



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

		BRUCE S. SMART is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need order
		Petitioner alleges:	
		Ellis Foster Smart and Lana Denise Smart created the Smart Family Living Trust by trust instrument dated 3/29/1995.	
Cont. from		Ellis Foster Smart and Lana Denise Smart acted as Co-Trustees of the Trust until the death of Ellis Foster Smart on 5/26/2005.	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	W/	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	X	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Under the terms of the trust, on the death of Ellis Foster Smart, **LANA DENISE SMART** became the sole trustee of the Trust.

Also under the terms of the trust, on the death of one spouse, the trust was to be divided into a Marital Trust and the Family Trust. Both such trusts are irrevocable.

Lana Denise Smart is the lifetime income beneficiary of both the Marital Trust and the Family Trust. Ms. Smart has a testamentary general power of appointment over the Marital Trust estate.

On the death of Ms. Smart, the Family Trust and the Marital Trust estate no appointed under the power of appointment shall be distributed, in equal shares, to Bruce S. Smart, Gail Louise Smart and Timothy S. Smart.

On 1/26/07, Petitioner's then attorney requested through Ms. Smart's attorney, Arthur J. Pauley, Jr., that Petitioner and his sister, Gail Smart, be provided a report and account of the Trust.

Mr. Pauley responded to this request with the information that the two sub-trusts had been funded with the proceeds from the sale of "the ranch in Camino California" and that each trust contained "about \$400,000 each."

Please see additional page

Reviewed by: KT
Reviewed on: 1/17/13
Updates:
Recommendation:
File 1 - Smart

Petitioner's attorney again requested an accounting and report by letter dated 1/16/08.

Petitioner's present counsel requested by letter dated 8/27/12, an accounting, principal transactions, an inventory of Trust as of Ellis Smart's death, a report on the division of the property between the Marital Trust and the Family Trust, and a copy of the Promissory Note and Deed of Trust.

Mr. Pauley responded that he no longer represented Ms. Smart.

Petitioner's attorney then requested the same information from Ms. Smart directly by letter dated 9/14/12. No response to this letter has been received.

Wherefore, Petitioner requests that:

1. The court order Lana Denise Smart to provide to Petitioner an accounting and report that includes the requested information, of the administration of the Smart Family Trust from May 26, 2005 through November 30, 2012, in a form that satisfies Probate Code §16063 no later than February 15, 2013;
2. Petitioner be awarded the costs of this proceeding; and
3. Such other relief as the court considers proper.

(1) First and Final Account and Report of Special Administrator and (2) Petition for Allowance of Ordinary and Extraordinary Commissions and Fees and (3) for Distribution

DOD: 1-1-2000	PUBLIC ADMINISTRATOR , Special Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <p style="text-align: center;"><u>OFF CALENDAR</u></p> <p>Final order signed 12-4-12.</p>
	Account period: 3-27-12 through 6-6-12	
Cont. from 081612, 092012, 102512, 112912	Accounting: \$50,100.00 Beginning POH: \$45,000.00 Ending POH: \$45,963.69 (cash)	
<input type="checkbox"/> Aff.Sub.Wit.	Public Administrator (Statutory): \$2,004.00	
<input checked="" type="checkbox"/> Verified	Public Administrator (Extraordinary): \$1,248.00 (for sale of real property per Local rule and preparation of tax returns (1 Deputy hour @ \$96/hr and 2 Staff hours @ \$76/hr)	
<input checked="" type="checkbox"/> Inventory	Attorney (Statutory): \$2,004.00 (to be split between County Counsel and Barrus and Roberts \$1,002.00 each)	
<input checked="" type="checkbox"/> PTC	Attorney Barrus and Roberts (Extraordinary): \$3,800.00 (itemized)	
<input checked="" type="checkbox"/> Not.Cred.	Bond fee: \$31.31 (ok)	
<input checked="" type="checkbox"/> Notice of Hrg	Costs: \$446.00 (filing, certified copies)	
<input checked="" type="checkbox"/> Aff.Mail W	Costs: (Barrus and Roberts): \$97.00	
Aff.Pub.	Costs: (Ed Winchester): \$650.00	
Sp.Ntc.	Distribution pursuant to intestate succession and Assignments filed 10-22-07:	
Pers.Serv.	Arthur Polin, Jr.: \$5,947.23	
Conf. Screen	Anthony Polin, Sr.: \$5,947.23	
Letters	Ken Kemmerrer: \$1,000.00	
Duties/Supp	David G. Polin: \$5,947.23	
Objections	Beatrice Valdez: \$5,947.23	
Video Receipt	Josephine Bourbon: \$5,947.23	
CI Report	Anthony Aldama: \$5,947.23	
<input checked="" type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting Status Rpt		
UCCJEA		
Citation		
<input checked="" type="checkbox"/> FTB Notice		

4 Ismael Castro (Estate)

Case No. 10CEPR00470

Atty Vallis, James H (for Petitioner/Administrator Magdalena Rangel)

(1) First and Final Account and Report of Executor for Its Settlement, (2) for Allowance of Fees and (3) for Final Distribution [Prob. C. 11640, 12200, 1220, 10810]

DOD: 9/14/2009		<p>MAGDALENA RANGEL, Administrator, is petitioner.</p> <p>Account period: 9/14/09 – 11/30/12</p> <p>Accounting - \$42,500.00 Beginning POH - \$42,000.00 Ending POH - \$ 3,400.00</p> <p>Administrator (statutory) - \$1,700.00</p> <p>Attorney (statutory) - \$1,700.00</p> <p>Petitioner states after the payment of the Department of Health Services creditor's claim, there is no property left to distribute to the heirs.</p>	NEEDS/PROBLEMS/COMMENTS:
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail W/		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters 8/18/10		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
		Reviewed by: KT Reviewed on: 1/16/13 Updates: Recommendation: SUBMITTED File 4 - Castro	

