**1 Charles George Martin (Estate) Case No. 03CEPR01109**
**Atty Ramseyer, Ryan A. (for Charles Duane Martin – Successor Administrator – Petitioner)**
**Atty Ramirez, Jr., Edward R. (for Maria Elena Martin – Former Administrator)**
**Order to Show Cause Re: Contempt**

| DOD: 6/2/03 | | |
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**CHARLES DUANE MARTIN**, son and successor administrator, is Petitioner.

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.

*[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.]*

**Petitioner states:**

- 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.

**<u>Petitioner requests the Court</u> 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.**

***<u>SEE ATTACHED PAGE</u>***

**NEEDS/PROBLEMS/COMMENTS:**
**<u>Continued from 1/12/12</u>; <u>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.**

**1. Need Order.**

**<u>Note</u>: 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.**

**Reviewed by:** NRN
**Reviewed on:** 1/19/12
**Updates:**
**Recommendation:**
**File 1 - Martin**



**Dept. 303, 9:00 a.m. Thursday, January 26, 2012**

**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 Johne 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.

**2 Daniel Duran (Special Needs Trust)** **Case No. 04CEPR00419**

**Atty Barrus, John E.**

**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)]**

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**JOHN BARRUS** on behalf of former Trustee **SUZANNE DURAN KELPSAS**, is Petitioner.

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.

Account period: January 1, 2010 – September 13, 2011

Accounting - **$75,811.58**
Beginning POH - **$38,811.58**
Ending POH - **$26,709.77**

Attorney - **$8,144.00** (per itemization and declaration. 46.45 hours at $85-$280 per hour)

Attorney costs - **$499.50** (certified copies, court call and $395.00 filing fee)

**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.

**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.

***Please see additional page***

**NEEDS/PROBLEMS/COMMENTS:**

1. **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.**
2. **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.**
3. **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.**
4. **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.**
5. **Disbursement includes a Bank fee (returned item) in the amount of $34.00. Court may require clarification.**

***Please see additional page***

**Reviewed by: KT**

**Reviewed on: 1/19/12**

**Updates:**

**Recommendation:**

**File 2A - Duran**



**Dept. 303, 9:00 a.m. Thursday, January 26, 2012**

**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.

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**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.**

**3** **Maria Lozano (Estate)** **Case No. 06CEPR01225**

**Atty** **Cross, Robert W. M., sole practitioner of Selma (for Irma Lozano, Administrator)**

**Order to Show Cause Re: Failure to File Second Account and/or Petition for Final Distribution**

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| **DOD: 10/11/2003** | **IRMA LOZANO**, daughter, was appointed Administrator without bond on 1/2/2007 and *Letters* issued on that date.<br><br>*Order Settling First Account and Report of Administrator* was signed on 4/7/2007, showing the estate on hand consists of real property valued at **$215,500.00**.<br><br>*Minute Order* dated 4/7/2011 from the hearing on the *First Account* set a status hearing for closing the estate.<br><br>*Minute Order* dated 10/6/2011 indicates the court notes for the record that Mr. Cross is unavailable and is requesting a continuance. Matter continued to 11/10/11.<br><br>***Minute Order* dated 11/10/11** states no appearances. The Court sets the matter for an Order to Show Cause. The Court orders attorney Robert Cross and Irma Lozano to be personally present on 1/26/12. A copy of the Minute Order was mailed to Robert Cross on 11/18/12. | **NEEDS/PROBLEMS/COMMENTS:** |
| | | **Reviewed by: KT** |
| | | **Reviewed on: 1/19/12** |
| | | **Updates:** |
| | | **Recommendation:** |
| | | **File 3 - Lozano** |

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**Dept. 303, 9:00 a.m. Thursday, January 26, 2012**

**4** **Christine I. Wooten (CONS/PE)** **Case No. 07CEPR01296**

**Atty** **Kruthers, Heather H (for Public Guardian)**

**(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)**

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**PUBLIC GUARDIAN**, Conservator of the Estate, is Petitioner.

Account period: 8-19-08 through 6-17-11

Accounting: $ 285,335.48
Beginning POH: $ 237,644.58
Ending POH: $ 73,881.95 ($71,381.95 is cash)

Conservator: $6,829.40
(35 Deputy hours @ $96/hr and 45.65 Staff hours @ $76/hr)

Attorney: $3,000.00 (per Local Rules)

Bond fee: $616.42 (ok)

**Petitioner prays for an Order:**

1) Approving, allowing and settling the account;

2) Authorizing payment of the conservator and attorney fees and commissions;

3) Authorizing payment of the bond fee; and

4) Such other orders the Court considers proper.

**NEEDS/PROBLEMS/COMMENTS:**

**OFF CALENDAR**

**Order settling account was filed 12-6-11.**

**Reviewed by:** skc

**Reviewed on:** 1-18-12

**Updates:**

**Recommendation:**

**File 4 - Wooten**

**5** **Herman Gerald Duinkerken (Estate)** **Case No. 10CEPR00217**

**Atty** **Gin, Robert W. (of Hanford, for Billie Duinkerken – Spouse – Executor)**

**Petition for Final Distribution to Distributees on Waiver of Accounting, (2) Waiver of Statutory Commission and (3) for Allowance of Statutory Compensation to Attorneys (Prob. C. §§ 10810, 10954, 11640)**

**DOD: 1-19-10**

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**BILLIE DUINKERKEN**, Surviving Spouse and Executor with Full IAEA without bond, is Petitioner.

