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.

1 Francisco Hernandez (CONS/E) **Case No. 0208851**

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

(1) Fourteenth Account Current and Report of Successor Conservator and (2) Petition for Allowance of Compensation to Successor Conservator and Attorney (Prob. C. 2620; 2623; 2640; 2942)

Age: 63 years		
DOB: 3/29/1948		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	W/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

PUBLIC GUARDIAN, Conservator, is Petitioner.

Account period: 8/20/2009 – 10/21/2011

Accounting - **$329,345.16**
Beginning POH - **$223,062.88**
Ending POH - **$229,748.27**
(all cash)

Conservator - **$1,910.80**
(12.70 Deputy hours @ $96/hr and 9.10 Staff hours @ $76/hr; itemization includes services related to the sale of Conservatee's real property as requested in the *Petition for Authorization to Sell* and confirmed in the *Order Confirming Sale of Real Property* signed on 9/6/2011;)

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

Bond fee - **$1,374.28** (o.k.)

Petitioner prays for an Order:

1. Approving, allowing and settling the Fourteenth account;
2. Authorizing the conservator and attorney fees and commissions; and
3. Authorizing payment of the bond fee.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: LEG
Reviewed on: 1/17/12
Updates:
Recommendation:
File 1 - Hernandez

Dept. 303, 9:00 a.m. Wednesday, January 25, 2012

3 Karmen B. Kalashian (CONS/PE) Case No. 08CEPR00848

Atty Burnside, Leigh W. (for Joseph Kalashian – Brother – Conservator)

(1) Second Account Current, Report of Conservator and Petition for Its Settlement, (2) for Allowance of Attorneys' Fees and Costs, (3) for Instructions on How to Handle Conservatee's Separate Account and Social Security Income [Prob. C. §§1060-1064, 2620, 2640]

Age: 65

DOB: 4-19-46

	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	
✔	**2620(c)**	
✔	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

JOSEPH KALASHIAN, Brother and Conservator of the Person and Estate with bond of $122,345.28, is Petitioner.

Account period: 8-1-09 through 9-30-11

Accounting: $650,105.17
Beginning POH: $571,031.05
Ending POH: $570,343.39 ($71,150.56 is cash)

Conservator: Waived

Attorney: $6,202.50 (for 6.4 attorney hours @$225-330/hr and 37.1 paralegal hours @ $120-125/hr in connection with the preparation, service and filing of the first account, attendance at the hearing on the first account, advise Petitioner regarding possible LPS conservatorship, research regarding lease of Conservatee's residence, preparation and recording of documents to remove Conservatee's deceased mother from real property title, research and review of additional requirement, incl. bond)

Costs: $449.02

Petitioner states Conservatee had previously incurred substantial credit card debt which was paid off during the first account period. Conservatee now resides in a group care home and Petitioner provides her with an allowance and she keeps her own separate checking account to maintain a feeling of independence. That account is not included in this account.

However, Petitioner learned during this account period that Conservatee also receives Social Security income (currently $397/month) directly to this separate account. Petitioner states he monitors Conservatee's expenditures and, to the best of his knowledge, the money is not being used inappropriately; however, Petitioner requests instruction from the Court regarding this separate account and the social security income.

Petitioner states the current bond of $122,345.28 is insufficient based on property, income and cost of recovery, and additional bond of $56,288.87 is necessary.

Petitioner prays for an Order:

1. Approving, allowing and settling the account;
2. Authorizing the attorney fees and costs;
3. Instructing Petitioner on the issues of the separate account and social security income;
4. Increasing the bond by $56,288.87 to a total bond of $178,634.15.

NEEDS/PROBLEMS/ COMMENTS:

1. **Petitioner states Conservatee has her own checking account and maintains limited control over her finances. He was unaware until this account period that in addition to his disbursements from her conservatorship account, she also receives Social Security benefits directly deposited to this separate account.**

   Petitioner believes the Conservatee desires to continue to receive these payments into her account and requests instructions.

   The proposed order continues to allow the Social Security payments to be received into that account without the requirement to account for such receipts.

   The Court may require the income to be included as receipts going forward, regardless of its ultimate disposition or destination, and may also require basic information regarding the Conservatee's separate account.

SEE PAGE 2

Reviewed by: skc

Reviewed on: 1-17-12

Updates:

Recommendation:

File 3 - Kalashian

Dept. 303, 9:00 a.m. Wednesday, January 25, 2012

NEEDS/PROBLEMS/COMMENTS (Continued):

2. **Examiner notes that the cash distributions to Conservatee do not appear to be a consistent monthly amount; rather, they appear to be $25 and $50 here and there, and sometimes larger amounts.**

   The Court may require clarification as to how the allowance/cash distributions are disbursed.

3. **Examiner notes that there is a $16 monthly service charge on the Bank of America checking account and additional charges for checks, etc. Fees for this account period total $395.58. The Court may require clarification as to whether other account options are available, since approx. $70,000.00 is held in savings at another institution (EECU). Is there a reason why this account with maintenance fees is beneficial or convenient?**

4. **Need itemization of costs $449.02 for reimbursement.**

Atty **William J. Keeler, Jr., and Jared C. Marshall (of Dowling, Aaron & Keeler, Inc., Attorneys for Successor Trustee Sarah Spaulding, Petitioner)**

Notice of Motion and Motion for Attorneys' Fees and Costs (Cal. Code Civ. Pro. §§ 1021, 1033.5; Cal. Welf. & Inst. Code §§ 15657, 15657.5)

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	

SARAH SPAULDING, Successor Trustee of the Barbara Forrest Matlock 2002 Revocable Living Trust, is Petitioner.

Petitioner moves the Court for an order granting her Motion for Attorney's Fees and Costs on the ground that Respondent **RANDALL FORREST** ("Forrest") was found liable on all of the alleged causes of action, and the Court granted all relief as prayed.

Petitioner now seeks an order from the Court directing Forrest to pay reasonable attorney's fees and costs to Petitioner, based on a "lodestar adjustment" of $87,615.86 multiplied by a 1.2% adjustment modifier for total reasonable attorney's fees and costs of **$105,203.03**.

Filed in support of the Notice of Motion and Motion, with reference to Cal. Code Civ. Pro. §§ 1021, 1033.5; Cal. Welf. & Inst. Code §§ 15657, 15657.5 are:

- Memorandum of Points and Authorities
- Declaration of Jared C. Marshall (of DAK)
- Memorandum of Costs (Summary)
- Request for Judicial Notice

Points and Authorities state the instant motion relates to a lawsuit filed by Petitioner against Forrest for, among other things, the financial elder abuse and neglect of Barbara Forrest Matlock under sections 15657 and 15657.5 of the California Welfare and Institutions Code. Under both of these code sections, a prevailing plaintiff is entitled to recover reasonable attorney's fees and costs from the defendant. In this case, Forrest was found liable on all of the alleged causes of action, and the Court granted all relief as prayed. As a result, Petitioner now seeks an order from the Court directing Forrest to pay $105,203.03 in reasonable attorney's fees to Petitioner.

SEE PAGE 2

NEEDS/PROBLEMS/COMMENTS:

Note: In its Statement of Decision entered 9-22-11, the Court entered judgment in favor of Petitioner and found that Petitioner is entitled to cover reasonable attorney fees and costs to be requested in a separate noticed motion.