(1) First and Final Account and Report of Status of Administration of Co-Executors and Petition for Settlement Thereof; (2) for Allowance of Statutory Attorney's Fees; (3) for Extraordinary Attorney's Fees; (4) for Reimbursement of Costs Advanced and (5) for Final Distribution [Prob. C. et seq., 10800, 10810, 10811, 10951, & 11600]

DOD: 7/3/2010		JENNIFER KENNEDY BRYSON and JAMES KENNEDY , Co-Executors, are petitioners.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Petition states the Creditor's Claim of Fresno County Tax Collector in the amount of \$528.34 has been paid and that a receipt will be filed. Need receipt for said claim.</p>
		Account period: 9/28/10 – 9/28/12	
Cont. from			
	Aff.Sub.Wit.	Accounting - \$154,632.31	
✓	Verified	Beginning POH - \$148,313.19	
✓	Inventory	Ending POH - \$ 80,775.46	
✓	PTC	Executors (statutory) - \$4,781.64	
✓	Not.Cred.		
✓	Notice of Hrg	Attorney (statutory) - \$4,781.64	
✓	Aff.Mail	Attorney x/o - \$18,940.00	
	Aff.Pub.	(\$2,580 for unlawful detainer; \$6,200 for TRO & Prelim Injunction; \$960 for vehicle in possession of another; \$9,200 for sale of real property)	
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen	Attorney Hrdlicka x/o - \$3,100.00	
✓	Letters	(for unlawful detainer action w/trial)	
	Duties/Supp	Attorney costs - \$520.00	
	Objections	(filing fee, probate referee)	
	Video Receipt	Closing reserve - \$1,007.28	
	CI Report		
✓	9202	Distribution, pursuant to decedent's will, is to:	
✓	Order	Jennifer Kennedy Bryson - \$15,700.00	
	Aff. Posting	James Kennedy - \$15,700.00	
	Status Rpt	Jennifer Kennedy Bryson & James Kennedy, in Trust, for the benefit of Jon David Kennedy, II - \$10,500.00	
	UCCJEA		
	Citation		
✓	FTB Notice		
			Reviewed by: KT
			Reviewed on: 1/17/13
			Updates:
			Recommendation:
			File 5 - Kennedy

Amended Petition for Order Authorizing Sale of Property to Philip Andrew Mounts, Personal Representative (Prob. C. 9880 et seq.)

DOD: 01/15/11		PHILIP ANDREW MOUNTS , Executor, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need written consent from each beneficiary of the estate pursuant to Probate Code § 9881. 2. Need Order. <p>Note: Petitioner filed his First & Final Account and Petition for Distribution on 08/09/12, which has been continued to 02/25/13.</p> <p>It appears that the two beneficiaries of the estate are minors.</p>
		I & A (Reappraisal for Sale) filed 11/19/12 - \$100,000.00.	
Cont. from		Petitioner states:	
<input type="checkbox"/>	Aff.Sub.Wit.	1. The Estate holds real property located at 381 E. Nees #109, Fresno that Petitioner intends to sell.	
<input checked="" type="checkbox"/>	Verified	2. The property was appraised for \$95,000.00 (actually \$96,000.00) on the Inventory & Appraisal filed 06/02/11.	
<input type="checkbox"/>	Inventory	3. Petitioner obtained a reappraisal for sale filed 11/19/12 with a designated date of 10/19/12, the reappraisal showed a value of \$100,000.00.	
<input type="checkbox"/>	PTC	4. Petitioner proposes to personally purchase the property for the sum of \$100,000.00 on the following terms and conditions:	
<input type="checkbox"/>	Not.Cred.	a. The sale is subject to current taxes, covenants, rights of way, easements, etc. with any encumbrances of record to be satisfied from the purchase price.	
<input checked="" type="checkbox"/>	Notice of Hrg	b. The property is to be sold "as is", except for title. Petitioner acknowledges there are no warranties or representations whatsoever regarding the property. Petitioner accepts the risks of any environmental hazards.	
<input checked="" type="checkbox"/>	Aff.Mail	w/	
<input type="checkbox"/>	Aff.Pub.	c. No personal property is to be included.	
<input type="checkbox"/>	Sp.Ntc.	d. Petitioner would take the property subject to existing leases, terms unknown.	
<input type="checkbox"/>	Pers.Serv.	e. Payment would be in cash, to be paid at close of escrow, no later than 45 days after approval of Petitioner's purchase by the Court.	
<input type="checkbox"/>	Conf. Screen	f. Petitioner to pay one-half of the Escrow Holder's charges. The estate to pay the customary and usual recording fees and any required real property transfer taxes. The estate to pay the premium for a CLTA policy of title insurance. Rents, operating and maintenance expenses, and premiums on insurance would be prorated as of the date of recording of reconveyance.	
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	x	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
Continued on Page 2			

- g. Property taxes (not including personal property), shall be prorated as of the date of the recordation of the deed or court order. Supplemental taxes arising out of the transfers or conveyances shall be paid by the estate.
 - h. No real estate broker commissions are payable because this is a proposed sale without a broker.
 - i. The estate will pay the cost of recording any order confirming the sale.
 - j. The sale is contingent on Petitioner obtaining sufficient financing.
5. Each known heir and devisee whose interest in the estate is affected by this proposed purchase will execute a written consent to the purchase. Their consents will be filed prior to hearing on this matter.
 6. This purchase is to the advantage of the estate because Petitioner is paying the full appraised value of the property and because no broker commissions will be paid by the estate. The proceeds of the sale will be used to satisfy expenses of estate administration with any balance to be distributed to the beneficiaries of the will.
 7. No creditor has filed a claim in the estate and the time for doing so has expired. No prejudice to creditors or any other persons interested in the estate will result from the purchase of this property.