Accounting is waived.

I&A: $2,171,028.32
POH: $2,171,028.32 ($5,697.81 cash, plus Decedent's one-half community property interest in certain personal property, real property, a promissory note, and various interests in two general partnerships)

Executor: Waived

Attorney (Statutory): $34,710.28

Costs: $395.00 ($871.44 less $476.44 paid)

Closing: $5,000.00

**Petitioner states** the whole of the estate was Decedent's one-half interest in the community property of Decedent and Petitioner. Decedent's will devises his personal property to his surviving spouse (Petitioner) and the residue to the testamentary trusts created under the will (the Marital Trust and the Bypass Trust), of which the surviving spouse (Petitioner) is the income beneficiary, and which assets, upon her death, are to be distributed pursuant to her will. If not distributed pursuant to her will, the trust provides an alternate distribution plan (to their children).

**Petitioner proposes** as part of the petition to acquire Decedent's community property interests in the general partnerships (Duinkerken Farms and DVD Walnut Processing) in order to satisfy requirements of the lender for each partnership, and also to be the sole owner of certain real property (APN 055-300-23) to facilitate a possible sale of the property. The total value of these assets is $358,500.00.

Petitioner proposes to exchange a portion of her community property interest (29.875%) in certain other real property of the estate valued at $358,500.00, resulting in the estate owning an undivided 79.875% interest in that certain real property.

**Petitioner also requests** the Court retain jurisdiction to reallocate assets to the Marital Trust in the event of an IRS audit to eliminate or reduce federal estate tax or qualify for federal estate tax marital deduction.

**SEE PAGE 2**

**NEEDS/PROBLEMS/ COMMENTS:**

**SEE PAGE 2**

**Reviewed by:** skc

**Reviewed on:** 1-19-12

**Updates:**

**Recommendation:**

**File 5 - Duinkerken**



**Dept. 303, 9:00 a.m. Thursday, January 26, 2012**

**5 Herman Gerald Duinkerken (Estate) Case No. 10CEPR00217**

**Atty Gin, Robert W. (of Hanford, for Billie Duinkerken – Spouse – Executor)**

**Petition for Final Distribution to Distributees on Waiver of Accounting, (2) Waiver of Statutory Commission and (3) for Allowance of Statutory Compensation to Attorneys (Prob. C. §§ 10810, 10954, 11640)**

**SUMMARY (Continued):**

**Distribution pursuant to Decedent's will and pursuant to the exchange of assets proposed in this petition:**

**To Surviving Spouse Billie Duinkerken (Petitioner), individually:**
Decedent's ½ community property interest in certain personal property and vehicles

**To Billie Duinkerken, as Trustee of the Herman Duinkerken Testamentary Bypass Trust:**
The residue of the estate consisting of Decedent's ½ community property interest in certain real property, bank accounts, and secured promissory note, *subject to the expenses of administration exchange of assets as requested*.

**To Billie Duinkerken, as Trustee of the Herman Duinkerken Testamentary Marital Trust:**
Any after-discovered property which, when combined with the value of the assets distributed to the Bypass Trust, has a total value in excess of $2,859,471.68, subject to the expenses of administration.

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**NEEDS/PROBLEMS/COMMENTS:**

1. **Decedent's will devises all of his assets to the testamentary trusts created by the will (the Marital Trust and the Bypass Trust), of which the surviving spouse (Petitioner) is the income beneficiary, and which assets, upon her death, are to be distributed pursuant to her will, and if not disposed by her will, the contingent beneficiaries are their children.**

   **However, instead of distributing certain assets of the estate to the trust(s), including the general property interests and certain real property, Petitioner proposes to exchange a portion of her community property interest in certain other real property (where the other half is owned by the estate) for such assets, due to lender requirements for the businesses and to facilitate a possible sale of the real property.**

   **Examiner notes that Probate Code §9920 et seq., appears to permit exchange of assets if the proposed exchange is to the advantage of the estate; however, Petitioner does not reference this code. Further, Petitioner describes that the reason for the proposed exchange is for the benefit of the businesses and to sell the property, but does not state or explain how the exchange is to the advantage of the *estate*.**

   **Also, Examiner notes that the proposed exchange uses the Inventory and Appraisal values for the assets as provided by the Probate Referee *as of Decedent's date of death*, rather than current market values.**

   **Examiner notes that such I&A values are over two years old. Examiner further notes that Decedent's will, in describing allocation in cash or in kind to the Marital Trust, contemplates the exchange of assets "valued at the date or dates they are distributed or allocated." This appears to imply an understanding of the necessity of accurate valuation in certain contemplated situations.**

   **Therefore, the Court may require further information regarding:**

   **a. the benefit to the estate of the proposed exchange; and**
   **b. the valuation of the assets for exchange at the inventory values.**

2. **Petitioner requests the Court reserve jurisdiction over the testamentary trusts to reallocate assets to the Marital Trust (from the Bypass Trust) in the event of possible future tax issues.**

