



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.

Order to Show Cause Re: Contempt

DOD: 6/2/03	CHARLES DUANE MARTIN, son and successor administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	On 12/6/12, this Court granted Administrator Charles Duane Martin’s Ex Parte Application for Order to Show Cause Why Maria Martin Should not be Held in Contempt and Sanctioned for Failure to Abide by the Court’s Order of 9/29/11.	<u>Continued from 1/12/12; Minute Order reads:</u> The respondent is ordered to be present on 1/26/12. Interpreter to be provided for Maria Martin, if one is available.
Cont. from	<i>[The 9/29/11 Court Order removed Maria Maria as the estate Administrator, and ordered her to turn over control of all Estate property to Charles Duane Martin, appointed as successor personal representative, and granting Charles Martin’s petition for probate.]</i>	1. Need Order. Note: There is a 3/27/12 Trial Date in this case, concerning Maria Martin’s First Account (and Objections thereto) and Maria Martin’s Spousal Property Petition.
Aff.Sub.Wit.	Petitioner states:	Reviewed by: NRN
Verified	<ul style="list-style-type: none"> At the 11/3/11 Court hearing, counsel for Duane Martin informed the Court that Maria had not complied with the 9/29/11 Order, by failing to turn over keys to Estate property; through her counsel, Maria assured the Court she would turn over her keys following the hearing; after the Court hearing, Maria turned over 4 small padlock keys, of which only 2 worked; the 2 keys provided access to the Estate’s Quonset hut-style building, used as an extra garage, and to the rear sliding door of the main garage; None of the keys to the Estate’s numerous vehicles have been turned over to Petitioner; Maria said the keys to the vehicles were inside the vehicles, however none were inside the vehicles; Furthermore, none of the keys to the main residence were turned over, nor were any keys to other structures and doors on the Estate real property; Petitioner’s counsel faxed a letter to Ms. Martin’s attorney on 11/3/11, and again on 11/11/11 demanding that all keys be turned over (the 11/11/11 letter also indicated Petitioner would be moving ex parte unless the keys be immediately provided); a 11/14/11 letter from Ms. Martin’s attorney states he had not received any more keys from his client; Ms. Martin, who has had exclusive possession and control of all estate property from 10/28/03 until her removal on 9/29/11, has had exclusive possession and control of all estate property, and has deliberately chosen not to follow this Court’s order; she should therefore be sanctioned by fine and/or imprisonment under C.C.P. §§ 1218(a) and 1219 for willful defiance of the 9/29/11 order. 	Reviewed on: 1/19/12
Inventory	Petitioner requests the Court 1) direct Maria Martin to show cause why she should not be held in contempt of this Court pursuant to C.C.P. §1209(a)(5) and sanctioned pursuant to C.C.P. §§1218(a) and 1219; 2) order Maria Martin to show cause why she should not pay the Estate’s extraordinary attorney’s fees and costs in initiating these contempt proceedings in the amount of \$937.50 in attorney’s fees (per Declaration and Itemization, 2.5 attorney hours and \$375/hr) and \$40 in anticipated filing costs for the ex parte petition.	Updates:
PTC	<u>SEE ATTACHED PAGE</u>	Recommendation:
Not.Cred.		File 1 - Martin
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		

Cont'd:

Supplemental Declaration of Charles Martin, filed 1/10/12, states:

1. This Declaration updates the Court on events since 12/6/11;
2. On 12/12/11, Maria Martin's attorney sent Declarant a package of 46 unidentified keys and a letter (attached to Supp. Dec) – none of the keys provided are car keys;
3. On 12/15/11, Maria's attorney sent an email stating that Maria had vacated the Dos Palos real property; in that email, attorney Ramirez stated that Maria "has removed all of her personal items;"
4. I inspected the real property after 12/15/11, and the personal property left behind. Declarant concluded that numerous items of personal property, present when Maria was appointed as administrator, is missing, including property that was seen as recently by Petitioners on 7/29/11. **(Note: please see Supp. Decl for the list of items, which includes china, silver, miscellaneous crystal items, 2 cabinets, 2 large clocks, washer and dryer, refrigerator, the former spouse's (Petitioner's mother) jewelry (diamond bracelets, necklaces, earrings) and pearls, Faberge collection, and Decedent's medals, merit ribbons, and military uniform, Decedent's difference coin collections and jewelry; missing from the garage are the Dodge Ram, the John Deere lawn mower, 1954 Packard, 1947 Chevrolet Fleet Master, 1930 Ford A Model Coupe, vehicle radiators, numerous sets of tools, drills, saws, compressors, etc.)**