Petitioner prays for an Order:

1. Approving Petitioner's purchase of the property for \$100,000.00 on the terms and conditions stated in the Petition; and
2. Allowing Petitioner to executed a deed to the property to himself in his individual capacity, to deposit that deed with the escrow holder for delivery to Petitioner in his capacity as an individual on satisfaction of payment of the purchase price and any and all other escrow requirements.

Atty Matlak, Steven M.

Atty Barron, Richard B.

Atty Lien, Grant

Petition for Order Directing Trustee to Pay Medi-Cal Creditor Claim

Age:		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued to 2/5/13 per stipulation of the parties.</p>
DOD:		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 1/17/13
		Updates:
		Recommendation:
		File 7 - Rodriguez

(1) Petition for Settlement of First and Final Account and (2) for Allowance of Attorney's Fees; and (3) for Reimbursement of Costs Advanced by Attorneys; and (4) for Final Distribution

DOD: 10/22/10	GREGORY MAZMANIAN , Executor, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. The Petition does not address the notice required pursuant to Probate Code § 9202(b) re California Victim Compensation. 2. Need order.
	Account period: 07/28/11 – 11/01/12	
Cont. from	Accounting - \$284,823.87	
<input type="checkbox"/> Aff.Sub.Wit.	Beginning POH - \$282,964.93	
<input checked="" type="checkbox"/> Verified	Ending POH - \$283,564.85 (\$143,564.85 is cash)	
<input checked="" type="checkbox"/> Inventory	Executor - waived	
<input checked="" type="checkbox"/> PTC	Attorney - \$8,695.94 (statutory)	
<input checked="" type="checkbox"/> Not.Cred.	Costs - \$1,074.64 (for filing fees, certified letters, publication, probate referee)	
<input checked="" type="checkbox"/> Notice of Hrg	Closing - \$1,000.00	
<input checked="" type="checkbox"/> Aff.Mail w/	Distribution, pursuant to decedent's will, is to:	
Aff.Pub.	Gregory Mazmanian - \$66,397.14 cash plus ½ interest in real property	
Sp.Ntc.	Margaret Gallistle - \$66,397.14 cash plus ½ interest in real property	
Pers.Serv.		
Conf. Screen		
Letters 07/28/11		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202 x		
Order x		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
<input checked="" type="checkbox"/> FTB Notice		
	Reviewed by: JF	
	Reviewed on: 01/17/13	
	Updates:	
	Recommendation:	
	File 8 - Moussadjikian	

10A Steven R. Thomas Family Trust 5-13-03

Case No. 12CEPR00674

Atty Salazar, Steven F. (for Steven R. Thomas, II – son/Petitioner)

Atty Bagdasarian, Gary G. (for Kristy Helm-Thomas – daughter/Petitioner)

Atty Helon, Marvin T. (Guardian Ad Litem for minor grandchildren/Objector)

Petition for Construction of Trust, Appointment and Confirmation of Successor Trustees and Persons Entitled to Distribution from Trust (Prob. C. 17200(b)(1)(4)(10), et seq)

DOD: 01/19/12		<p>STEVEN R. THOMAS, II, son, and KRISTY HELM-THOMAS, daughter, are Petitioners.</p> <p>Petitioners state:</p> <ol style="list-style-type: none"> Petitioners are the children of Steven R. Thomas and interested in the STEVEN R. THOMAS FAMILY TRUST, dated 05/13/03, (the "Trust") created and executed by Steven R. Thomas as sole Settlor and sole Trustee. Steven R. Thomas ("decedent") was unmarried and administered the Trust in Fresno County until his death on 01/19/12. Upon his death, the Trust became irrevocable. Petitioners are not aware of any current, authorized acting successor trustee(s). Petitioners have been provided with a copy of the Trust which Petitioners believe has been altered by handwritten and initialed interlineations and/or changes to the terms of the Trust. Petitioners believe that such interlineations and/or changes is an invalid attempt to amend the Trust's successor trustees and successor beneficiaries and was not done by decedent before his death. There are no amendments to the Trust known to Petitioners except possibly the decedent's Will (pour over Will) dated 05/13/12 currently being probated in Fresno Superior Court Case No. 12CEPR00132 with Petitioners as Co-Executors. The decedent's Will also has handwritten interlineations and changes to the references made as to the decedent's children and named executors. At the time decedent executed both the Trust and his Will, Petitioner Steven R. Thomas, II was present and did not observe any handwritten alterations or modifications to either the Trust or Will. <p style="text-align: center;">Continued on Page 2</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 10/24/12</u> Minute Order from 10/24/12 states: Mr. Helon objects. The Court appoints Steven Thomas, II and Kristy Helm-Thomas as co-trustees of the Steven R. Thomas Trust. Counsel is directed to submit an order for the appointment. Mr. Bagdasarian requests to continue this matter to see if a resolution can be reached.</p> <p>Note: Marvin T. Helon was appointed as Guardian Ad Litem for minor grandchildren on 09/24/12.</p> <p>Order Appointing Successor Trustees to Trust was signed on 11/09/12.</p> <p>As of 01/17/13, nothing further has been filed.</p>	
Cont. from 091912, 102412				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			w/
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input checked="" type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
Reviewed by: JF				
Reviewed on: 01/17/13				
Updates:				
Recommendation:				
File 10A - Thomas				