   **Need authority with reference to Probate Code §17300, which provides for reservation of jurisdiction in testamentary trusts created before 1977 or testamentary trusts that specifically provide for reservation of jurisdiction within the instrument. (Examiner does not see in the instrument where such reservation is provided.)**

   **Examiner notes that regardless of whether the Court reserves jurisdiction, this estate case would still be closed, and any subsequent issues would be opened as a new file under the appropriate code relating to trusts.**

**Petitioner filed a Declaration on 1-24-12 that addresses these noted items.** **SEE PAGE 3**

**5 Herman Gerald Duinkerken (Estate) Case No. 10CEPR00217**
**Atty Gin, Robert W. (of Hanford, for Billie Duinkerken – Spouse – Executor)**

**Petitioner's Declaration filed 1-26-12 to address the issues raised in the Examiner Notes and describes the benefit to the estate as follows:**

**Duinkerken Farms farms the land that is owned by Petitioner and by the estate. The land is farmed on a share crop rent. Thus, the rent that goes to Petitioner and to the estate is a portion of the proceeds from the sale of the crop grown on the premises.**

**The lender for Duinkerken Farms would loan money only on the condition that Petitioner as an individual would own the interest that the decedent and Petitioner had in Duinkerken Farms. The lender was not willing to provide financing if the decedent's interest was held by Petitioner in trust.**

**If financing was not granted to Duinkerken Farms, the estate's interest in Duinkerken Farms would be severely compromised. Moreover, the interest that the estate has in the land farmed by Duinkerken Farms would be also be severely impaired. There would be no one who would be able to prune the trees or do other cultural activities. Petitioner cannot do those things herself.**

**Since the decedent's date of death, there has only been one piece of property sold in the vicinity, which sale involves 600-700 acres with a dairy facility that was arranged as part of a bankruptcy proceeding. Other than that one sale, there have been no sales of farm land within one (1) mile of any of the properties.**

**Therefore, Petitioner believes the proposed exchange is fair, reasonable, and in the best interest of the estate.**

**6 Trust of Peter & Betty Vagnino** **Case No. 10CEPR00337**

**Atty Davidson, Thornton (for Petitioner Peter Vagnino, IV and Victoria Vagnino)**
**Atty Burnside, Leigh (for Respondent Harvey A. Armas – Co-Trustee)**
**Atty Thompson, Timothy (for Respondent Catherine Thompson – Co-Trustee)**

**Petition for Trust Accounting**

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**PETER VAGNINO IV and VICTORIA VAGNINO**, grandchildren of trust settlors, are Petitioners.

**Petitioners state**:

1. They are the grandchildren of original settlors Peter and Betty Vagnino, who executed the Declaration of Trust dated 5/16/00 ("2000" Trust" – *attached as Exh. A*); the 2000 Trust was in fact Settlors' Second Trust;
2. Pursuant to the 2000 Trust, 40% is allocated to Co-Trustee Catherine Thompson ("Thompson"), 20% to Thompson's husband Anthony, and 20% to Thompson's son. The balance of assets are to be divided equally between the Petitioners (10% each);
3. The 2000 Trust also name Thompson and Harvey Armas ("Armas") as successor trustees;
4. On 4/17/05, Armas provided Petitioners' father, Peter Vagnino, III, and Analysis of Assets of settlor Peter Vagnino's assets, which purported to provide a compilation of assets, his community property interest, and the allocations to the By-Pass, Family, and Community Property *(attached as Exh. B);*
5. Settlor Betty Vagnino died on 12/14/05;
6. Settlors' Wills were filed with the Probate Court on 11/1/07, but the Settlors' 2000 Trust was not;
7. On 12/11/06, Armas provided Peter Vagnino III and Analysis of Allocation of Betty Vagnino's estate *(attached as Exh. C);*

***SEE ATTACHED PAGE***

**NEEDS/PROBLEMS/COMMENTS:**

**Continued from 11/29/11 per Attorney Thorton's request; this is Mr. Thornton's second requested continuance.**

**Note: This matter was before this Court on 8/19/10, for 1) Petitioner PETER VAGNINO III'S (Petitioners' father and Settlors' son, and also represented by Attorney Davidson)** ***First Amended Petition to Invalidate 2000 Amendment to Trust and Other Documents on Ground of Incapacity and Modification After Death, for Attorney Fees, Punitive Damages, for Breach of Trust and Conversion, to Remove Trustee and for Trust Accounting,*** **2) Co-Trustee Armas'** ***Demurrer to First Amended Petition to Invalidate Amendment to Trust and Other Documents on Grounds of Incapacity and Modification after Death, for Attorney's Fees, Restitution, Punitive Damages, for Breach of Trust and Conversion, to Remove Trustee and for Accounting,*** **and for 3)** ***Co-Trustee Thompson's Demurrer to First Amended Petition to Invalidate Amendment to Trust and Other Documents*****. The 8/19/10 minute orders indicate the Court continued the matters for ruling. It appears that prior to said ruling, Petitioner Vagnino III filed a** ***Request for Dismissal*** **on 9/30/10, dismissing the entire action with prejudice.**