Further Declaration of (Attorney) Ryan A. Ramseyer Regarding Attorney's Fees as to Application for Order to Show Cause Re: Contempt, filed 1/12/12, states:

1. Attorney Ramseyer spent 2.5 hours drafting the ex parte application for order to show cause in this matter;
2. Additionally, he expended 1.2 hours drafting the ex parte application to continue the order to show cause and .4 hours working on the supplemental declaration of Charlie Martin in support of the ex parte;
3. Attorney Ramseyer spent 4.1 hours drafting the relevant papers regarding the present order to show cause re: contempt;
4. Attorney Ramseyer's hourly rate is \$375.00, and his totally amount billed to this matter is \$1,537.50.
5. Furthermore, numerous costs have been incurred in filing the ex parte applications and service and copy fees. The total amount of costs incurred in this matter is \$232.25.

Declaration of John E. Barrus and Submission of (1) Ninth and Final Accounting and Report of Former Trustee and Petition for its Approval; (2) for Allowance of Fees and Costs and (3) for Release of Former Trustee from Further Liability [Prob. C. 17200(b)(5)]

		JOHN BARRUS on behalf of former Trustee SUZANNE DURAN KELPSAS , is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Petition states the Trustee is ill and was unable to review, sign or verify the accounting therefore the attorney has verified the accounting. Probate Code §1023 states an attorney cannot verify for a fiduciary. Petition requests the attorney be reimbursed the filing fee of \$395.00 for the filing of this accounting. The filing fee for the filing of this account was \$200.00 a difference of \$195.00. Attorney fees include \$661.50 in fees in association with the attorney preparing estate planning documents for the special needs trust beneficiary. Court may inquire as to how this is a “special need” of the beneficiary. Attorney fees includes \$42.00 in connection with a call from the probate examiner. Local Rule 7.17B 6 states communications with the Probate Examiner is considered by the court to be part of the cost of doing business and are not reimbursable. Disbursement includes a Bank fee (returned item) in the amount of \$34.00. Court may require clarification. <p><i>Please see additional page</i></p> <p>Reviewed by: KT</p> <p>Reviewed on: 1/19/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2A - Duran</p>
		Mr. Barrus states the former Trustee has been quite ill recently, has had additional serious issues of a personal nature and has informed Mr. Barrus that she is unable to review or sign the accounting prepared on her behalf.	
Cont. from		Account period: January 1, 2010 – September 13, 2011	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg	Accounting - \$75,811.58	
		Beginning POH - \$38,811.58	
✓	Aff.Mail	Ending POH - \$26,709.77	
	Aff.Pub.	Attorney - \$8,144.00 (per itemization and declaration. 46.45 hours at \$85-\$280 per hour)	
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters	Attorney costs - \$499.50 (certified copies, court call and \$395.00 filing fee)	
	Duties/Supp		
	Objections	Petitioner states former trustee fees have been paid through September 2011. Although petitioners resignation was effective as of July 20, 2011, trustee continued to arrange for the needs of the beneficiary and to manage the Trust assets, including paying trust bills during the transition to the successor trustee. Petitioner therefore requests that the fees the trustee has been paid through the filing of this petition be approved and that, in lieu of fees for the time and effort she has spent and will spend completing her final administrative duties, she be forgiven the sum of \$203.17 which she still owes the Trust for overpayment of her fees during 2010.	
	Video Receipt		
	CI Report		
	9202		
✓	Order	Petition further requests that upon the filing of the Receipt of Successor Trustee for the remaining Trust assets, Trustee be released from further liability related to the Trust administration.	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Please see additional page

Petitioner prays for an Order:

1. Settling and allowing the account and report and approving and confirming the acts of Petitioner for the accounting period of January 1, 2011 through September 13, 2011;
2. Authorizing payment of attorney fees in the amount of \$8,114.00 and costs in the amount of \$499.50 for a total of \$8,643.50;
3. Approving payment of Trustee's fees through September 2011 and authorizing successor Trustee to forgive the sum of \$203.17 owed by Petitioner to the Trust in lieu of the payment of additional fees to Trustee for complete her final administrative duties on behalf of the Trust and the trust beneficiary;
4. Upon the filing of the Receipt on Distribution to Bruce Bickel, successor Trustee, for the remaining Trust assets, Trustee be released from further liability related to the Trust administration.