5. Petitioners allege that under Article III, Section B of the Trust entitled "Original Trustees" decedent originally nominated Steven R. Thomas, II and Carl E. Thomas, in that order of priority, as successor trustees.
6. Petitioners further allege that under Article VI, Section A.2 of the Trust entitled "Distributions to Successor Beneficiaries" the decedent originally named the following individuals and the following respective interests as successor beneficiaries in the Trust as follows:
 - Steven R. Thomas II - 25%
 - Kristy Helm-Thomas - 25%
 - Kelby Renee Helm - 25%
 - Michael Garrett Davis - 25%
7. The Trust document, as altered, crossed out the names of Steven R. Thomas II and Carl E. Thomas as successor trustees and were replaced with the name of Kristy Helm-Thomas as the nominated successor trustee. However, Kristy Helm-Thomas's name was also crossed out and replaced with the name of Jeri Rard as successor trustee.
8. The Trust document, as altered, crissed out the originally named successor beneficiaries set forth above in paragraph 6 and replaced them and their respective interests as follows:
 - 100% to (wording undeterminable and crossed out) Grandkids
Coins will be sold later on for my grand childrens college"
9. Petitioners stipulate that the handwritten and initialed interlineations and changes to the original Trust's provisions for successor trustees and successor beneficiaries are not valid amendments to the Trust and that the decedent did not make the changes to the Trust.
10. Under Article I, Section B, Chapter 2, the Trust document provides that the Trust is revocable and amendable by the Settlor as provided in Article V, Section B, Chapter 2 entitled "Revocation and Amendment" that provides that the Settlor may, at any time amend any portion of the Trust by adding provisions or by altering or deleting provisions contained therein, and by delivering a signed statement of amendment to the trustee. Further, the Trust requires that such statement be attached to and made part of the Trust agreement.
11. California Probate Code § 15042 provides that: "Unless the trust instrument provides otherwise, if a trust is revocable by the settlor, the settlor may modify the trust by the procedure for revocation". Probate Code § 15401 sets forth the procedure for revocation in part as follows:

"A trust that is revocable by the settlor may be revoked in whole or in part by any of the following methods:

 - (1) By compliance with any method or revocation provided in the trust instrument.
 - (2) By a writing (other than a will) signed by the settlor and delivered to the trustee during the lifetime of the settlor. If the trust instrument explicitly makes the method of revocation provided in the trust instrument the exclusive method of revocation, the trust may not be revoked pursuant to this paragraph."
12. The Trust, pursuant to Article I, Section B and Article V, Section B provides for the exclusive method of amendment to the Settlor's Trust. Petitioners contend that the handwritten and initialed alterations by interlineations and changes made to the Trust's provisions for successor trustees and successor beneficiaries is an invalid amendment or modification to the Trust. Specifically, Petitioners assert that the alterations to the original Trust did not comply with the Trust's exclusive requirement for amendment or modification, to wit:
 - a. That the provisions added, altered or deleted were not made by the Settlor, or alternatively, are not entirely in the Settlor's own handwriting;
 - b. That no signed statement of amendment was prepared and executed by the Settlor;
 - c. That the Settlor did not deliver a signed statement of amendment to the Trustee;
 - d. That a signed statement of amendment was not attached to and made a part of the Declaration of Trust; and
 - e. The Will of Steven R. Thomas dated May 13, 2003 does not qualify as a writing under Probate Code § 15401 to revoke or amend the Trust.

13. Petitioners seek an order that the alterations by handwritten interlineations and changes made to the Declaration of Trust's provisions for Successor Trustees and Successor Beneficiaries do not amend the Trust's provisions for Successor Trustee and Successor Beneficiaries, the attempted amendment is invalid, that the court appoints and confirms Steven R. Thomas, II and Kristy Helm-Thomas as successor co-trustees. Petitioners further request an order that the Court acknowledge and confirm the following individuals and the following respective interests in the Trust estate as the successor beneficiaries of the Trust as follows:
- Steven R. Thomas II - 25%
 - Kristy Helm-Thomas - 25%
 - Kelby Renee Helm - 25%
 - Michael Garrett Davis - 25%
14. The Trust provides in Article III, Section I, that no bond shall be required of a trustee in performance of its duties.
15. There is no other civil action pending with respect to the subject matter of this petition.

Petitioners pray for an order:

1. Declaring the handwritten alterations by interlineations and changes made to the Declaration of Trust are invalid as an amendment to the Declaration of Trust and are without effect.
2. Confirming that Jeri Rard is not the successor trustee of the Trust.
3. Confirming Steven R. Thomas, II and Kristy Helm-Thomas as the appointed successor co-trustees of the Trust, to serve without bond.
4. Instructing the trustees that, except as set forth below, the grandkids of Steven R. Thomas are not entitled to a share of the Trust.
5. Instructing trustees that the beneficiaries of the Trust are:
 - Steven R. Thomas II - 25%
 - Kristy Helm-Thomas - 25%
 - Kelby Renee Helm - 25%
 - Michael Garrett Davis - 25%; and
6. For costs of suit.

