

		BRUCE S. SMART is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. The Prayer in the Petition requests Lana Denise Smart be ordered to account from May 26, 2005 through November 30, 2012 however the Order submitted Orders Lana Denise Smith to account to December 31, 2012. Need new Order.</p> <p>Reviewed by: KT</p> <p>Reviewed on: 1/17/13</p> <p>Updates: 1/22/13</p> <p>Recommendation:</p> <p>File 1 - Smart</p>
		Petitioner alleges:	
		Ellis Foster Smart and Lana Denise Smart created the Smart Family Living Trust by trust instrument dated 3/29/1995.	
		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.	
		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	
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W/	
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	Pers.Serv.		
	Conf. Screen		
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	Duties/Supp		
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	Video Receipt		
	CI Report		
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	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

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.

**Seventh and Final Account of Conservator in Re: Conservatorship Estate and
 Petition for Its Settlement with Accompanying Declaration of John K. Ormond Re:
 Attorney's Fees and Costs**

DOD: 3-29-12		<p>REBECCA LEWIS, Conservator, is Petitioner.</p> <p>Account period: 11-1-11 through 10-31-12</p> <p>Accounting: \$765,025.01 Beginning POH: \$723,534.39 Ending POH: \$765,025.01 (\$309,367.13 cash)</p> <p>Conservator: \$2,000.00</p> <p>Attorney: \$5,160.00 (12.9 hours @ \$400/hr per declarations)</p> <p>Petitioner requests an order which authorizes her to transfer the above-referenced accounts and rights to the decedent's estate pending in this Court, Estate of Lori Lavonne MacIsaac 12CEPR00945.</p> <p>Petitioner prays for an order:</p> <ol style="list-style-type: none"> 1. That notice of hearing of this account be given as required by law; 2. Approving, allowing and settling the attached account; 3. Authorizing the conservator's and attorney's fees and commissions; and 4. Such other orders and relief as the Court considers proper, including an order requiring the Conservator to transfer the above-referenced accounts and rights to the decedent's estate. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><i>Note: The Conservatee's spouse John MacIsaac was appointed Executor of the probate estate in 12CEPR00945 on 12-3-12</i></p> <ol style="list-style-type: none"> 1. Need proof of service of <u>Notice of Hearing</u> on all relatives pursuant to Probate Code §§ 1211, 1460(b)(6). <p><i>Note: A proof of service attached to the petition indicates service on certain agencies as required and the Petitioner, but is not on the mandatory Judicial Council form and does not include the Conservatee's spouse and children (and other relatives to the 2nd degree) as required by the code referenced above.</i></p> <ol style="list-style-type: none"> 2. Probate Code §2620(b) states the final court accounting of the conservator following the death of the Conservatee shall include an accounting for the period that ended on the date of death and a separate accounting for the subsequent period. This account covers one period, including the date of death. 3. The proposed order includes a blank for the Court to write in an amount approved for expenditures by the Conservator; however, the petition does not appear to include this request. Need clarification, itemization. 4. The proposed order does not include distribution to the executor of the estate as requested.
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		<p>Reviewed by: skc</p> <p>Reviewed on: 1-22-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2 - MacIsaac</p>	