Reviewed by: skc

Reviewed on: 1-18-12

Updates:

Recommendation:

File 4 - Matlock

Points and Authorities (Continued): In its Statement of Decision, the Court made all requisite findings with regard to California Code of Civil Procedure section 1021 et seq., and California Welfare and Institutions Code section 15657. Consequently, Petitioner is entitled to recover reasonable attorney's fees from Forrest.

[Examiner's note: Not all citations are included in this summary – please refer to the filed document.]

California Courts generally apply the "lodestar-adjustment" method to determine the amount of reasonable attorney's fees that are warranted in any given fee-shifting scenario. See *Serrano v. Priest* (1977) 20 Cal.3d 25, 48. Under *Serrano*, a lodestar figure must first be calculated by multiplying the number of hours reasonably spent by each billing professional by the reasonable hourly rate for each biller.

After calculating the initial lodestar amount, the Court may then consider other factors to adjust – either increase or decrease – the initial lodestar amount. The Court quantifies these factors into a number by which the figure is multiplied. For instance, if the factors merit increasing the lodestar amount by 50%, the court would then apply a 1.5 modifier to the lodestar, to fix a fee at the fair market value for the particular action. In effect, the court determines, retrospectively, whether the litigation involved a contingent risk or required extraordinary legal skill justifying augmentation of the unadorned lodestar in order to approximate the fair market rate for such services.

There is no exhaustive list of factors that the court may consider, and trial courts generally have considerable discretion in determining the applicability and amount of any modifier. However, Petitioner provides the considerations discussed in *Serrano*, including: the novelty and difficulty of the questions involved and the skill displayed in presenting them; the extent to which the litigation precluded other employment of the attorney; the contingent nature of the award; the fact that the award against the state would eventually fall to the taxpayers; the public or charitable funding of the attorneys; and that the money would not accrue to the individual attorneys, but to their organizations. Such factors are not exclusive or exhaustive. The trial court has wide discretion to consider nearly any factor related to the litigation in determining whether to apply a multiplier, and if so, what the multiplier should be.

DAK was retained on 8-6-09, and since that time, seven attorneys, two paralegals, one case assistant and one law clerk have billed over 519.7 hours to the case and its related actions on compensable pre-litigation and litigation activities. See Declaration of Jared C. Marshall. **The lodestar figure relevant to this motion is $87,615.86.**

Here, the lodestar should be multiplied by a 1.2 modifier. DAK secured an extraordinary result for Petitioner over multiple actions in unusual circumstances. The result was accomplished while dealing with multiple parties, multiple properties, and an opposing party who frequently sought to evade service failed to appear at hearings, and failed to provide adequate discovery responses. Consequently, the fair market value of the services provided by DAK is in excess of what was actually billed. **The result is that Petitioner should recover $105,203.03 from Forrest.**

Declaration of Jared C. Marshal (of DAK) states DAK initiated two actions on behalf of Petitioner: an unlawful detainer action and the Petition for Elder Abuse & Neglect, Breach of Fiduciary Duty, To Determine Validity or Effect of Document, For Accounting, For Surcharge, For Constructive Trust, For Conveyance or Transfer of Property, To Enforce No-Contest Provision, and To Declare Trust Portion Already Received. DAK secured the ejectment of Forrest and his son in the unlawful detainer action and $104,407.43 in compensatory damages, $75,000.00 in pain and suffering, and $100,000.00 in the lawsuit on Petitioner's First Amended Verified Petition (attached). Over the course of both lawsuits, Forrest frequently sought to evade service, failed to appear at various hearings, failed to provide adequate discovery responses, and generally appeared to be attempting to make the litigation of Petitioner's claims as difficult and as time-consuming as possible. DAK expended time as follows:

SEE PAGE 3

2nd Additional Page

- William J. Keeler, Jr., a shareholder and officer of DAK, billed 10.9 hours @ $330.00/hr, 0.3 hours @ 166.67/hr, 2.0 hours @ $165.00/hr, 0.2 hours @ $150.00/hr, 0.2 hours @ $200.00/hr, 0.4 hours @ $350.00/hr, and 14.6 hours free of charge, which time consisted primarily of case management, court appearances, client conferences, review of pleadings, and conferences with other attorneys
- Leigh W. Burnside, a shareholder of DAK billed 0.9 hours @ $295.00/hr, 1.8 hours @ $310.00/hr, 11.10 hours @ $320.00/hr, and 0.2 hours free of charge, which time consisted primarily of case management, review and preparation of pleadings, and conferences with other attorneys
- Heather Mardel Jones, a former associate attorney of DAK, billed 35 hours @ $225.00/hr, 2.0 hours @ $216.00/hr, 2.5 hours @ $120.00/hr, 67.2 hours @ $250.00/hr, and 1.9 hours free of charge, which time consisted primarily of preparing motions and pleadings, legal research, appearing at hearings, conferences with client and opposing counsel, preparation and review of written discovery, and depositions
- Matthew T. Besmer, an associate attorney of DAK, billed 57.6 hours @ $195.00/hr and 7.8 hours @ $200.00/hr, which time consisted primarily of preparation of pleadings, legal research, interviews with witnesses, conferences with client, conferences with opposing counsel, and initiation of the unlawful detainer proceedings.
- Mara M. Erlach, an associate attorney of DAK, billed 0.4 hours @ $200.00/hr, which time consisted primarily of conferences with other attorneys.
- Paul M. Parvanian, an associate attorney of DAK, billed 0.6 hours @ 185.00/hr and 17.2 hours @ $200.00/hr, which time consisted primarily of initiating and litigating the unlawful detainer action
- Jared C. Marshall, an associate attorney of DAK, billed 65.6 hours @ $150.00/hr and 71.2 hours @ 165.00/hr, which time consisted primarily of client conferences, legal research, trial preparation, conferences with other attorneys and attendance at trial.
- Terri M. Ellis, paralegal at DAK, billed 129.9 hours @ 125.00/hr and 9.2 hours @ 130.00/hr, which time consisted primarily of conducting discovery, investigation, client conferences, and assisting with trial preparation
- Linda M. Powell, paralegal at DAK, billed 1.9 hours @ $120.00/hr, 0.1 hour at $125.00/hr and 0.9 hours free of charge, which time consisted primarily of trial preparation, investigation, and assisting with all issues relating to administration of the trust, including the civil standby action by which trust property was recovered
- Chelsea R. MacIsaac, paralegal and formerly a case assistant, at DAK, billed 1.2 hours @ $50.00/hr, which time consisted primarily of case assistance
- Joshua H. Escovedo, formerly a summer associate at DAK, billed 5.0 hours @ $110.00/hr, which time consisted primarily of trial preparation and legal research

Memorandum of Costs (Summary) reflects a total of $4,161.27 in costs as follows:

- $955.00 in filing and motion fees
- $735.95 in deposition costs
- $2,330.32 in service of process costs
- $140.00 “Other 14 CD’s with property images requested by Randall Forrest”

5 William and Dorthea Wilkinson Trust **Case No. 11CEPR00222**

Atty Clark, William F (of Redondo Beach, for James Wilkinson, beneficiary – Petitioner)
Atty Knudson, David (for James Wilkinson – Petitioner)
Atty Simonian, Jeffrey (for Ross Wilkinson, Trustee)

Third Amended Petition for Account, Removal of Trustee, and Appointment of Successor

Age:		
DOD:		
Cont. from 102511, 120811		
	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	x
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

JAMES R. WILKINSON, son and beneficiary of the **WILLIAM and DORTHEA WILKINSON TRUST** ("Trust") is Petitioner.