Opposition to Petition for Construction of Trust filed 10/22/12 by Marvin T. Helon, Court appointed Guardian Ad Litem, for minor grandchildren of Steven R. Thomas states:

1. The Steven R. Thomas Family Trust dated 05/13/03 was amendable by settlor Steven R. Thomas. The trust specifically authorized amendment by altering and/or deleting provisions and delivery of the amendment to the trustee.
2. It appears from the face of the trust and the petition, and Respondent believes, that settlor Steven R. Thomas amended the trust to name his grandchildren as beneficiaries to receive distribution of the trust estate upon his death. By such amendment, it appears that the settlor added or included in addition to the grandchildren originally named in the trust, his grandchildren born after the trust was first signed. The amendment appears subscribed or signed by the settlor and trustee. Initials or any marks by a settlor is sufficient to constitute a signature or subscription if intended by the settlor or trustee as a signature.
3. Respondent understands that Steven R. Thomas served as trustee up until his death and received and accepted the amendment as trustee prior to his death.
4. As a result of the amendment and the death of Steven R. Thomas, Respondent believes the trust is now distributable to Steven R. Thomas's grandchildren, including Steven E. Helm, III, Steven Rex Thomas, Jackson A. Thomas and Alexis Thomas, who are each entitled to an equal share of the trust estate with the settlor's other grandchildren. Distribution to minor grandchildren of the settlor should be made subject to Paragraph 3 of Article VI of the trust providing for holding shares of persons under age 25 in the trust.

Continued on Page 4

5. In addition to the amendment of the trust to modify provisions as to beneficiaries, it appears from the face of the trust and petition, and Respondent believes, that the settlor also amended the provisions designating successor trustee, revoking the original nominations. The Court should appoint a successor trustee. At present, Respondent does not have enough information to form a position as to who should serve as successor trustee, or if any prior nominee should serve, or if a bond should be required if a former nominee is now appointed as trustee.

Respondent prays for an Order that:

1. The petition for construction of the trust as alleged be denied;
2. Determining that the trust was amended to name the grandchildren of Steven R. Thomas as beneficiaries upon the death of Steven R. Thomas;
3. Determining that Steven E. Helm, III, Steven Rex Thomas, Jackson A. Thomas, and Alexis L. Thomas are entitled to an equal share of the trust estate with the settlor's other grandchildren; and
4. Appointing a successor trustee of the trust.

DOD: 01/19/12	<p>STEVEN R. THOMAS, II, son, and KRISTY HELM-THOMAS, daughter, filed a Petition for Construction of Trust, Appointment and Confirmation of Successor Trustees and Persons Entitled to Distribution from Trust on 08/02/12.</p> <p>At a hearing on the matter on 09/19/12, the Court ordered that a Guardian ad Litem be appointed for minor grandchildren and on 09/24/12 Marvin T. Helon was appointed Guardian Ad Litem for Steven E. Helm, III (8), Steven Rex Thomas (6), Jackson A. Thomas (4), and Alexis L. Thomas (3).</p> <p>On 10/22/12, Marvin T. Helon, as Guardian Ad Litem for the minor grandchildren, filed an Opposition to Petition for Construction of Trust.</p> <p>Minute Order from hearing on 10/24/12 set this matter for a status hearing.</p> <p>Order Appointing Successor Trustees to Trust was signed on 11/09/12 appointing Steven Thomas, II and Kristy Helm-Thomas as co-trustees of the Trust.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>As of 01/17/13, nothing further has been filed in this matter.</p>	
Cont. from			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
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Notice of Hrg			
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Letters			
Duties/Supp			
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Video Receipt			
CI Report			
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Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			<p>Reviewed by: JF</p> <p>Reviewed on: 01/17/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 10B - Thomas</p>

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

DOD: 06/05/2012		DAVID J. AGEE , son/named executor without bond, is petitioner. Full IAEA –o.k. Will dated: 10/21/1997 Residence: Reedley Publication: The Reedley Exponent Estimated value of the Estate: Personal property - \$100,500.00 Total: - \$100,500.00 Probate Referee: Steven Diebert	NEEDS/PROBLEMS/COMMENTS: Note: If the petition is granted status hearings will be set as follows: <ul style="list-style-type: none"> • Friday, 06/21/2013 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Friday, 03/21/2014 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit. s/p		
<input checked="" type="checkbox"/>	Verified		
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<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: LV Reviewed on: 01/17/2013 Updates: Recommendation: Submitted File 12 - Agee	

Petition to Determine Succession to Real Property

DOD: 09/28/2012		<p>JOSE A. HARO and RAQUEL R. HARO, Successor Trustees of the Julia Balderas Revocable Trust, are petitioners.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Declaration pursuant to Local Rule 7.12.5.</p>
		40 days since DOD	
Cont. from			
	Aff.Sub.Wit.	No other proceedings	
✓	Verified	I&A – \$77,000.00	
✓	Inventory		
	PTC		
	Not.Cred.	Will dated: 07/13/2004 devises all property to the Julia Balderas Revocable Trust.	
✓	Notice of Hrg	Petitioners request Court determination that decedent's 100% interest in real property located at 829 W. Woodward Fresno, Ca., pass to decedent's Julia Balderas Revocable Trust pursuant to decedent's will.	
✓	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		
			Reviewed by: LV
			Reviewed on: 01/17/2013
			Updates:
			Recommendation:
			File 13 - Balderas