1. **Need Order.**

**Reviewed by:** NRN

**Reviewed on:** 1/19/12

**Updates:**

**Recommendation:**

**File 6 - Vagnino**

**Cont'd:**

8. The 2000 Trust's 1st Accounting was performed by the Dritsas, Broom, McCormick LLP ("McCormick") accounting firm, and was submitted on 1/8/08 – 2 years after the last settlor Betty Vagnino's death (*1st Accounting attached as Exh. D);*
9. In October 2009, Petitioners, through their Attorney, Mr. Davidson, requested another accounting; among Petitioners' questions was the appraised value of the Settlors' home, and the fact that Settlors' interest in Tornino's (their restaurant catering business) was improperly included among the trust assets;
10. McCormick submitted a 2nd Accounting on 2/4/10; it was provided in two different versions to account for the differing values of Settlors' residence – otherwise the 2010 accountings were identical *(copies of the two accountings attached as Exh. E and F respectively);*
11. On 5/26/10, Petitioners, through Attorney Davidson, corresponded with Armas' attorney and requested that Armas produce numerous documents and provide explanations of many disparities and unexplained trust distributions;
12. Despite numerous letters on Petitioners' behalf, Armas has only produced tax returns, monthly banking statements and monthly brokerage account statements;
13. Armas has been unwilling or unable to address the many pertinent issues concerning the Trust, including but not limited to:
    a. Life Insurance Loan Paperwork – no legal documentation has been provided by Thompson and Armas; 2005 federal tax return shows this debt was never repaid (yet the debt is listed as a loss in two places in the trust accounting – as repayment of the loan);
    b. Itemized Accounting of Administrative Expenses (including copies of invoices) – Thompson and Armas failed to provide copies of all invoices for the administrative expenses incurred from the time Thompson received power of attorney as well as documented proof of payment;
    c. Itemized Accounting of Stocks/Securities in Schedule F – Cash on Hand - Thompson and Armas did not provide an itemized accounting of all stocks/securities allocated to Schedule F, and also failed to provide an itemized account of all monies transferred out of Schedule F;
    d. Withdrawal of $120,000.00 – Thompson and Armas failed to provide an adequate explanation of these withdrawals, which were originally allocated to settlors, then allocated to care giver expenses, then to administrative expenses, and finally to the "other" Wells Fargo Account that Thomas and Armas are now associating with the $120,000.00; they have also failed to account for the dates the money was transferred into the account and all dates the money was transferred out, and what the funds were used for;
    e. Thompson's and her husband's whereabouts after the sale of the residence – Renovations began on the Settlors' residence ("Bluff Residence") in January 2006, and Thompson sold her personal residence in March or April 2006 (deed recorded May 2006); Bluff Residence was never listed for sale and Thompson had sole physical possession of the home from the date of Betty Vagnino's death; Thompson and Armas contend Thompson and her husband lived in a hotel but had not provided proof of this from the date their personal residence was sold until they filed the Quit Claim Deed for the Bluff Residence;

***SEE ATTACHED PAGE***

**Cont'd:**

f. "Gains of Sales" transferred out of Petitioners' accounts – Thompson and Armas have failed to provide an explanation as to why these gains on sales were transferred out of personal accounts; Schedule Ks never reflects these losses however;
g. Loss of $47,048.00 – Thompson and Armas have failed to provide an explanation as to why there is a loss of $47,048.00 in brokerage accounts between Armas' hand-written analysis and the 1st Accounting;
h. Additional house appraisal - Thompson and Armas have failed to provide the additional house appraisal of $1.1 M;
i. Trust payment of $3,500.00 for Tornino's appraisal – Thompson and Armas have failed to explain a trust payment for Tornino's appraisal when family interest in Tornino's was willed to Thompson and bypassed the 2000 Trust;
j. Specific Stock information – Thompson and Armas have failed to provide information on the following: 1) May 1, 2006 dividends received from Wrigley (Class B); 2) May 30, 2006 dividends received from Arlema Spons ADR; 3) November 10, 2006 dividends received from Chunghwa Telecom Co.; 4) November 11, 2006 dividends received from Idearc, Inc.; and 5) April – July 2008 in interest received on Georgian Bank CD – there is no record for any of these assets being sold, the dates of sale, carrying value, whether sold at a loss or gain, and whether any of the items were used for Stock/Securities of Schedule F;
k. The Residence – Thompson and Armas failed to provide an explanation for the following expenses incurred due to renovations that Thompson accepts responsibility for and that are part of the renovation (consist of home maintenance expenses, property taxed, cable, pool, pet control, AT&T, water delivery, etc.); clearly these expenses were not being paid to maintain an empty house;
l. Caregiver Expenses - Thompson and Armas have failed to provide documentation to support caregiver expenses of $73,500.00 incurred during a 7-8 month period;
m. Debts of Decedent settlors – Thompson and Armas have failed to provide a complete listing of all debts of settlors on the 2005 Schedule K. Only a partial listing and all debts paid before the filing of the 2005 tax return was provided.

**Petitioners request the Court issue an Order:** 1) for a complete accounting of the 2000 Trust; 2) for removal of Thompson and Armas as Co-Trustees; 3) for costs of suit including reasonable attorney fees.