ROSS W. WILKINSON, son, is the current Trustee.

Petitioner states that pursuant to the Trust's 4th Amendment, which is a Survivor's Trust, Trustee Ross Wilkinson ("Ross") was to exercise powers in the Trust as a fiduciary and has no power to enlarge or shift any beneficial interest in the Trust *(copy of Trust attached to Petition).*

Petitioner states Ross has breached PrC §§16000-16001(5) by converting Trust property for his own personal use and benefit. Specifically, Ross has absconded Trust property in a minimum amount of approximately $98,686.75, and have wrongfully paid money to his wife Cindi from the Trust, in the approximate amount of $39,457.75 *(copies of Bank of America check summaries from Trust assets for the years 2007 and 2008 attached to Petition).*

Petitioner further states that on 3/26/07, Ross directed $200,000.00 to be wire transferred from the Trust's Wachovia stock account to Pacific Northwest Title Company. These funds were then used to purchase real property located in Monroe, Washington in the name of Ross and Cindi Wilkinson, and is not listed as Trust property *(copies of the Wachovia withdrawal attached to Petition).*

Petitioner requests that Ross be relieved as Trustee to ensure that no other Trust assets are converted or misappropriated.

Petitioner states that though the Trust provides for Petitioner to act as Trustee in Ross' place, Petitioner lives in Florida and therefore it is not practical for him to act as Trustee; therefore, Petitioner requests that Bill Bickel be appointed. Mr. Bickel is willing to act as Trustee.

There has been no agreement between the adult beneficiaries to enter into an agreement to provide for a successor trustee pursuant to PrC §15660(c).

Petitioner requests: 1) Ross be removed as Trustee; 2) Bruce Bickel be appointed as Trustee; 3) that Ross be compelled to submit his report of information regarding the Trust assets of the Trust, A,B, and C, and submit an accounting of his acts as Trustee from 4/8/05 to the present; 4) that Ross be compelled to address the Trust breach by repaying all monies wrongfully absconded for his own personal benefit, payable back to the Trust; 5) that Ross pay for costs incurred herein and 6) for all other orders the Court deems proper.

SEE ATTACHED PAGE

NEEDS/PROBLEMS/COMMENTS:

Continued from 12/8/11 per stipulation of the parties.

10/25/11 Minute Order reads: Mr. Clark is appearing via conference call. The Court directs Mr. Simonian to file an accounting for the period of 2/3/09 – 6/30/11 within two weeks, and file an accounting for the period of 4/8/05 – 2/3/09 by 12/2/11. The matter is continued to 12/8/11. The Court reserves the issues regarding the removal of the trustee and the appointment of a successor.

1. Need Order.

Reviewed by: NRN
Reviewed on: 1/19/12
Updates:
Recommendation:
File 5 - Wilkinson

***Objections to Third Amended Petition*, was filed 10/24/11 by Ross W. Wilkinson ("Respondent")**

Petitioner states:

- As a result of Dorothea Wilkinson's (Dorothea) death on 1/19/97 (prior to William D. Wilkinson's ("William") death on 2/3/09, the Trust was divided into 3 separate sub-trusts, Trust A - Exemption Trust ("Trust A") Trust B- Q-Tip Trust ("Trust B") and Trust C - Survivor's Trust ("Trust C") – (these three Trusts also referred to collectively as the "Wilkinson Trusts");
- A Fourth Amendment to the Trust was executed by William 4/8/05, and was entitled *Fourth Amendment to Trust Agreement –Survivor's Trust for the William and Dorothea Wilkinson Trust* ("Fourth Amendment");
- From 1/9/97 through 2/3/09, William acted as sole Trustee of Trust A and Trust B;
- From 1/9/97 through 4/8/05, William acted as sole Trustee of Trust C;
- From 4/8/05 through 2/3/09, William and Ross acted as Co-Trustees of Trust C pursuant to the Fourth Amendment;
- Since 2/3/09, Ross has acted as the sole Trustee of all three Wilkinson Trusts;
- From 1/9/97 through the date of his death on 2/3/09, William was the sole beneficiary of the Wilkinson Trusts;
- The sole beneficiaries of the Wilkinson Trusts following William's death are Petitioner James and Respondent, Ross;
- Fresno County is the principal place of administration of the Wilkinson Trusts;
- The Wilkinson Trusts are not revocable;
- Trust A holds title to an undivided 65.29% interest in real property located at 7800 N. Van Ness Boulevard, in Fresno;
- Trust B holds title to an undivided 34.71% interest in that same real property (7800 N. Van Ness, Fresno);
- Trust C is of nominal value, having been substantially depleted an exhausted during William's lifetime.

Issue of Removal of Trustee/Reappointment of Successor Trustee

- Petitioner's *Third Amended Petition* raises the issue of the removal of the Trustee and reappointment of a successor trustee for the first time; this issue was not presented in the original *Petition for Account* filed 3/21/11, nor was it raised in the *Amended Petition for Account* filed 5/18/11. As such, *Notice of Hearing* is required pursuant to PrC §17203 and Rule 7.53(a) of the CRC, however, no such *Notice of Hearing* has been provided to or served on Respondent; and similarly, no *Notice of Hearing* has been provided to or served on other parties interested in these proceedings, and specifically including those parties named to act as successor Trustee under the Trust terms (PrC §17203(a)(1);
- Furthermore, the copy of the *Third Amended Petition* sent to Respondent's attorney did not have a verification attached as required under PrC §1021 and finally, the *Third Amended Petition* fails to list the names and last known addresses of all vested and contingent beneficiaries of the Wilkinson Trust as required under Rule 7.903 of the CRC;
- There has been no agreement between the adult beneficiaries of the Wilkinson Trusts to provide for a successor trustee, and signed declination to act as Trustee by Petitioner James has not been filed (James is named as successor trustee);
- Petitioner's interpretation of the Wilkinson Trusts concerning the removal of Respondent as Trustee and appointment of a successor trustee is incorrect. Pursuant to the Trust, Trusts A and B are irrevocable upon formation and therefore matters regarding the removal of the Trustee and appointment of successor Trustee are controlled by the Trust as executed by Dorothea and William on 4/9/92; said Trust specifically names Jane Morton as successor Trustee of Trusts A and B and if unable, unwilling or fails to serve, Union Bank is specifically named;

SEE ATTACHED PAGE

CONT'D:

- Respondent therefore objects to the appointment of Bruce Bickel as successor trustee for Trusts A and B as he is not named in the trust instrument and as neither Jane Morton nor Union Bank have been provided notice of these proceedings and as neither has declined to accept their appointment;
- Respondent further objects to the appointment of Bruce Bickel as the *Third Amended Petition* fails to disclose his fee schedule for fiduciary services, the manner in which his compensation is determined, and it is unknown whether Mr. Bickel will charge an hourly rate or a percentage fee for his services;
- With respect to Trust C (a revocable Trust), the Trust provides that William had the right, during his life, to modify, amend, or revoke the provision of Trust C; William in fact exercised that right on 4/8/05 with the Fourth Amendment;
- Pursuant to that Amendment, Respondent Ross has the sole power to designate a successor Trustee of Trust C, without Court approval; Respondent has not declined to exercise this power, and reserves this right in the event he (Respondent) is removed as Trustee; furthermore, Petitioner has made no attempt to reach an agreement with Respondent to appoint a successor Trustee;
- If Ross is removed as Trustee of Trust C and is either not entitled to designate a successor trustee for Trust C or if he declines to do so, appointment of successor trustee should be consistent with the settlors' wishes as expressed in the Trust with respect to Trusts A and B –to wit, Jane Morton and Union Bank, after having been provided notice of these proceedings – as well as for the reason of convenience of administration since Trust C is of nominal value.