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

DOD: 10/04/2011		MARIANNE G. JONASSEN , daughter is petitioner and requests appointment as Administrator without bond.	NEEDS/PROBLEMS/COMMENTS:
		All heirs waive bond.	1. The signatures of the petitioner and the attorney were not dated on the petition.
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.	Full IAEA – o.k.	
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory	Decedent died intestate.	
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.	Residence: Fresno	
<input checked="" type="checkbox"/>	Notice of Hrg	Publication: The Business Journal	
<input checked="" type="checkbox"/>	Aff.Mail	Estimated value of the Estate:	Note: If the petition is granted status hearings will be set as follows:
<input checked="" type="checkbox"/>	Aff.Pub.	Real property - \$155,000.00	
		Total - \$155,000.00	<ul style="list-style-type: none"> • Friday, 06/21/2013 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Friday, 03/21/2014 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution.
<input type="checkbox"/>	Sp.Ntc.	Probate Referee: Steven Diebert	
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		Reviewed by: LV
<input type="checkbox"/>	Objections		Reviewed on: 01/17/2013
<input type="checkbox"/>	Video Receipt		Updates:
<input type="checkbox"/>	CI Report		Recommendation:
<input type="checkbox"/>	9202		File 14 - Jonassen
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

DOD: 10/01/09		<p>CANDY ATKINS, spouse, was appointed as Administrator without bond and Letters of Administration were issued on 12/03/09.</p> <p>After the appointment of Candy Atkins as Administrator, the decedent's Will was located and offered for probate. On 03/25/10 CANDY ATKINS, spouse, was subsequently appointed as Administrator with Will Annexed Letters were issued.</p> <p>Status Report filed 08/12/11 by Candy Atkins states that there are no liquid assets of the estate to pay administration expenses and creditor's claims. Decedent's real property in Madera County was being listed for sale.</p> <p>Inventory & Appraisal filed 09/08/11 - \$209,700.00.</p> <p>Second Status Report of Personal Representative filed 06/21/12 states: the estate is not is a condition to be closed. The estate has no liquid assets to pay the administration expenses or the creditor's claims. The Administrator has listed the decedent's unimproved real property in Madera County for sale, but the property has not sold. The Administrator has reduced the sales price several times over the last 8 months. A check of comparable sales reveal that there has only been two similar sales in the last three years. The Administrator intends to keep the property listed for sale and requests that the Estate Administration remain open.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 07/25/12</u> Minute Order from 07/25/12 hearing states: Counsel advises the Court that there is also a claim for over \$20,000.00.</p> <p>As of 01/17/13, nothing further has been filed in this matter.</p>
Cont. from 072512			
<input checked="" type="checkbox"/>	Status Rpt.		
<input checked="" type="checkbox"/>	Verified		
	Inventory		
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	Notice of Hrg		
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	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		<p>Reviewed by: JF</p> <p>Reviewed on: 01/17/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 16 - Atkins</p>	

Pro Per Mancilla, Magdalena (Pro Per Administrator)

Status Hearing Re: Filing of the First Account or Petition for Final Distribution

DOD: 5/9/2011		<p>MAGDALENA MANCILLA, daughter, was appointed Administrator with Full IAEA Authority without bond on 11/29/2011. <i>Letters</i> issued on that date.</p> <p>Final Inventory and Appraisal was filed 11/1/2011 showing an estate value of \$140,000.00, a portion of which consists of a pending personal injury lawsuit, with the other portion consisting of real property.</p> <p>Minute Order dated 11/29/2011 from the hearing on the petition for letters of administration set a status hearing on 1/24/2013 for the filing of the first account or petition for final distribution.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need first account, petition for final distribution, or current status report pursuant to Local Rule 7.5(B).</p>	
Cont. from				
Aff.Sub.Wit.				
Verified				
✓ Inventory				
PTC				
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Notice of Hrg				
Aff.Mail				
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Pers.Serv.				
Conf. Screen				
Letters	112911			
Duties/Supp				
Objections				
Video Receipt				
CI Report				
9202				
Order				
Aff. Posting				
Status Rpt				
UCCJEA				
Citation				
FTB Notice				
				Reviewed by: LEG
				Reviewed on: 1/17/13
				Updates:
		Recommendation:		
		File 17 - Anguiano		

Pro Per Farris-Dean, Kathy (Pro Per Petitioner, maternal grandmother)

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

Chasin Age: 14	<p align="center"><u>General Hearing set for 3/18/2013</u></p> <p>KATHY FARRIS-DEAN, maternal grandmother, is Petitioner.</p> <p>Father of Chasen: VINCENT SALCEDO Father of Jaiden: LAMONT (last name unknown)</p> <p>Mother: AMANDA SINRIL</p> <p>Paternal grandfather of Chasen: Unknown Paternal grandmother of Chasen: Unknown Paternal grandfather of Jaiden: Unknown Paternal grandmother of Jaiden: Unknown</p> <p>Maternal grandfather: Harold H. Farris</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> The mother of the child is unable to provide a suitable home for the children, she may be mentally unstable which could be an on-going problem, and she has been cited by both CPS and animal control officers; The children were removed by CPS due to "imminent risk" and Petitioner does not want the children to go to foster care; She believes the fathers of the children have not been in the children's lives; She is seeking to be the only legal guardian of both children, but has agreed to work as a team with the children's maternal uncle and aunt, FRANK COTTON and CARI COTTON, so that Jaiden lives with Frank and Cari; they believe that Chasen is most comfortable with Petitioner as he has regularly spent most summers with her and they have a close bond; and due to Jaiden's personality they believe it in his best interest that he live with his uncle and aunt; Petitioner believes it will be much easier for them as a team to deal with any legalities and with the children's mother if only one legal guardian is appointed. <p align="center">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Need Notice of Hearing and proof of five (5) court days' notice by personal service of the Notice of Hearing and 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: <ul style="list-style-type: none"> Amanda Sinril, mother; Vincent Salcedo, father of Chasen, if Court does not excuse notice per Petitioner's request; Lamont (last name unknown), father of Jaiden, if Court does not excuse notice per Petitioner's request. Chasin Farris, proposed ward (age 14). Item 6 of Confidential Guardian Screening form filed on 1/11/2013 is incomplete re: social worker or parole or probation officer. 	
Jaiden Age: 9			
Cont. from			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
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			
<p align="center">Reviewed by: LEG</p> <p align="center">Reviewed on: 1/17/13</p> <p align="center">Updates:</p> <p align="center">Recommendation:</p> <p align="center">File 18 - Farris</p>			

Petitioner requests to be excused from giving notice to the two fathers because the mother is unwilling to share any information regarding them and the family has no knowledge of their whereabouts.

