuesday, January 24, 2012

18 Marvin Henry Ables (Estate) **Case No. 11CEPR01098**

Atty Tatum, Ovonder (Pro Per – Niece – Petitioner)

Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 9-2-11			**OVONDER TATUM**, Niece, is Petitioner and requests appointment as Administrator without bond. Full IAEA – ok Decedent died intestate Residence: Fresno Publication: Fresno Business Journal **Estimated Value of Estate: -$1,450.00** (Real property valued at $30,000.00 less encumbrances of $31,450.00) Probate referee: Steven Diebert	**NEEDS/PROBLEMS/COMMENTS:** **1. Need date of death of deceased spouse per Local Rule 7.1.1.D.** **2. Petitioner lists two people at #8 (Lawrence C. Ables, Jr., and Sharon R. Lowe), but does not state their relationships to Decedent.** **3. Petitioner served notice on Sharon R. Lowe "C/O Lawrence Ables." Notice must be served directly per Probate Code §8110 and Cal. Rule of Court 7.51 (not "C/O").**
	Aff.Sub.Wit.			
✔	**Verified**			
	Inventory			
	PTC			
	Not.Cred.			
✔	**Notice of Hrg**			
✔	**Aff.Mail**	W/O		
✔	**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:** 1-17-12
	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 18 - Henry**

Dept. 303, 9:00 a.m. Tuesday, January 24, 2012

19 Jaime Jesus Magana, Dulce Maria Magana, and Manuel Magana (GUARD/P) Case No. 12CEPR00023

Atty **Magana, Adela (Pro Per – Paternal Grandmother – Petitioner)**

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

Jaime Jesus Magana (5)		
DOB: 6-22-06		
Dulce Maria Magana (4)		
DOB: 8-23-07		
Manuel Magana (3)		
DOB: 12-11-08		
	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 3-7-12

ADELA MAGANA, Paternal Grandmother, is Petitioner.

Father: **JESUS MAGANA**
Mother: **NATHALIE MARQUEZ**

Paternal Grandfather: Jaime Magana
Maternal Grandfather: Pauline Marquez
Maternal Grandmother: Maria Duque

Petitioner states Jaime has always been in her care and Mother never attempted to take him, so she did not apply for Guardianship before. Mother and the other two children came to live with Petitioner in March 2010. Petitioner became their primary caregiver because Mother refused to clean, bathe, feed and tend to them. Petitioner describes that when they came, Manuel did not smile or speak. Since then, he has started responding, smiling and thriving. Petitioner states she is the one who drives them and goes to school conferences. She is concerned because Mother is physically aggressive with the children and Petitioner must step in and protect them.

Petitioner states Mother has a dislike for Jaime and calls him names and refers to him as an "ugly child." Petitioner provides examples of Mother's behavior toward Jaime, including throwing dirt and rocks at him, and also describes additional incidents of physical abuse toward the other children, including an incident where Mother hit Dulce and Manuel and pulled them up by their ears, and another incident where Mother picked up Dulce by the hair and smacked her on the mouth after she spit up some medicine when she was sick. Dulce's mouth bled and Mother continued to smack her and chipped a tooth.

The general petition states that Mother took the children on 1-1-12 with the help of her uncle. Petitioner is afraid that Mother might abscond with the Children to Texas or Mexico. Petitioner is concerned for their safety and states she would protect them from abuse.

NEEDS/PROBLEMS/COMMENTS:

<u>Note</u>: The children are not currently with Petitioner. Petitioner states Mother took the children on 1-1-12 (reportedly to Texas).

<u>Note</u>: A referral to CPS was made pursuant to Probate Code §1513(a) based on allegations regarding abuse by the mother on 1-6-12. CPS was given hearing dates and all pertinent information regarding the petition.

1. **Need Notice of Hearing.**
2. **Need proof of personal service of Notice of Hearing with a copy of the temporary petition at least five (5) Court days prior to the hearing per Probate Code §2250(e) on:**
   - Jesus Magana (Father)
   - Nathalie Marquez (Mother)

   <u>Note</u>: Petitioner requests to excuse notice to Mother and states she was told by Mother's nephew that Mother has gone to Texas with the children, but Petitioner does not know what part of Texas she might have gone to.
3. **Petitioner answers "Yes" to #4 on the UCCJEA regarding other cases involving custody of the children. Need clarification.**

Reviewed by: skc	
Reviewed on: 1-17-12	
Updates:	
Recommendation:	
File 19 - Magana	