Allegations regarding Respondent's violation of his Fiduciary Duties as Trustee

- Respondent confirms Petitioner's allegation that $200,000.00 was wired from Wachovia Securities on 3/26/07, in the name of the Trust to Pacific Northwest Title Company;
- Said funds were used to purchase real property in Washington State and title is held by Respondent;
- Acquisition of the property was part of a tax-free exchange by Respondent that involved the sale of another piece of real property;
- Said action however was taken with the knowledge and consent of William, Co-Trustee of Trust B and sole beneficiary of Trust B;
- The transfer of these funds was intended as a short-term unsecured loan to Respondent until the tax-free exchange involving Respondent was completed;
- In fact, the *Third Amended Petition* fails to disclose that on 7/2/07, $160,000.00 was wire transferred at Respondent's direction to the Wachovia Securities account in the name of Trust B, in partial payment of the unsecured loan, and received by Respondent at the completion of the tax free exchange (copy of said $160,000.00 transfer from Respondent to Wachovia attached to *Objections* as Exh. A);
- Respondent attaches to his *Objections* (as Exh. B) a list of disbursements totaling $44,252.91 made from the Wilkinson Trusts and/or assets the source of which can be traced to the assets of the Wilkinson Trusts during the time period in question, and acknowledged by Respondent to be to and/or for Respondent or Respondent's spouse's benefit;
- However, all other amounts distributed to Respondent or his spouse during William's life from the Wilkinson Trusts (and set forth in Exhibits B and C to Petitioner's *Third Amended Petition*) were used primarily for the care and benefit of William and /or for maintenance of the Trust assets during William's life and in accordance with the terms and provisions of the Wilkinson Trusts;

SEE ATTACHED PAGE

CONT'D:

- These disbursements as identified in Petitioner's Exhibits B and C indicate they were payments to "Emily Alonzo" or are designated in the notes as "Emily" – were, in fact, used to provide for William's care in accordance with the Wilkinson Trusts;
- Amounts distributed to Respondent or to his spouse during William's lifetime from the Trusts or from assets traceable to the Trusts equaled or did not exceed those distributions from the Trusts made to Petitioner James;
- Respondent attaches to his *Objections* (as Exh. C) a list of disbursements made to James from 4/8/05 (when Respondent was appointed Co-Trustee) through to William's death on 2/3/09; these disbursements total $156,238.74 (this is not a complete list, however Respondent is in the process of completing a trust accounting for that stated time period as ordered by this Court);
- Additionally, Respondent is currently preparing a trust accounting for the period 2/3/09 – 6/30/11; Respondent believes said accounting can be completed within the next two weeks for Petitioner's review and filing with the Court;
- Respondent is entitled to reasonable compensation for his services as Trustee and as Co-Trustee during the period 4/8/05 to the present and has not received any compensation to date for his fiduciary services;
- To the extent the trust accounting shows disbursements for Respondent's benefit exceeding disbursements to Petitioner James, such amount can be offset against the reasonable compensation to which Respondent is entitled;
- Since William's death, Respondent has performed his fiduciary duties as required by law, including making regular disbursements of trust income and principal to the trust beneficiaries in accordance with the Wilkinson Trusts; as stated the primary asset of the Wilkinson Trusts is real property on Van Ness Boulevard in Fresno, which Respondent has listed for sale;
- To date, only one offer has been received at substantially less than the asking price;
- Removal of Respondent as Trustee is neither warranted nor necessary to protect the Trust or the beneficiaries, and appointment of a professional fiduciary will only serve to increase Trust expenses;
- If the Court orders Respondent to repay any monies disbursed to Respondent for his benefit (or his spouse's), Petitioner should similarly be ordered to repay all monies disbursed to Petitioner for his benefit.

Respondent prays:

1. All of relief prayed for by Petitioner James excluding Respondent's obligation to provide an accounting for Trust activities on or after 4/8/05 be denied and the *Third Amended Petition* be dismissed;
2. Petitioner be ordered to provide proper notice of the date and time for hearings of these proceedings to all Trust beneficiaries and all other interested parties including, parties named under the Trust to act as successor Trustee of Trusts A and B;
3. Petitioner be ordered to amend his *Third Amended Petition* to comply with the applicable Rules of Court;
4. Petitioner be ordered to pay all costs incurred herein by Respondent, including Respondent's attorney's fees, or alternatively, that Respondent be entitled to reimbursement form Trust assets for said costs.

6 Harvey A. Metzler (Estate) Case No. 11CEPR00494

Atty **Des Roches, Charles, of Noland Hamerly Etienne & Hoss (of Salinas, for Norman Metzler)**

Final Account and Report of Administrator and Petition for Its Settlement, (2) for Allowance of Compensation to Attorneys for Ordinary Services and (3) for Final Distribution

DOD: 5/9/2011		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	W/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	071911
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

NORMAN METZLER, brother and Administrator, is Petitioner.

I & A - **$767,327.72**
POH - **$767,327.72**
(all cash and bonds)

Administrator - **waives**

Attorney - **$18,346.55**
(statutory)

Closing - **$10,000.00**
(reserve for accountant's fees for final fiduciary tax returns, and miscellaneous closing expenses)

Distribution pursuant to intestate succession is to:

- **NORMAN METZLER – 100% of the estate consisting of cash and savings bonds.**

NEEDS/PROBLEMS/COMMENTS:

Note: Caption of the petition and the *Notice of Hearing* on the petition should reflect this petition is for final distribution on waiver of account, based upon Paragraph 11 of the petition stating the person entitled to distribution (the Petitioner) waives an account. CA Rules of Court 7.102 requires that the title of each pleading and of each proposed order clearly and completely identify the nature of all the relief sought or granted. Petitioner is the sole heir of the estate and notice of this petition as it has been given does not adversely affect or prevent this petition from proceeding as prayed. The proposed order is captioned correctly.

Reviewed by: LEG
Reviewed on: 1/17/12
Updates:
Recommendation: SUBMITTED
File 6 - Metzler

7 Wilbur & Barbara Beasley Trust 8/24/01 (Trust) Case No. 11CEPR00627

Atty Burnside, Leigh W (for Petitioner/Trustee Patricia Mahoney)

Atty Nahigian, Eliot (for Objectors Barbara D. Beasley-Eggbrouwer and Susan L. Gratz)

Petition for Settlement of First and Final Account and Report of Trustee and Final Distribution and Termination of Trust [Probate Code 16063 and 17200 (b)(5)]

Cont. from 090611, 111611

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

PATRICIA E. MAHONEY, Trustee, is petitioner.