(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	
	Accounting: \$50,100.00 Beginning POH: \$45,000.00 Ending POH: \$45,963.69 (cash)	
Cont. from 081612, 092012, 102512, 112912	Public Administrator (Statutory): \$2,004.00	
<input type="checkbox"/> Aff.Sub.Wit.	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"/> Verified	Attorney (Statutory): \$2,004.00 (to be split between County Counsel and Barrus and Roberts \$1,002.00 each)	
<input checked="" type="checkbox"/> Inventory	Attorney Barrus and Roberts (Extraordinary): \$3,800.00 (itemized)	
<input checked="" type="checkbox"/> PTC	Bond fee: \$31.31 (ok)	
<input checked="" type="checkbox"/> Not.Cred.	Costs: \$446.00 (filing, certified copies)	
<input checked="" type="checkbox"/> Notice of Hrg	Costs: (Barrus and Roberts): \$97.00	
<input checked="" type="checkbox"/> Aff.Mail W	Costs: (Ed Winchester): \$650.00	
Aff.Pub.	Distribution pursuant to intestate succession and Assignments filed 10-22-07:	
Sp.Ntc.	Arthur Polin, Jr.: \$5,947.23	
Pers.Serv.	Anthony Polin, Sr.: \$5,947.23	
Conf. Screen	Ken Kemmerrer: \$1,000.00	
Letters	David G. Polin: \$5,947.23	
Duties/Supp	Beatrice Valdez: \$5,947.23	
Objections	Josephine Bourbon: \$5,947.23	
Video Receipt	Anthony Aldama: \$5,947.23	
CI Report		
<input checked="" type="checkbox"/> 9202		
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Citation		
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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			
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<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		
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<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
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		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.	NEEDS/PROBLEMS/COMMENTS:
Cont. from		Account period: 9/28/10 – 9/28/12	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.
	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.	Attorney (statutory) - \$4,781.64	
✓	Notice of Hrg	Attorney x/o - \$18,940.00	
✓	Aff.Mail	(\$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)	
	Aff.Pub.	Attorney Hrdlicka x/o - \$3,100.00	
	Sp.Ntc.	(for unlawful detainer action w/trial)	
	Pers.Serv.	Attorney costs - \$520.00	
	Conf. Screen	(filing fee, probate referee)	
✓	Letters	Closing reserve - \$1,007.28	
	Duties/Supp	Distribution, pursuant to decedent's will, is to:	
	Objections	Jennifer Kennedy Bryson - \$15,700.00	
	Video Receipt	James Kennedy - \$15,700.00	
	CI Report	Jennifer Kennedy Bryson & James Kennedy, in Trust, for the benefit of Jon David Kennedy, II - \$10,500.00	
✓	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	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.	NEEDS/PROBLEMS/COMMENTS: Note: Petitioner filed his First & Final Account and Petition for Distribution on 08/09/12, which has been continued to 02/25/13. It appears that the two beneficiaries of the estate are minors. Consents of both have been filed.
		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 checked="" type="checkbox"/>	Order		
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<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.		
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Notice of Hrg		
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Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
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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: + 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		
<input checked="" type="checkbox"/> 9202		
Order x		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
<input checked="" type="checkbox"/> FTB Notice		
		Reviewed by: JF
		Reviewed on: 01/17/13
		Updates: 01/23/13
		Recommendation:
		File 8 - Moussadjikian

Amended Petition to Determine Succession to Real Property

DOD: 03/07/2012		<p>RUBEN V. HERNANDEZ, Jr., son, MANNY FERNANDEZ, and GABRIEL FERNANDEZ, nephews are petitioners.</p> <p>40 days since DOD</p> <p>No other proceedings</p> <p>I & A - \$70,000.00</p> <p>Decedent died intestate.</p> <p>Petitioner requests Court determination that decedent's interest in real property located at 729 W. Eden Ave. Fresno pass 50% to Ruben V. Hernandez, 25% to Manny Fernandez and 25% to Gabriel Fernandez pursuant to intestate succession.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Attorney Lyon and petitioners Ruben V. Hernandez, Jr. and Manny Fernandez, did not date their signature on the petition. 2. Need name and date of death of predeceased child per Local Rule 7.1.1D.
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
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		Reviewed by: LV	
		Reviewed on: 01/18/2013	
		Updates:	
		Recommendation:	
		File 9 – Hernandez	

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)