Note: *UCCJEA* filed 1/11/2013 indicates Chasin currently lives with Petitioner Kathy Farris-Dean since December 2012, and Jaiden currently lives with Frank and Cari Cotton since December 2012.

Atty Sanoian, Joanne; Horton, Lisa; of Law Office of Joanne Sanoian (for Petitioner Marianne Bourgeois, daughter)

Petition for Appointment of Temporary Conservator of the Person and Estate

Age: 93	TEMPORARY GRANTED EX PARTE EXPIRES 1/24/2013	NEEDS/PROBLEMS/COMMENTS: Note: Ex Parte Order Appointing Temporary Conservator filed 1/17/2013 orders all funds to be placed into a blocked account, with no withdrawals to be made without prior Court order.	
	<u>GENERAL HEARING SET FOR 2/28/2013</u>		
Cont. from	<p>MARIANNE BOURGEOIS, daughter, is Petitioner and requests appointment as Temporary Conservator of the Person and Estate with bond set at \$311,000.00.</p> <p>Estimated Value of the Estate: Personal property - \$265,000.00 Annual income - \$16,860.00 Total - \$281,860.00</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> The proposed Conservatee (<i>hereafter Eugena</i>) has been widowed since 9/29/2009 when her husband died, and she lives with one of her four adopted children, BERNADETTE PLANTING, daughter; Eugena and her husband established the LOUIS A. BEDONI AND EUGENA M. BEDONI 2001 DECLARATION OF TRUST in May 2001, naming Petitioner and Bernadette as successor co-trustees; the Trust does not authorize the named successor trustee to act individually and they must act together; Eugena's Uniform Statutory Power of Attorney signed in May 2001 named Petitioner and Bernadette as successor co-agents; Petitioner was just informed that sometime in January 2010, Eugena signed another Durable Power of Attorney making Bernadette her agent; <p align="center">~please see additional page~</p>	<ol style="list-style-type: none"> Pursuant to Probate Code 2250.2(c), need proof of five (5) court days' notice by personal service of <i>Notice of Hearing</i> and a copy of the <i>Petition for Appointment of Temporary Conservator</i> for: <ul style="list-style-type: none"> Eugena M. Bedoni, proposed conservatee. Pursuant to Probate Code 2250(e), need proof of five (5) court days service by mail of <i>Notice of Hearing</i> and a copy of the <i>Petition for Appointment of Temporary Conservator</i> for: <ul style="list-style-type: none"> John D. Bedoni, son; Joseph A. Bedoni, son; Bernadette Planting, daughter; Stephen Planting, grandson; Louis A. Bourgeois, grandson; Jacqueline Bourgeois, granddaughter; Chelsea Bedoni, granddaughter; Daniel Bedoni, grandson. <p align="center">~please see additional page~</p>	
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			X
Aff.Mail			X
Aff.Pub.			
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Pers.Serv.			X
✓ Conf. Screen			
Aff. Posting			
✓ Duties/Supp			
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Video Receipt			
CI Report	X		
9202			
✓ Order			
✓ Letters			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: LEG	
		Reviewed on: 1/18/13	
		Updates:	
		Recommendation:	
		File 19 - Bedoni	

Petitioner states, continued:

- In 2009, Eugena and her husband Louis lived in their home in San Jose, and Bernadette moved there in 2009 to assist with care of Louis who was gravely ill; in August 2009, Petitioner was added to the bank account of Eugena and Louis to pay bills; after Louis passed away in 2009, Bernadette stayed with Eugena, and petitioner remained on the account and used Eugena's modest social security to pay Eugena's bills;
- In September 2010, Bernadette convinced Eugena that she could no longer afford to live in San Jose so she should sell her house; this was not true; the San Jose residence was paid off so there were minimal bills, and Eugena had enough money to stay in San Jose; Eugena was emotionally distraught about leaving her home of 62 years and would start crying whenever it was mentioned, and Bernadette would remind Eugena that they talked about it and that Eugena had decided to sell; Petitioner and her two brothers would tell Eugena that she didn't have to do it, but Eugena would state that she had "made up her mind;"
- In December 2010, the San Jose house sold with a net of **\$628,000.00** going to Eugena which was deposited into Eugena's Living Trust account; Eugena relocated to Bernadette's house on Farris in Fresno, and since moving there, neither Petitioner nor any of her siblings are allowed into the home and can only visit with Eugena outside at a designated meeting place;
- Bernadette began using Eugena's funds from the account and a credit card to make home improvements to Bernadette's house; it was Petitioner's understanding that the improvements were to accommodate and be accessible for Eugena's needs; however, Bernadette charged **~\$5,300.00** in home improvements to Eugena's credit card, including **\$1,893.55** from Home Depot, **\$1,280.00** from Paragon Granite, **\$1,673.40** from Lowes, and miscellaneous charges not for Eugena's benefit such as purchases of **\$1,362.14** at Palm and Shield's liquor store and EZ Go Mini Mart; the current balance on the card is **\$18,827.67** (*credit card statements of 7/2012 to 12/2012 attached as Exhibit A*);
- The trust account where the sale proceeds were deposited in 12/2010 has a remaining balance of **~\$260,000.00**; Bernadette's home has all new landscaping, completely redone kitchen with granite countertops and other various home improvements;
- **Declaration of Lisa Horton in Support of the Petition for Appointment of Temporary and Permanent Conservator (attached to the temporary petition as Exhibit B) states:**
 - On 1/10/2013, she spoke with **ALBERT CANIZALEZ**, a social worker for Fresno Adult Protective Services (APS), who told her he contacted Eugena's doctor, **DR. GAEDE**, who told Mr. Canizalez that Eugena is demented but she wasn't on any medications for dementia as the family members didn't want her to take them; Mr. Canizalez also told her that Dr. Gaede informed him that he believed Eugena did not have the capacity to take care of her finances;
 - She asked Mr. Canizalez about his visit with Eugena on 12/13/2012 and his impressions of her capacity, and he stated that her short term memory is very bad and that during the interview when he would ask Eugena a question she could not remember anything and had to be prompted by Bernadette; he stated that when he asked Eugena about the purchase of the house for Bernadette's son, Eugena did not remember; he stated that Bernadette reminded Eugena that she consented to it, and then Eugena repeated what Bernadette said; Mr. Canizalez stated to her that he believes Eugena has dementia;
 - On 1/10/2013, she spoke with **JOHN LYSTAND**, Citibank Manager, who told her he was the one who made the financial elder abuse report to APS; she asked Mr. Lystad what prompted the call and he stated that after a **\$20,000.00** transfer from Eugena's trust account to Bernadette's personal checking account was flagged, he did some investigation into the account's history and he discovered that most transfers,