Account period: 7/7/03 – 12/31/10

Accounting	-	**$2,753,171.11**
Beginning POH	-	**$2,101,332.48**
Ending POH	-	**$ 134,047.53**
Trustee	-	**$20,774.00** (already paid)
Attorney	-	**$52,354.77** (already paid)

Petitioner prays for an Order of this Court:

1. Settling and allowing the First and Final Account as filed;
2. The administration of the Trust be brought to a close and the Trust be terminated;
3. Ratifying, confirming, and approving all of the acts and transactions of Petitioner as Trustee;
4. Ratifying the payment of the accounting, legal, financial and other professional services described in the account;
5. Ratifying the payment to Petitioner for her services as Trustee;
6. Ratifying the distributions that have been made to Susan L. Gratz; Barbara D. Eggbrouwer and Patricia E. Mahoney;
7. Ratifying the cash distributions made to Annelise Eggbrouwer, Lou Eggbrouwer, Eric Gratz, Rick Gratz, Lance Mahoney and Michael Mahoney and authorizing the distribution of the balance of the coins on hand;
8. Authorizing and directing Petitioner to reserve the balance of cash on hand after the payment of expenses for insurance, property taxes, electrical and other expenses related to Lazy B Ranch real property; that Michael Mahoney be designated as agent for payment of these expenses.

Please see additional page

NEEDS/PROBLEMS/ COMMENTS:

Continued from 11/16/11. Minute order states Ms. Burnside advises the Court that she and Mr. Nahigian have been communicating well and exchanging settlement offers.

1. **Need current status of settlement negotiations.**

Reviewed by: KT

Reviewed on: 1/17/12

Updates:

Recommendation:

File 7 - Beasley

Objections to Petition for Settlement of First Account and Request for Removal of Trustee, Surcharge of Trustee and other Remedies filed by Barbara D. Beasley-Eggbrouwer and Susan L. Gratz on 11/1/10.
Objectors allege the Trustee breached her duty to administer the Trust according to the terms of the trust instrument and Objectors request that Patricia E. Mahoney be removed as trustee of the Trust, because of the following:

a. The Trust required the Trustee to segregate and divide the trust estate into two trusts upon the death of Barbara J. Beasley on 7/7/03, and to hold and administer such trusts as separate trusts. The Trustee failed to make that segregation and division.

b. As a result of the failure to divide the trust estate into two separate trusts, the Trustee did not determine what property should be included in Wilbur S. Beasley's estate for federal estate tax purposes and whether a federal estate tax return should have been filed for him.

c. Objectors believe that the federal estate tax returns filed by the Trustee are inaccurate and fail to report all income and deductions of the trust estate.

d. The Trustee failed to inventory home movies that are part of the Trust estate. Objectors believe that the Trustee has possession of the home movies. Objectors request that the Trustee make copies of all home movies and distribute one copy to Patricia E. Mahoney, Susan Gratz and Barbara Beasley-Eggbrouwer.

e. Objectors object to the Trustee's proposal for distribution of the coin collection of the trust estate. Wilbur S. Beasley left instructions on how to divide and distribute the coin collection and the Trustee should follow those instructions.

f. The Trustee included "baseball cards" in the inventory and has not yet distributed the baseball cards.

Objectors state the Trustee breached her fiduciary duty to keep trust property separate from other property not subject to the Trust. The Trustee included in trust administration life insurance proceeds, qualified retirement account proceeds, and mutual fund investments which either should have passed by beneficiary designation or have been subject to probate administration.

Objectors object to the proposed reserve of $92,854.92 and transfer of the reserve amount to Michael Mahoney, as agent for Lazy B Ranch, which is not a trust asset. Objectors request the entire reserve amount be distributed in equal shares to Patricia E. Mahoney, Susan Gratz and Barbara Beasley-Eggbrouwer. Objectors believe the Trustee is willing to distribute the reserve as requested.

Please see additional page

The Objectors allege:

a. The Trustee breached her fiduciary duty to administer the trust solely in the interest of the trust beneficiaries. Objectors believe that during the Trust administration, the Trustee and her husband, Lance Mahoney, were separated and getting a divorce. The Trustee allowed Lance Mahoney to live in the trust real property without paying rent. Objectors request the Trustee be surcharge for such breach, according to proof.

b. The Trustee made a payment on 3/13/2007 of $4,675 to Mahoney Financial, a financial service company owned by the Trustee's former spouse, for services that Mahoney Financial agreed to provide without charge. Objectors request that Trustee be surcharged for the improper payment, according to proof.

Objectors object to:

a. Approving monthly payments of $286.24 from 8/4/03 – 7/8/04, to GMAC Mortgage, totaling $3,435.90. Objectors believe their parents were not indebted to GMAC Mortgage. Objectors request that the Trustee be surcharged for the improper payments to GMAC, according to proof.

b. The approval of Trustee's fees of $20,744.00 because the Trustee has not demonstrated that such amount is reasonable compensation for services. Objectors request that the Trustee be surcharged for the improper payment of trustee compensation, according to proof.

c. Approving the following expenditures and that the Trustee be surcharged according to proof unless the Trustee can demonstrate that the following expenditures were reasonable and were either (1) properly incurred in the administration of the Trust (2) if not properly incurred, benefitted the Trust;

   1) Payment to Harvey Armas, CPA in the total amount of $7,300.00;

   2) Payments to Baker, Manock & Jensen as attorneys for the Trustee in the total amount of $4,325.75;

   3) Payments to Dowling, Aaron & Keeler as attorneys for the Trustee in the total amount of $52,354.77.

Wherefore Objectors Pray for an order of this Court that:

1. Patricia E. Mahoney be removed as Trustee of the Trust;
2. Copies of home movies be made and distributed to Patricia E. Mahoney, Susan Gratz and Barbara Beasley-Eggbrouwer;
3. The coin collection be distributed according to instructions left by Wilbur W. Beasley;
4. Payment of compensation to the Trustee described in the account be denied;
5. Patricia E. Mahoney be surcharged according to proof;
6. The Trustee be directed to distribute the amounts received from the surcharge and the proposed cash reserve of $92,854.92 in equal shares to Patricia E. Mahoney, Susan Gratz and Barbara Beasley-Eggbrouwer.

8 Leonard Arthur Boline (Spousal) Case No. 11CEPR01085

Atty Simonian, Jeffrey D., of Penner Bradley & Simonian (for Petitioner Beverly L. Boline)

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

DOD: 4/9/2011		
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	

BEVERLY L. BOLINE, surviving spouse, is Petitioner.

No other proceedings.

Will dated 2/14/2001 devises:

Article Third: His interest in all personal property to **his spouse**, the Petitioner.

Article Fourth:
(A) His interest in real property APN 030-111-18 to his daughters **SHARON M. STRUSZ** and **DEBORAH E. BERINGER**, and
(B) The residue of the estate to **his spouse**, the Petitioner.