**7 Syble C. Crabtree (Estate)** **Case No. 11CEPR00495**

**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]**

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|---|---|---|---|
| **DOD: 5/31/2011** | | | |
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| **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** | | |

**KENNETH G. CRABTREE**, son and Executor, is Petitioner.

Accounting is waived.

I & A - **$192,971.62**
POH - **$184,815.41**

Executor - **waives**

Attorney - **$5,500.00**
*(less than statutory of $6,789.15)*

Closing - **$1,500.00**

**Distribution pursuant to Decedent's Will is to:**

- **KENNETH G. CRABTREE – $177,815.41 cash**

**NEEDS/PROBLEMS/COMMENTS:**

**Reviewed by:** LEG
**Reviewed on:** 1/19/12
**Updates:**
**Recommendation: SUBMITTED**
**File 7 - Crabtree**



**Dept. 303, 9:00 a.m. Thursday, January 26, 2012**

# 8A Helene M. Arant (Estate) Case No. 11CEPR00730

**Atty** Pape, Jeffrey B., of Pape & Shewan (for Petitioner Joan Steele)

**Petition to Determine Entitlement to Distribution [Prob. C. §11700]**

| DOD: 7/24/2011 | | |
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| Cont. from | | |
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| ✓ | Verified | |
| ✓ | Inventory | |
| ✓ | PTC | |
| | Not.Cred. | |
| ✓ | Notice of Hrg | |
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| ✓ | Sp.Ntc. | W/ |
| | Pers.Serv. | |
| | Conf. Screen | |
| | Letters | 092811 |
| | Duties/Supp | |
| | Objections | |
| | Video Receipt | |
| | CI Report | |
| | 9202 | |
| ✓ | Order | |
| | Aff. Posting | |
| | Status Rpt | |
| | UCCJEA | |
| | Citation | |
| | FTB Notice | |

**JOAN STEELE**, friend and Executor appointed on 9/28/2011, is Petitioner.

**Petitioner requests** the Court's construction of an ambiguous provision of Decedent's Will dated 2/2/2005 related to the persons entitled to distribution of Decedent's residuary estate, based upon the following:

- Decedent's Will makes 18 general pecuniary devises totaling **$250,000.00**; however, the *Final Inventory and Appraisal* filed 11/1/2011 reflects an estate value of **$414,880.94**; thus, the disposition of **$164,880.94** is in issue (after deduction of any charges, expenses and applicable fees, which Petitioner estimates will not exceed **$40,000.00**, leaving **~$125,000.00** in the residuary estate);
- Decedent's Will does not clearly spell out the identity of the residuary beneficiaries and the shares they are to receive of the residuary estate; the residuary language is ambiguous;
- Paragraph Ninth of Decedent's Will contains the provision in question which contains the sole reference to the disposition of the residue of the estate: **"…If any of the persons or entities named in this section does not survive me, or fails for any reason to take the portion of my estate to which he or she would be entitled under the provisions of this section, then the share of the residue of my estate that he or she would have taken shall be divided among the surviving persons and entities named in this section in proportion to their respective shares gifted in this section."**
- The cited language does not clearly express the Decedent's intention regarding the disposition of the residue of her estate; the language does, however, express that the surviving pecuniary devisees are to take proportionally the residual share that a pecuniary devisee failed to take due to death or any other reason; this expression is drawn from the language that the residual share of those "persons or entities named in this section" who have died or otherwise do not take are to be distributed proportionally to the "surviving persons and entities named in this section;"
- Fairly implicit in this language is the expression that the pecuniary devisees are also the residuary beneficiaries;
- In summary, the portion of the residue that each surviving pecuniary devisee is to receive can be fairly interpreted to be that proportion of the devisee's pecuniary bequest divided by the total amount of all pecuniary bequests; (for example, a devisee bequested **$10,000** would be entitled to **1/25th** of the estate residue based on **$10,000 cash divided by $250,000** total pecuniary bequests;)

***~Please see additional page~***

**NEEDS/PROBLEMS/COMMENTS:**

**Page 8B is a *Petition for Appointment of Guardian Ad Litem* for Vijay Stephen, estate devisee.**

**Page 8C is a *Petition for Appointment of Guardian Ad Litem* for Colton Steele, estate devisee.**

**Reviewed by:** LEG

**Reviewed on:** 1/19/12

**Updates:**

**Recommendation:**

**File 8A - Arant**

**Basis of Petitioner's request, continued:**

- Petitioner believes Decedent intended to distribute her residuary estate to the same persons who were recipients of the general pecuniary devises and such persons were to take the residuary estate in the same proportions that they were to receive general pecuniary devises; if any devisee died or if for any other reason the devisee did not take the gift, the share was to be distributed in proportion to the respective shares in the residue;
- This interpretation is consistent with the Decedent's instructions to the drafting attorney and with the drafting attorney's contemporaneous notes of his discussions with the decedent *(please refer to Declaration of Jason Epperson attached as Exhibit 1, summarized below).*

**Petitioner prays for an Order:**

1. Determining that the residue of the estate shall be distributed to those persons identified as pecuniary devisees in Paragraph Nine of Decedent's Will, excluding any and all those persons or entities named in Paragraph Nine who did not survive the Decedent, or fail for any reason to take the pecuniary devise; and
2. Determining that each devisee's share of the residuary estate is that amount equal to the proportion of the devisee's pecuniary bequest divided by the total amount of all pecuniary bequests.