<p>DOD: 01/19/12</p>	<p>STEVEN R. THOMAS, II, son, and KRISTY HELM-THOMAS, daughter, are Petitioners.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>			
<p>Cont. from 091912, 102412</p>	<p>Petitioners state:</p>	<p>CONTINUED FROM 10/24/12 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>			
<table border="1"> <tr> <td><input type="checkbox"/></td> <td>Aff.Sub.Wit.</td> <td></td> </tr> </table>	<input type="checkbox"/>	Aff.Sub.Wit.		<p>1. 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.</p>	<p>Note: Marvin T. Helon was appointed as Guardian Ad Litem for minor grandchildren on 09/24/12.</p>
<input type="checkbox"/>	Aff.Sub.Wit.				
<table border="1"> <tr> <td><input checked="" type="checkbox"/></td> <td>Verified</td> <td></td> </tr> </table>	<input checked="" type="checkbox"/>	Verified		<p>2. 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).</p>	<p>Order Appointing Successor Trustees to Trust was signed on 11/09/12.</p>
<input checked="" type="checkbox"/>	Verified				
<table border="1"> <tr> <td><input type="checkbox"/></td> <td>Inventory</td> <td></td> </tr> </table>	<input type="checkbox"/>	Inventory		<p>3. 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.</p>	<p>As of 01/17/13, nothing further has been filed.</p>
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<table border="1"> <tr> <td><input type="checkbox"/></td> <td>PTC</td> <td></td> </tr> </table>	<input type="checkbox"/>	PTC		<p>4. 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>	<p>Reviewed by: JF</p>
<input type="checkbox"/>	PTC				
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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.

Continued on Page 3

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			
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			
			<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 Appointment of Guardian of the Person (Prob. C. 1510)

Age: 16		<u>TEMPORARY EXPIRES 01/24/2013</u>		NEEDS/PROBLEMS/COMMENTS:	
		MARY T. PEREZ , paternal grandmother, is petitioner.		Minute Order of 12/13/2012 states mother, Jennifer Casteneda , is in favor of the petition. Counsel informs the Court that father has been served. The Court accepts counsel's representation that a consent from father will be forthcoming. The Court dispenses with further notice to Lydia. Counsel informs the Court that he will be amending the petition to include Alberto V. Perez, Jr. as a petitioner for co-guardianship.	
Cont. from 121312		Father: CIRIACO EDWARD MORO ,		As of 01/18/2013 no amended petition has been filed. <ol style="list-style-type: none"> Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> Ciriaco Edward Moro (Father) Alexis Mary Mora (Minor) Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> Alberto V. Perez, Jr. (Paternal Grandfather) Dan Flores (Maternal Grandfather) Need Letters 	
	Aff.Sub.Wit.		Mother: JENNIFER CASTENEDA – personally served on 10/24/12.		
✓	Verified		Paternal grandfather: Alberto V. Perez, Jr. Maternal grandfather: Dan Flores Maternal grandmother: Lydia "unknown", Court dispensed with notice per minute order dated 12/13/2012.		
	Inventory				
	PTC				
	Not.Cred.				
✓	Notice of Hrg				
	Aff.Mail	x			
	Aff.Pub.				
	Sp.Ntc.				
✓	Pers.Serv.	w/	Petitioner alleges: the minor has been in the care of Petitioner since 2003. Petition states the minor is a special needs child. She is autistic and requires unique and individual attention. Petitioner states earlier this year she became ill and she asked the mother to care for the minor while she recovered. Petitioner alleges that last week mom insisted she take the minor back. When Petitioner stated she was still recovering, mom placed the minor in In Home Care services in Lindsey. Petitioner is requesting temporary guardianship so that she can take the minor out of the in home care provider.		
✓	Conf. Screen				
	Letters	x			
✓	Duties/Supp				
	Objections				
	Video Receipt				
✓	CI Report		Court Investigator Jo Ann Morris' report filed 12/06/2012.		
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
✓	UCCJEA				
	Citation				
	FTB Notice				
				Reviewed by: KT / LV	
				Reviewed on: 12/07/2012	
				Updates:	
				Recommendation:	
				File 11 - Mora	