Petitioner states:

- Decedent and Petitioner were married on 5/17/1975 in Fresno, and were married at the time of Decedent's death, residing in California;
- Decedent died testate leaving his Will dated 2/14/2001 which leaves all of Decedent's interest in personal property and estate residue to her if she survives him for 60 days;
- Paragraph A of Decedent's Will provides for the distribution certain real property to Decedent's daughters, and **said real property is not part of this *Petition*** as it is subject to a separate *Petition to Determine Succession to Real Property;*
- Paragraph B of Decedent's Will provides for the distribution of the rest, residue and remainder of Decedent's estate to her if she survives him for 60 days.
- She has satisfied the 60 day survivorship condition in Decedent's Will and she is entitled to receive the real and personal property described in the Attachments to this *Petition* that was held by Decedent at the date of Decedent's death.

Petitioner requests:

1. Court determination that (a) Decedent's **17.18% interest** in real property located at 42241 Elderberry Lane, Shaver Lake, APN 120-211-13; and (b) Decedent's **½ interest** in all personal property passes to her; and
2. Court confirmation that Decedent's **½ interest** in all personal property held by Decedent and Petitioner at the date of Decedent's death belongs to her.

NEEDS/PROBLEMS/COMMENTS:
Reviewed by: LEG
Reviewed on: 1/17/12
Updates:
Recommendation: SUBMITTED
File 8 - Boline

Status of Sale Confirmation

DOD: 1-26-04

Cont. from 090210, 110410, 111010, 011911, 031611, 050411, 070611, 083111, 110211

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

ANTONETTE FREGOSO, Daughter, was appointed Administrator with full IAEA without bond and Letters issued on **6-15-04**.

Final Inventory and Appraisal filed 8-13-04 reflects a total estate value of $264,250.00 as of the date of death (1-26-04), which included a small amount of cash from the register of a restaurant (Decedent's one-half interest in the business), a vehicle, personal property (furniture and furnishings), a residence valued at $145,000.00, and an undivided one-half interest in a business and real property valued at $112,500.00.

Inventory and Appraisal ("Reappraisal Final Dist") filed 1-3-11 reflects revised values for the real properties as follows: residence $90,000.00; undivided one-half interest in business and real property $70,000.00 (total: $160,000.00).

Minute Order 11-10-10 (Status hearing re Failure to File a First Account or Petition for Final Distribution): Atty LeVan represents to the court that EDD has a claim against the estate, that the estate is now insolvent, and that Steven Diebert has destroyed his files related to this matter. Ms. LeVan is waiting for the new Inventory and Appraisal to send to EDD to see if they will drop their claim or choose to foreclose. The court orders Ms. LeVan to file a written status report by 1-12-11 regarding these representations and further orders her to communicate with Don McKinney of EDD and advise him that the court wants to know their position for the 1-12-10 report. Matter continued to 1-19-11.

Minute Order 1-19-11 (Status hearing re Failure to File a First Account or Petition for Final Distribution): Counsel advises the court that they are waiting for financing and the sale to close. Matter set for Status of Sale Confirmation on 3-16-11.

Minute Order 3-16-11: Counsel advises the Court that an offer was finally received. Counsel requests a continuance.

Status Report filed 8-26-11 states the property will be sold for $125,000.00 as soon as a release is received from the Labor Dept.

Notice of Proposed Action filed 9-22-11 attaches an estimated closing statement for the sale of one of the properties.

Minute Order 11-2-11: Ms. LeVan informs the Court that she received a fax from the title officer indicating that the appraisal was done and all documents would be signed by 11-15-11. The Court continued the matter to 1-25-12.

As of 1-17-12, no final account/petition for distribution has been filed.

NEEDS/PROBLEMS/COMMENTS:

Minute Order 1-19-11: Counsel advises the court that they are waiting for financing and the sale to close. Hearing was set on 3-16-11 for status of sale confirmation.

Minute Order 3-16-11: Counsel advises the Court that an offer was finally received. Counsel requests a continuance.

Minute Order 5-4-11: Counsel advises the Court that they are making progress, but will need a continuance.

Minute Order 7-6-11: Counsel advises the Court that progress is being made and the EDD matter should be resolved very soon.

Minute Order 8-31-11: Counsel advises the Court that papers are being signed today and escrow will be closing in 10 days. Matter continued to 11-2-11.

Minute Order 11-2-11: Ms. LeVan informs the Court that she received a fax from the title officer indicating that the appraisal was done and all documents would be signed by 11-15-11. The Court continued the matter to 1-25-12.

As of 1-17-12, a final account has not been filed. The following issue remains from prior hearings:

Note: Examiner was previously unable to tell from the prior status report which property was in negotiations. The Status report filed 1-11-11 stated that the property value is $160,000.00 and an offer received was $150,000.00; however, I&A filed 1-3-11 indicates that the two properties (residence and ½ interest in business property) have a combined total value of $160,000.00.

Status report filed 8-26-11 and Notice of Proposed Action filed 9-22-11 indicate that only the ½ interest in the business property is subject to the sale.

The following issue remains:

1. Need final account/petition for distribution.

Updates:

Contacts: Reviewed 10-27-11

Recommendation:

Reviewed by: skc

File 9 - Canales

10 **Ruth Galvan Rodriguez (CONS/PE)** **Case No. 07CEPR00049**
Atty **LeVan, Nancy J.**

Probate Status Hearing Re: Termination of Proceeding for Deceased Conservatee (Prob. C. § 1860, et seq.)

DOD: 1/2011	**ROSE MARY TORRES** is conservator of the person and estate. This status hearing was set for the filing of termination of proceedings for deceased conservatee. **Status Report filed on 9/9/2011** states the conservatee passed away in January, 2011. The Conservator states that just after her mother's funeral she had surgery and was unable to function for approximately 4 months. Now she is looking at another surgery. Conservator states she met with her attorney on 9/3/11 and now that the information has been delivered to her attorney she will be able to prepare the accounting. **Conservator requests the status hearing be continued for an additional 45 days.**	**NEEDS/PROBLEMS/COMMENTS:** **OFF CALENDAR.** **Status Hearing vacated per minute order of 1/17/12 and rescheduled for 2/28/12.**
Cont. from 091911, 110311		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		**Reviewed by: KT**
Status Rpt		**Reviewed on: 1/17/12**
UCCJEA		**Updates:**
Citation		**Recommendation:**
FTB Notice		**File 10 - Rodriguez**

11A Gerald Ray Morales (GUARD/PE) **Case No. 09CEPR00582**

Atty Flores, Virginia Marie (pro per Guardian/maternal aunt)
Atty Flores, Espiridion (pro per Guardian/maternal Uncle)
Atty Morales, Mary (pro per Petitioner/maternal grandmother)

Petition for Termination of Guardianship

Age: 16 years DOB: 6/2/1995		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

MARY MORALES, maternal grandmother, is petitioner.

ESPIRIDION FLORES, maternal uncle and **VIRGINIA FLORES**, maternal aunt, were appointed guardians of the person and estate on 9/17/09. All funds were ordered into a blocked account. – *both Guardians consent and waive notice.*

Father: **PETER GARCIA** – *declaration of due diligence filed on 11/22/11.*

Mother: **SUSAN MORALES** – *deceased.*

Paternal grandparents: Unknown
Maternal grandfather: *Deceased*

Minor: Gerald Ray Morales – *consents and waives notice.*

Petitioner states the child wishes to reside with his maternal grandmother. The guardians agree and wish the maternal grandmother be guardians of the person and estate.