**Declaration of Jason S. Epperson (attached as Exhibit 1 to the Petition) states:**

- During January 2005, he was consulted and retained by the Decedent to prepare her Will; she had previously executed a Will dated 2/29/2000 *(please refer to copy attached as Exhibit A);*
- During the January 2005 meeting, Decedent expressed her wish to remove from her Will certain individuals that were to be left gifts in her old Will; in addition, Decedent expressed her wish to include additional pecuniary bequests for specific named persons and entities;
- In addition, Decedent communicated to him her desire to change the residuary language of her previous Will to provide that the persons who received the pecuniary bequests would receive the residuary, if any, in the same proportion that they received the pecuniary bequests; for example, if a cash devisee received $10,000 and the total of pecuniary bequests were $250,000, the cash devisee, if he survived Decedent, would receive 1/25$^{th}$ of the residuary estate *(please refer to Exhibit B containing copy of his notes of discussions with Decedent which he transcribed in January 2005);*
- On 2/2/2005, he met with Decedent to execute her Will; he went over the Will with her and explained the provisions, including but not limited to the fact that the residuary language provided for a pro rata distribution to the cash beneficiaries if they survived, and if they did not, or for other reasons did not take their cash bequest, that gift would be split among the other cash beneficiaries pro rata (*please refer to copy of Decedent's 2/2/2005 Will attached as Exhibit C.)*

***Memorandum of Points and Authorities in Support of Petition to Determine Entitlement to Distribution* was filed on 11/23/2011.**

**Note:** Decedent's Will makes a bequest to post-deceased heir, Ray Gunther, brother-in-law, whose date of death is 7/25/2011 per the *Declaration of Jeffrey B. Pape in Support of and to Correct Petition for Probate of Will and for Letters Testamentary* filed on 9/23/2011. It appears that since Ray Gunther survived the Decedent by one day, and since the Will is silent on any period of survival required prior to taking a bequest, Ray Gunther's estate will be entitled to distribution of the devise made to him in Decedent's Will. (Paragraph 7 of the *Petition* contains names of persons entitled to notice of this proceeding who are not specifically named devisees in Decedent's Will, but who may be heirs entitled to distribution from the Estate of Ray Gunther.)

**8B Helene M. Arant (Estate)** **Case No. 11CEPR00730**

**Atty** **Pape, Jeffrey B., of Pape & Shewan (for Petitioner Joan Steele)**

**Petition for Appointment of Guardian Ad Litem (Vijay Stephen)**

| DOD: 7/24/2011 | | |
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| Cont. from | | |
| | Aff.Sub.Wit. | |
| ✓ | Verified | |
| | Inventory | |
| | PTC | |
| | Not.Cred. | |
| ✓ | Notice of Hrg | |
| ✓ | Aff.Mail | W/ |
| | Aff.Pub. | |
| ✓ | Sp.Ntc. | W/ |
| | Pers.Serv. | |
| | Conf. Screen | |
| | Letters | |
| | Duties/Supp | |
| | Objections | |
| | Video Receipt | |
| | CI Report | |
| | 9202 | |
| ✓ | Order | |
| | Aff. Posting | |
| | Status Rpt | |
| | UCCJEA | |
| | Citation | |
| | FTB Notice | |

**JOAN STEELE**, Executor, is Petitioner.

**Petitioner seeks** the appointment of **RAVI STEPHEN**, father of **VIJAY STEPHEN**, as guardian ad litem for Vijay, who is a minor (DOB 2/24/2003, age 8) and a devisee of the Decedent's estate.

Appointment of a guardian ad litem arises out of the need for representation of the minor in a proceeding under Probate Code § 11700, specifically a *Petition to Determine Entitlement to Distribution* filed concurrently with this *Petition*, and the minor's interest in the estate will be affected by the determination of the issues raised.

Appointment of a guardian ad litem is proper because the minor has no guardian of his estate.

Proposed guardian ad litem is fully competent and qualified to understand and protect the rights of the minor and has no interest adverse to the interests of the minor.

**NEEDS/PROBLEMS/COMMENTS:**

**Note: The Judicial Council form (*Petition for Appointment of Guardian Ad Litem*, DE-350) contains the statement that a person may not act as a guardian ad litem unless he or she is an attorney or is represented by an attorney. *Petition* does not indicate whether Ravi Stephen, the person Petitioner requests be appointed as guardian ad litem, is an attorney or is represented by an attorney.**

| | |
|---|---|
| **Reviewed by:** | LEG |
| **Reviewed on:** | 1/19/12 |
| **Updates:** | |
| **Recommendation:** | |
| **File** | **8B - Arant** |