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.	NEEDS/PROBLEMS/COMMENTS:
		Full IAEA –o.k.	
Cont. from			
	Aff.Sub.Wit.	s/p	
✓	Verified		
	Inventory		Will dated: 10/21/1997
	PTC		
	Not.Cred.		Residence: Reedley Publication: The Reedley Exponent
✓	Notice of Hrg		
✓	Aff.Mail	w/	Estimated value of the Estate: Personal property - \$100,500.00 Total: - \$100,500.00
✓	Aff.Pub.		
	Sp.Ntc.		Probate Referee: Steven Diebert
	Pers.Serv.		
	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			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.
			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	JOSE A. HARO and RAQUEL R. HARO , Successor Trustees of the Julia Balderas Revocable Trust, are petitioners.	NEEDS/PROBLEMS/COMMENTS:
	40 days since DOD	
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.	No other proceedings	
<input checked="" type="checkbox"/> Verified	I&A – \$77,000.00	
<input checked="" type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.	Will dated: 07/13/2004 devises all property to the Julia Balderas Revocable Trust.	
<input checked="" type="checkbox"/> 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.	
<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 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: LV
		Reviewed on: 01/17/2013
		Updates: 01/22/2013
		Recommendation: SUBMITTED
		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: Real property - \$155,000.00 Total - \$155,000.00	Note: If the petition is granted status hearings will be set as follows: • 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 checked="" type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.	Probate Referee: Steven Diebert	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 type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		Reviewed by: LV
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		Reviewed on: 01/17/2013
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		Updates:
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		Recommendation:
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		File 14 - Jonassen
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

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

DOD: 12/24/2006	MAXINE L. ABE , Successor Trustee of the George Abe and Jean H. Abe Revocable Living Trust, is the petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Declaration pursuant to Local Rule 7.12.5.</p>
	40 days since DOD	
Cont. from	No other proceedings	
<input type="checkbox"/> Aff.Sub.Wit.	I&A - \$82,500.00	
<input checked="" type="checkbox"/> Verified	Will dated 06/29/2006 devises all property to the George Abe and Jean H. Abe Revocable Living Trust.	
<input checked="" type="checkbox"/> Inventory	Petitioner requests Court determination that decedent's 50% interest in real property defined as Lot 20 and 21 in Block A of South Park Addition to Selma, Lots 22, 23, and 24 in Block A of South Park Addition to Selma and 1400 West Front Street Selma, Ca. pass to decedent's George Abe and Jean H. Abe Revocable Living Trust.	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LV
		Reviewed on: 01/17/2013
		Updates:
		Recommendation:
		File 15 - Abe

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 reveals that there have 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		
	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		
		<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				
Not.Cred.				
Notice of Hrg				
Aff.Mail				
Aff.Pub.				
Sp.Ntc.				
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		<u>General Hearing set for 3/18/2013</u>	<p>KATHY FARRIS-DEAN, maternal grandmother, is Petitioner.</p> <p>Father of Chasen: VINCENT SALCEDO; <i>Declaration of Due Diligence filed 1/17/2013.</i></p> <p>Father of Jaiden: LAMONT (last name unknown); <i>Declaration of Due Diligence filed 1/17/2013.</i></p> <p>Mother: AMANDA SINRIL; <i>personally served with notice on 1/17/2012.</i></p> <p><i>Proposed ward Chasin was personally served with notice on 1/16/2012.</i></p> <p>Paternal grandparents of Chasen: Unknown Paternal grandparents of Jaiden: Unknown 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>NEEDS/PROBLEMS/ COMMENTS:</p> <p>Note: Petitioner requests to be excused from giving notice to the two fathers because the mother is unwilling to share any information regarding them, their names are not listed on the children's birth certificates, and the family has no knowledge of their whereabouts.</p> <p>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.</p> <p>1. Item 6 of <i>Confidential Guardian Screening</i> form filed on 1/11/2013 is incomplete re: social worker or parole or probation officer. Amended Confidential Guardian Screening form filed on 1/123/2013.</p>
Jaiden Age: 9				
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input type="checkbox"/>	Aff.Mail			
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<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
<p>Reviewed by: LEG</p> <p>Reviewed on: 1/17/13</p> <p>Updates: 1/23/13</p> <p>Recommendation:</p> <p>File 18 - Farris</p>				

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's Report was filed 1/22/2013.