NEEDS/PROBLEMS/COMMENTS:

Please see page 10B Mary Morales's Petition to be appointed as Guardian.

1. **Need proof of service of the *Notice of Hearing* or *Consent and Waiver of Notice* or *Declaration of Due Diligence* on:**
   a. **Peter Garcia (father) –** *if court does not dispense with notice.*
   b. **Paternal grandparents**

Court Investigator Dina Calvillo to provide:

1. **Court Investigator's Report.**

Reviewed by: KT
Reviewed on: 1/18/12
Updates:
Recommendation:
File 11A - Morales

Dept. 303, 9:00 a.m. Wednesday, January 25, 2012

11B Gerald Ray Morales (GUARD/PE) Case No. 09CEPR00582

Atty Flores, Virginia Marie (pro per Guardian/maternal aunt)
Atty Flores, Espiridion (pro per Guardian/maternal Uncle)
Atty Morales, Mary (pro per Petitioner/maternal grandmother)

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

Age: 16 years
DOB: 6/2/1995

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	

MARY MORALES, maternal grandmother, is petitioner.

ESPIRIDION FLORES, maternal uncle and **VIRGINIA FLORES**, maternal aunt, were appointed guardians of the person and estate on 9/17/09. All funds were ordered into a blocked account. – *both Guardians consent and waive notice.*

Estimated value of the estate: $500.00

Father: **PETER GARCIA** – *declaration of due diligence filed on 11/22/11.*

Mother: **SUSAN MORALES** – *deceased.*

Paternal grandparents: Unknown
Maternal grandfather: *Deceased*

Minor: Gerald Ray Morales – *consents and waives notice.*

Petitioner states the minor is currently under guardianship. All parties involved are in agreement that the Mary Morales be appointed as successor guardian.

NEEDS/PROBLEMS/COMMENTS:

2. **Need proof of service of the *Notice of Hearing* or *Consent and Waiver of Notice* or *Declaration of Due Diligence* on:**
   c. **Peter Garcia (father)** – *if court does not dispense with notice.*
   d. **Paternal grandparents**

3. **Pursuant to the court file it appears that the guardianship estate has $42,199.72 in a blocked account and that the minor receives additional sums deposited into the blocked account monthly. Court may require more information as to the actual amount currently in the blocked account and the amount deposited monthly.**

Court Investigator Dina Calvillo to provide:

1. **Court Investigator's Report.**
2. **Clearances**

Reviewed by: KT
Reviewed on: 1/18/12
Updates:
Recommendation:
File 11B – Morales

11B

Dept. 303, 9:00 a.m. Wednesday, January 25, 2012

12 **Naomi Park Beyer (Estate)** **Case No. 10CEPR00720**

Atty **Beyer, Jonathan (pro per Administrator/son)**

Order to Show Cause

DOD: 7/11/10		
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	

JONATHAN BEYER was appointed Administrator with full IAEA without bond on 9/15/10.

Inventory and Appraisal filed 2/28/11 reflects a total estate value of $353,473.00, including $67,773.00 cash, real properties, a vehicle, furnishings and personal effects, and a sole proprietorship ("Boxcar Cafe").

On 9/15/11, the court set a status hearing for filing of the first account or petition for final distribution.

Minute Order from 1/9/2011 states there were no appearances at the status hearing. The court set the matter for an Order to Show Cause and ordered Jonathan Beyer to be present on 1/25/10 and have the first account filed.

A copy of the Minute Order was mailed to Jonathan Beyer on 11/18/11.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: KT

Reviewed on: 1/18/12

Updates:

Recommendation:

File 12 - Beyer

Dept. 303, 9:00 a.m. Wednesday, January 25, 2012

13 Elijah & Elaina Vasquez (GUARD/P) **Case No. 11CEPR00584**

Atty **Hopper, Cindy for Guardians Rebecca Elizondo, Abraham Elizondo and Lisa Elizondo**

Atty **Vasquez, Elizabeth (pro per Petitioner/mother)**

Petition for Termination of Guardianship

Elijah age: 7 years DOB: 5/7/04		
Elaina age: 5 years DOB: 5/14/06		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

ELIZABETH VASQUEZ, mother, is petitioner.

ABRAHAM ELIZONDO and **LISA ELIZONDO**, maternal grandparents, and **REBECCA ELIZONDO**, maternal aunt, were appointed co-guardians on 9/7/11.

Father: **MICHAEL JAY VASQUEZ**

Paternal grandfather: Unknown
Paternal grandmother: Yvette Martinez

Petitioner states she is physically and mentally capable of taking care of her children.

NEEDS/PROBLEMS/COMMENTS:

1. **Need *Notice of Hearing.***
2.
3. **Need proof of service of the *Notice of Hearing* on:**
   a. **Abraham Elizondo (guardian/maternal grandfather)**
   b. **Lisa Elizondo (guardian/maternal grandmother)**
   c. **Rebecca Elizondo (guardian/maternal aunt)**
   d. **Michael Jay Vasquez (father)**
   e. **Yvette Martinez (paternal grandmother)**

Court Investigator Samantha Henson to provide:

1. **Court Investigator's Report**

Reviewed by: KT
Reviewed on: 1/17/12
Updates:
Recommendation:
File 13 - Vasquez

14 **Carl Leonard Thompson (Det Succ)** **Case No. 11CEPR00793**

Atty **Thompson, Carl Albert (pro per Petitioner)**

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

DOD: 9/4/1995		
Cont. from 101811, 112911		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

CARL ALBERT THOMPSON, son, is petitioner.

40 days since DOD.

No other proceedings.

Will dated: ??

I & A - **$75,000.00**

Petitioner requests Court determination that decedent's interest in real property and personal property pass to him pursuant to decedent's Will.

NEEDS/PROBLEMS/COMMENTS:

OFF CALENDAR. Amended petition filed on 1/19/12 and set for hearing on 3/1/12.

Minute order dated 1/18/11 states the petitioner informs the court that he has a copy of the examiner notes. The petitioner is directed to cure the defects. Upon inquiry by the Court, the Petitioner advises the Court that there is a predeceased child. As of 1/17/12 the following issues remain:

1. **#14 of the petition does not include the name and date of death of the deceased spouse. Local Rule 7.1.1D.**
2. **Petition states the decedent died testate. A copy of the decedent's will was not attached to the petition as required.**
3. **Inventory and appraisal was not completed by the probate referee as required.**

Reviewed by: KT
Reviewed on: 1/17/12
Updates: 1/19/12
Recommendation:
File 14 - Thompson

15 Emily Elizabeth Stoneburner (CONS/P) **Case No. 11CEPR01123**

Atty Bailey, Christina (pro per Petitioner/mother)

Atty Bailey, Les (pro per Petitioner/step-father)

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

Age: 18 years DOB: 12/21/1993	**THERE IS NO TEMPORARY.** **No Temporary was requested.**	NEEDS/PROBLEMS/COMMENTS:
	CHRISTINA BAILEY, mother, and **LES BAILEY,** step-father, are petitioners.	**Continued to 2/12/12 at the request of the Petitioners.**
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		Reviewed by: KT
Status Rpt		Reviewed on: 1/18/12
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 15 - Stoneburner

16 Destyni McCorvey (GUARD/P) **Case No. 12CEPR00034**

Atty Hickson, Linda (pro per Petitioner/maternal grandmother)
Atty Harper-Compagno, Latonda (pro per Objector/mother)

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

Age: 12 years DOB: 7/11/1999		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	X
✓	Conf. Screen	
✓	Letters	
✓	Duties/Supp	
✓	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

GENERAL HEARING 3/12/12

LINDA HICKSON, maternal grandmother, is petitioner.