**Dept. 303, 9:00 a.m. Thursday, January 26, 2012**

**8C Helene M. Arant (Estate)** **Case No. 11CEPR00730**

**Atty** **Pape, Jeffrey B., of Pape & Shewan (for Petitioner Joan Steele)**

**Petition for Appointment of Guardian Ad Litem (Colton Steele)**

| DOD: 7/24/2011 | | |
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| Cont. from | | |
| | Aff.Sub.Wit. | |
| ✓ | Verified | |
| | Inventory | |
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| | Pers.Serv. | |
| | Conf. Screen | |
| | Letters | |
| | Duties/Supp | |
| | Objections | |
| | Video Receipt | |
| | CI Report | |
| | 9202 | |
| ✓ | Order | |
| | Aff. Posting | |
| | Status Rpt | |
| | UCCJEA | |
| | Citation | |
| | FTB Notice | |

**JOAN STEELE**, Executor, is Petitioner.

**Petitioner seeks** the appointment of **RICHARD STEELE**, father of **COLTON STEELE**, as guardian ad litem for Colton, who is a minor (DOB 5/19/1995, age 16) and a devisee of the Decedent's estate.

Appointment of a guardian ad litem arises out of the need for representation of the minor in a proceeding under Probate Code § 11700, specifically a *Petition to Determine Entitlement to Distribution* filed concurrently with this *Petition*, and the minor's interest in the estate will be affected by the determination of the issues raised.

Appointment of a guardian ad litem is proper because the minor has no guardian of his estate.

Proposed guardian ad litem is fully competent and qualified to understand and protect the rights of the minor and has no interest adverse to the interests of the minor.

**NEEDS/PROBLEMS/COMMENTS:**

**Note: The Judicial Council form (*Petition for Appointment of Guardian Ad Litem*, DE-350) contains the statement that a person may not act as a guardian ad litem unless he or she is an attorney or is represented by an attorney. *Petition* does not indicate whether Ravi Stephen, the person Petitioner requests be appointed as guardian ad litem, is an attorney or is represented by an attorney.**

| | |
|---|---|
| **Reviewed by:** | LEG |
| **Reviewed on:** | 1/19/12 |
| **Updates:** | |
| **Recommendation:** | |
| **File** | **8C - Arant** |



**Dept. 303, 9:00 a.m. Thursday, January 26, 2012**

**9 Donna Carter (CONS/E)** **Case No. 11CEPR01087**

**Atty Romaine, William A. (of Hanford, for Petitioner Edward R. Bodley)**

**Atty Teixeira, J. Stanley (Court appointed for Conservatee)**

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

**Age: 80 years**
**DOB: 1/5/1931**

**Cont. from**

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| | Aff.Sub.Wit. | |
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| | Inventory | |
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| | Notice of Hrg | X |
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| | Aff.Pub. | |
| | Sp.Ntc. | |
| | Pers.Serv. | X |
| | Conf. Screen | |
| | Letters | X |
| | Duties/Supp | |
| | Objections | |
| | Video Receipt | |
| √ | CI Report | |
| | 9202 | |
| | Order | X |
| | Aff. Posting | |
| | Status Rpt | |
| | UCCJEA | |
| | Citation | X |
| | FTB Notice | |

**Temporary Granted *Ex Parte* On 12/12/11.**
**TEMPORARY EXPIRED 12/20/11 (*NO APPEARANCES BY PARTIES THEREFORE TEMPORARY PETITION WAS DENIED)***

**DONNA CARTER,** by and through her attorney-in-fact, **EDWARD R. BODLEY,** is petitioner and requests **EDWARD R. BODLEY,** cousin**,** be appointed as conservator of the Estate**.**

**Estimated value of the Estate:**

| | | |
|---|---|---|
| Personal property | - | $40.000.00 |
| Annual income | - | $33,600.00 |

***NEED CAPACITY DECLARATION***

**Petitioner states** he recently became alarmed after the return of a former caretaker into the proposed Conservatee's good graces, the proposed Conservatee is again losing funds from her bank accounts. Given her now favorable disposition to the former caretaker, the proposed Conservatee may well be unduly influenced to retract petitioner's power of attorney and appoint the former caretaker in his stead. If this should happen, the estate may well be dissipated before a hearing can take place.

**PROBATE REFEREE: RICK SMITH**

**COURT INVESTIGATOR JO ANN MORRIS' REPORT**, filed 1/19/12.

**NEEDS/PROBLEMS/COMMENTS:**

***Note: Attorney Stanley Teixeria was appointed as counsel for Conservatee on 12/14/11.***

***VOTING RIGHTS NOT AFFECTED***

**Court Investigator Advised Rights on 1/17/12**

1. **Need *Notice of Hearing*.**
2. ***Petition* names the Petitioner as Donna Carter, by and through Edward R. Bodley, her Attorney-In-Fact. The court may require a copy of the document appointing Edward R. Bodley as Attorney-In-Fact.**
3. **Petition requests that bond be fixed at $75,000.00. *If bond is required, however, it should be set at $80,960.00, which includes the cost of recovery.***
4. **Need *Capacity Declaration*.**
5. **Need *Duties of Conservator*.**
6. **Need *Conservatorship Video Viewing Certificate.***
7. **Need *Citation* to proposed Conservatee. PrC §1823.**
8. **Need proof of personal service, 15 court days prior to the hearing, of the *Notice of Hearing* along with a copy of the *Petition on:***
   a. **Donna Carter (proposed Conservatee)**
9. **Need proof of 15 court days service by mail prior to the hearing of the *Notice of Hearing* along with a copy of the *Petition* or declaration of due diligence on:**
   a. **Sharon Brazil (daughter)**
   b. **Dennis Brazil (son)**
   c. **Kyle Weisenberger (brother)**
10. **Need Orders and Letters.**