Needs/Problems/Comments (Continued):

6. Disbursement includes a payment of \$200.00 for "funeral for family member." Court may inquire how this would be considered a "special need" of the beneficiary or how it benefited the beneficiary.
7. Disbursement schedule includes an \$853.00 payment for repairs for broken u-joint and drive line (receipt attached) without prior court approval as required.
8. Disbursement schedule includes \$394.68 to the Trustee for reimbursement for truck repairs (no receipt attached) without prior court approval as required.
9. Disbursement schedule includes \$500.00 to Esther Gonzales for Truck repairs. (no receipt) without prior court approval as required.

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

Age: 94	<p>PUBLIC GUARDIAN, Conservator of the Estate, is Petitioner.</p> <p>Account period: 8-19-08 through 6-17-11</p> <p>Accounting: \$ 285,335.48 Beginning POH: \$ 237,644.58 Ending POH: \$ 73,881.95 (\$71,381.95 is cash)</p> <p>Conservator: \$6,829.40 (35 Deputy hours @ \$96/hr and 45.65 Staff hours @ \$76/hr)</p> <p>Attorney: \$3,000.00 (per Local Rules)</p> <p>Bond fee: \$616.42 (ok)</p> <p>Petitioner prays for an Order:</p> <p>1) Approving, allowing and settling the account;</p> <p>2) Authorizing payment of the conservator and attorney fees and commissions;</p> <p>3) Authorizing payment of the bond fee; and</p> <p>4) Such other orders the Court considers proper.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><u>OFF CALENDAR</u></p> <p>Order settling account was filed 12-6-11.</p>
DOB: 5-7-17		
Cont. from 120111		
<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		
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<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		
	<p>Reviewed by: skc</p> <p>Reviewed on: 1-18-12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4 - Wooten</p>	

Atty Janian, Paulette, of Shepard Shepard & Janian, Selma (for Petitioner Kenneth G. Crabtree)

(1) First and Final Report of Administration, (2) Petition for Requested Attorneys Fees and (3) for Final Distribution on Waivers of Accounting and Notice [Prob. C. § 1204, 10954, 11600, 11601, 11603, 11640, 10810, 10811]

DOD: 5/31/2011		<p>KENNETH G. CRABTREE, son and Executor, is Petitioner.</p> <p>Accounting is waived.</p> <p>I & A - \$192,971.62 POH - \$184,815.41</p> <p>Executor - waives</p> <p>Attorney - \$5,500.00 <i>(less than statutory of \$6,789.15)</i></p> <p>Closing - \$1,500.00</p> <p>Distribution pursuant to Decedent's Will is to:</p> <ul style="list-style-type: none"> KENNETH G. CRABTREE – \$177,815.41 cash 	NEEDS/PROBLEMS/COMMENTS:
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail W/		
<input type="checkbox"/>	Aff.Pub.		
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<input type="checkbox"/>	Letters 071911		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
		<p>Reviewed by: LEG</p> <p>Reviewed on: 1/19/12</p> <p>Updates:</p> <p>Recommendation: SUBMITTED</p> <p>File 7 - Crabtree</p>	

Status Hearing Re: Filing of Fifth Amended First Account Current and Report of Conservator and Petition for Its Settlement

Age: 81 years	<p>DORIS BECKETT, spouse, is Conservator.</p> <p>Conservator filed her Fourth Amended First Account Current. The accounting came before the Court on 1/12/12. Examiner noted that the accounting contained several issues that needed to be addressed and that a Fifth Amended First Account should be filed.</p> <p>This status hearing was set for the filing of the Fifth Amended First Account.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Fifth Amended First Account or current status report.</p>
DOB: 1/12/1931		
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: KT</p> <p>Reviewed on: 1/19/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 12 - Beckett</p>	

Pro Per Colmenero, Vivian (Pro Per Petitioner, paternal great-grandmother)