Father: **JOHN McCORVEY**

Mother: **LATONDA COMPAGNO**

Paternal grandfather: Not listed
Paternal grandmother: Not listed
Maternal grandfather: Curtis Harper

Petitioner states mom has started using drugs and stealing. Mom is in a domestic violence relationship and Petitioner fears for the safety of the minor.

Objections of mother, Latonda Harper-Compagno filed on 1/19/12 states Linda Hickson will not provide a safe, stable environment for the minor. Ms. Harper-Compagno states she was removed from her for child abuse in Monterey County. Ms. Harper-Compagno states Ms. Hickson is in the process of losing physical custody of her physically challenged daughter.

NEEDS/PROBLEMS/COMMENTS:

1. **Petitioner's fee waiver was denied. A filing fee of $225.00 is now due.**
2. **Need *Notice of Hearing.***
3. **Need proof of personal service of the *Notice of Hearing* along with a copy of the *Petition* or *Consent and Waiver of Notice* or Declaration of Due Diligence on:**
   a. **John McCorvey (father)**
   b. **LaTonda Compango (mother)**
   c. **Destyni McCorvey (minor age 12)**

For Objector:

1. **Objections do not include a proof of service showing they have been served on the Petitioner.**

Note:

Pursuant to the UCCJEA the minor lives with her mother in Fresno.

Petitioner is a resident of Los Banos.

Reviewed by: KT
Reviewed on: 1/18/12
Updates: 1/19/12
Recommendation:
File 16 - McCorvey

17 Kayue Perez (GUARD/P) **Case No. 12CEPR00047**

Atty Lindsey, Mary Ann (pro per Petitioner)

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

Age: 3 months DOB: 10/16/2011		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	X
✓	Conf. Screen	
✓	Letters	
✓	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

GENERAL HEARING 3/12/2012

MARY ANN LINDSEY, paternal grandmother, is petitioner.

Father: **JOHNATHAN LINDSEY**

Mother: **CRISTAL PEREZ** – *consents and waives notice.*

Paternal grandfather: Frank Lindsey
Maternal grandparents: not listed.

Petitioner states she needs a temporary guardianship so that she can take the minor to the doctor for his check-ups and infant care. Mom is on drugs and is not able to care for the minor.

NEEDS/PROBLEMS/COMMENTS:

1. **Petition contains conflicting information. Petitioner lists herself and a non-relative friend and also as the paternal grandmother. Petition also lists Johanthan Lindsey as the father but the a Declaration of Due Diligence filed on 1/12/12 lists the father as unknown. Need clarification of Petitioner's relationship to the minor and of the identity of the minor's father.**

2. **Need *Notice of Hearing.***

3. **Need proof of personal service of the *Notice of Hearing* along with a copy of the Petition or *Consent and Waiver of Notice* or *Declaration of Due Diligence* on:**
   a. **Johnathan Lindsey (if he is the father) *or***
   b. **Unknown father –** *unless the court dispenses with notice.*

4. **UCCJEA is incomplete. It must state the dates, address and with whom the child has resided since birth.**

Reviewed by: KT
Reviewed on: 1/18/12
Updates:
Recommendation:
File 17 - Perez

18 Bernardo Guadalupe Aragon Hernandez **Case No. 11CEPR00534**

Atty Cook, Camille K. (for Petitioner Raymunda Cruz de Santiago)

Amended Ex Parte Petition for Findings and Order Under Special Immigrant Juvenile Status

Age: 18 years DOB: 8/20/1993		
Cont. from 081511, 081711, 100511, 111611		
	Aff.Sub.Wit.	
	Verified	X
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

TEMPORARY EXPIRED ON 11/16/11

GENERAL HEARING DATE VACATED

RAYMUNDA CRUZ de SANTIAGO, cousin, is petitioner.

Raymunda Cruz de Santiago was appointed temporary guardian on 6/21/11.

Petitioner states she is prepared to file petition with the United States Citizenship and Immigration Services ("USCIS") on behalf of the minor, Bernardo to adjust his alien status to Special Immigration Juvenile Status. As prerequisite for this classification, a state juvenile court must first make findings which are set forth in the Judicial Council of California form JV-224, as follows:

a) The child is a dependent on the juvenile court or has been legally placed under the custody of, and agency or department of a state, or an individual or entitled appointed by a state or juvenile court, within the meaning of 8 U.S.C. §1101(a)(27)(J);
b) Reunification of the child with one or both parents is deemed to not viable by reason of abuse, neglect, or abandonment, or by reason of a similar basis under California law; and
c) It is not in the best interest of the child to be returned to his or her parent's country of nationality or his last habitual residence, and it is in the child's best interest to remain in the United States.

The Juvenile court order, finding facts as set forth on the Juvenile Council form JV-224, is one of the initial documents that must be submitted to the USCIS in support of BERNARDO's form I-360 petition for classification as a special immigrant juvenile.

NEEDS/PROBLEMS/COMMENTS:

This minor turned 18 on 8/20/2011.

Continued from 11/16/2011. Minute order states the matter is continued to allow the Court an opportunity to review the Points and Authorities that were submitted. The Court directs the matter placed on the 9:00 a.m. calendar to be heard at 10:00 a.m.

Ex Parte Order for an Extension of Time to File Points and Authorities to 11/9/11 was signed on 11/3/11.

1. **Petition was not verified. Probate Code §1021.**
2. **Need *Notice of Hearing*. Probate Code §1042.**
3. **Need proof of service of the *Notice of Hearing* or waiver of notice for Bernardo Guadalupe Aragon Hernandez (former minor)**

Reviewed by: KT
Reviewed on: 1/19/12
Updates:
Recommendation:
File 18 - Hernandez

Petitioner states this Court should find that BERNARDO meets the eligibility for Special Immigration Juvenile Status because his is within the jurisdiction of this Court, has been declared a dependent of this Court, and is the subject of a guardianship order issued June 20, 2011, that remains in full force and effect. In addition BERNARDO cannot be reunified with his parents because they are both deceased.

Petitioner prays for an Order:

1. That BERNARDO GUADALUPE AGAGON HERNANDEZ was found to be within the jurisdiction of the Juvenile Court under Welfare and Institutions §300 or 602; declared dependent on the juvenile court of Fresno County on June 20, 2011, and remains under this Court's jurisdiction;

2. That reunification of the minor with one or more of his parents is deemed not viable by reason of abuse, neglect or abandonment of the minor or by a reason of a similar basis under California Law;

3. That it is not in the best interest of the minor to be returned to Mexico, which was his previous country of nationality and habitual residence and that it is in the best interest of the minor to remain in the United States.

Points and Authorities in support of the Probate Court having jurisdiction to make requested findings filed on 8/16/11.

Amended Points and Authorities in support of Probate Court having jurisdiction to make requested findings filed on 8/17/11.

Supplemental Points and Authorities in Support of Request for an Order and Findings Regarding Eligibility for Special Immigration Status filed on 11/9/11.