Petitioner states, continued:

- cash withdrawals, etc., were all rounded numbers, and there were no checks to caregivers or funds used for nursing care; he stated there were a lot of ATM cash withdrawals and cash withdrawals at casinos; he then discovered that over **\$360,000.00** had been withdrawn from the account in a very short period of time; he said there were home improvement expenses and the purchase of a house; Mr. Canzalez learned after talking with Eugena and Bernadette on 12/13/2012 that Bernadette used **~\$131,510.00** for the purchase of a home for Bernadette's son, **STEPHEN PLANTING**; Mr. Canzalez contacted the Fresno Police Dept. because he believed Eugena was a victim of elder abuse (*copy of police report attached as Exhibit C*); Detective **LLOYD FLORES** of the Adult Abuse unit has been assigned to investigate;
- She asked Mr. Lystad about whether the account was still in the name of Eugena's 2001 Trust, and he stated it was and that a trust provision actually allows Bernadette to use a durable power of attorney to manage and withdraw trust assets and that is how she is accessing Eugena's trust account; Mr. Lystad stated something should be done immediately to protect the remaining funds in Eugena's account.
- **Of immediate concern is the depletion of Eugena's money from her bank account and Bernadette's use of her mother's assets without her consent or knowledge; Petitioner still pays Eugena's bills from the checking account, so there is no immediate need to access the trust account funds by anyone;**
- **Petitioner believes Eugena is unable to manage her financial resources, unable to resist undue influence, is the victim of financial elder abuse and needs to be protected from Bernadette;**
- **A conservator of the person and estate needs to be appointed to stop the severe depletion of money from Eugena's estate and to make sure she is receiving proper medical care, as Eugena suffers from dementia but is not on any medication for her dementia, and Petitioner does not know if Eugena is receiving the proper care for her dementia.**

Note: Exhibit C attached to Petition contains copy of Fresno Police Department Report indicating

- On 12/13/2012 the patrol officer was dispatched to a home on Farris regarding possible elder abuse and that he made contact with Albert Canizalez with APS who stated he was contacted by the branch manager at CitiBank and was advised of large amounts of withdrawals from Eugena Bedoni's trust account, and that Bedoni suffers from dementia and the manager did not believe Bedoni approved the funds that had been withdrawn from the account;
- Canizalez contacted Bernadette Planting regarding the money and Planting advised Canizalez she has power of attorney over Bedoni's finances and is her caregiver, and she takes care of Bedoni 24 hours a day and used the money from Bedoni's trust fund to update her home and make it accessible for Bedoni's needs;
- Planting advised that Bedoni had agreed to lend her **\$130,000.00** to purchase a home in short-sale for her son, and Planting stated she was to return the money when she received money from a lawsuit settlement in the future; Canizales did not believe Bedoni agreed to this loan and believes Planting is stealing the money from Bedoni; Canizalez stated he did talk to Bedoni about the money and she stated she allowed Planting to use the money for a down payment of a home;
- Canizalez stated Bedoni is well taken care of and does not have any concerns for the health or care Bedoni given, but is concerned that the money may be taken without her knowledge;

~please see additional page~

Fresno Police Department Report states, continued:

- The police officer made contact with Planting at her home on Farris, and she stated she was contacted by Canizalez about the funds that were being withdrawn from her mother's account, and Planting stated she moved her mother from San Jose two years ago and needed to make some repairs to her home to make her home accessible to her mother's needs;
- Planting stated Bedoni agreed to loan her the money to purchase a home that was on short sale for Planting's son; Planting stated she does borrow money from her mother at times but the money is always returned; Planting did not have any receipts for repairs made to the home at the time of investigation; Bedoni was not at home during the time of my investigation [12/13/2012 at ~1359 hours]; he [officer] did not observe any type of neglect in the home; Bedoni had a room that was well made and there was plenty of food in the home for Bedoni.

Court Investigator Jennifer Daniel to provide *CI Report* and Advisement of Rights.