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

Age: 3 years		<p align="center">NO TEMPORARY REQUESTED</p> <p>VIVIAN COLMENERO, paternal great-grandmother, is Petitioner.</p> <p>Father: VINCENT ORTEGA; <i>incarcerated; consents and waives notice</i>;</p> <p>Mother: YVETTE MOJARRO; <i>present in Court at 10/27/2011 hearing</i>;</p> <p>Paternal grandfather: George Ortega; <i>consents and waives notice</i>;</p> <p>Paternal grandmother: Alice Perez; <i>consents and waives notice</i>;</p> <p>Maternal grandfather: Unknown; <i>Declaration of Due Diligence filed 9/20/2011</i>;</p> <p>Maternal grandmother: Margaret Gonzalez</p> <p>Petitioner states the mother is not able to provide a home for the child as she has a warrant for grand theft auto and is abusing drugs. Petitioner states the father is incarcerated for grand theft auto and awaiting sentencing.</p> <p>Petitioner filed on 8/25/2011 photos of the child with paternal relatives, and several letters and statements in support of the guardianship and regarding the mother's drug use and prostitution in Kerman.</p> <p>Petitioner requests to be excused from giving notice to the maternal grandfather as he is unknown to her and the maternal grandmother will not release any information as to his name and whereabouts.</p> <p>Court Investigator Dina Calvillo's Report was filed on 10/20/2011.</p> <p>Court Investigator Dina Calvillo's Supplemental Report was filed on 11/29/2011.</p> <p>DSS Social Worker Anita Ruiz' Report was filed on 12/1/2011.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 12/1/2011. Minute Order states the Court informs the Petitioner that the report from DSS has not been received.</p> <p>Note for background: Minute Order dated 10/27/2011 states the Court is advised that the child is with her mother, Yvette Mojarro. The Court continues the matter to 12/1/2011. The Court orders that visitation between the child and Vivian Colmenero take place every Saturday from 9:00 a.m. to 5:00 p.m. Mother Yvette Mojarro is to have the child ready for her visits. Parties are ordered not to speak ill of one another around the child.</p> <p>The following issues from the last hearing remain:</p> <ol style="list-style-type: none"> 1. Need proof of service by mail of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian</i>, or <i>Consent to Appointment of Guardian and Waiver of Notice</i>, or a <i>Declaration of Due Diligence</i>, for: <ul style="list-style-type: none"> • Margaret Gonzalez, maternal grandmother; • Maternal grandfather, <i>if Court does not grant Petitioner's request to excuse notice to him.</i> <p>Note: Court records do not contain proof of personal service of notice to Yvette Mojarro, mother. However, she was present in Court at the hearing on 10/27/2011.</p>
DOB: 11/27/2007			
Cont. from 102711, 120111			
Aff.Sub.W			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg	X		
Aff.Mail	X		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.	X		
✓ Conf. Screen			
Aff. Posting			
✓ Duties/S			
Objections			
Video Receipt			
✓ CI Report			
✓ Clearances			
✓ Order			
Letters			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
Reviewed by: LEG			
Reviewed on: 1/19/12			
Updates:			
Recommendation:			
File 14 - Ortega			

Angel age: 8 years DOB: 12/8/2003	<p><u>Temporary granted Ex Parte by Judge Chittick on 1/13/2012.</u></p> <p><u>Temporary Expires 1/26/2012</u></p> <p><u>GENERAL HEARING 3/13/2012</u></p> <p>MARIA CORONA, maternal grandmother, is petitioner.</p> <p>Angel's father: ANGEL MIRANDA</p> <p>Yareli's father: LUIS FABIAN GUTIERREZ</p> <p>Mother: YAIRA MIRAMONTES</p> <p>Angel's paternal grandfather: Fernando Miranda</p> <p>Angel's paternal grandmother: Liliana Miranda</p> <p>Yareli's paternal grandfather: Luis Gutierrez</p> <p>Yareli's paternal grandmother: Mrs. Gutierrez</p> <p>Maternal grandfather: Hector Miramontes</p> <p>Petitioner states on 1/8/2012 the mother was arrested for hitting her oldest child Angel. CPS place a safety plan where Petitioner was to continue caring for the children and was to keep the mother away from the home where the children were residing. Petitioner is fearful that once released the mother will come and pick up the children. Petitioner is also concerned that the fathers will come and pick up the children. Angel's father has a history of spousal abuse and Yareli's father is an alcoholic and abuses drugs.</p>	NEEDS/PROBLEMS/COMMENTS:
Yareli age 7 months DOB: 6/2/2011		1. Need <i>Notice of Hearing</i> .
		2. Need proof of personal service of the <i>Notice of Hearing</i> along with a copy of the <i>Temporary Petition or Consent and Waiver of Notice or Declaration of Due Diligence</i> on:
		a. Angel Miranda (Angel's father)
		b. Luis Fabian Gutierrez (Yareli's father)
		c. Yaira Miramontes (mother)
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		
	Reviewed by: KT	
	Reviewed on: 1/19/12	
	Updates:	
	Recommendation:	
	File 16 - Miramontes	