**Reviewed by:** NRN

**Reviewed on:** 1/20/12

**Updates:** 1/25/12

**Recommendation:**

**File 9 - Carter**



**Dept. 303, 9:00 a.m. Thursday, January 26, 2012**

**10 Richard W. Howser (Estate)** **Case No. 11CEPR01095**

**Atty Petty, Teresa B (for Petitioner Richard Howser)**

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

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|---|---|---|---|
| DOD: 9/30/11 | | | **RICHARD HOWSER**, father, is petitioner and requests appointment as Administrator without bond. |
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| | | | |
| Cont. from | | | Petitioner is the sole heir and waives bond. |
| | Aff.Sub.Wit. | | |
| ✓ | Verified | | |
| | Inventory | | Full IAEA – o.k. |
| | PTC | | |
| | Not.Cred. | | Decedent died intestate. |
| | Notice of Hrg | | Residence: Clovis |
| ✓ | Aff.Mail | W/ | Publication: Business Journal |
| ✓ | Aff.Pub. | | |
| | Sp.Ntc. | | **Estimated value of the Estate:** |
| | Pers.Serv. | | Personal property - $ 15,000.00 |
| | Conf. Screen | | Real property - $113,000.00 |
| ✓ | Letters | | |
| ✓ | Duties/Supp | | |
| | Objections | | **Probate Referee: RICK SMITH** |
| | Video Receipt | | |
| | CI Report | | |
| | 9202 | | |
| ✓ | Order | | |
| | Aff. Posting | | |
| | Status Rpt | | |
| | UCCJEA | | |
| | Citation | | |
| | FTB Notice | | |

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| **NEEDS/PROBLEMS/COMMENTS:** |
| **Reviewed by: KT** |
| **Reviewed on: 1/19/12** |
| **Updates: 1/23/12** |
| **Recommendation: SUBMITTED** |
| **File 10 - Howser** |



**Dept. 303, 9:00 a.m. Thursday, January 26, 2012**

**11** **Margaret Missakian (CONS/E)** **Case No. 0516557**

**Atty** **Kruthers, Heather H (for Public Guardian)**

**Status Hearing Re: Final Account**

| | | |
|---|---|---|
| **Age: 75** | | |
| **DOB: 2-29-36** | | |
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| | **Aff.Sub.Wit.** | |
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| | **Sp.Ntc.** | |
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| | **Conf. Screen** | |
| | **Letters** | |
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| | **Objections** | |
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| | **CI Report** | |
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| | **Order** | |
| | **Aff. Posting** | |
| | **Status Rpt** | X |
| | **UCCJEA** | |
| | **Citation** | |
| | **FTB Notice** | |

**PUBLIC GUARDIAN** is Conservator of the Estate.

**Court Investigator Jo Ann Morris filed a report on 8-4-11** stating that funds have been depleted and Conservatee's only income is Social Security and there are no other assets; therefore, it appears conservatorship of the estate is no longer necessary.

The Court set a status hearing on 9-15-11 re possible termination based on the Court Investigator's report, and based on information that the Public Guardian has no objection to termination and requested 60 days to file the final report.

At that hearing, the Court set this status hearing for filing of the final account.

**NEEDS/PROBLEMS/COMMENTS:**

## OFF CALENDAR

**Ninth and Final Account filed 12-5-11 is set for hearing on 2-2-12.**

**Reviewed by:** skc

**Reviewed on:** 1-18-12

**Updates:**

**Recommendation:**

**File 11 - Missakian**



**Dept. 303, 9:00 a.m. Thursday, January 26, 2012**

**12 George Beckett (CONS/PE)** **Case No. 07CEPR01048**

**Atty Armas, J. Todd (for Conservator Doris Beckett)**

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

| | | |
|---|---|---|
| **Age: 81 years**<br>**DOB: 1/12/1931** | **DORIS BECKETT**, spouse, is Conservator.<br><br>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.<br><br>This status hearing was set for the filing of the Fifth Amended First Account. | **NEEDS/PROBLEMS/COMMENTS:**<br><br>**1. Need Fifth Amended First Account or current status report.** |
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| **Cont. from** | | |
| **Aff.Sub.Wit.** | | |
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| **Letters** | | |
| **Duties/Supp** | | |
| **Objections** | | |
| **Video Receipt** | | |
| **CI Report** | | |
| **9202** | | |
| **Order** | | |
| **Aff. Posting** | | **Reviewed by: KT** |
| **Status Rpt** | | **Reviewed on: 1/19/12** |
| **UCCJEA** | | **Updates:** |
| **Citation** | | **Recommendation:** |
| **FTB Notice** | | **File 12 - Beckett** |

**13 Donald Wayne Sloan (Estate)** **Case No. 11CEPR00168**

**Atty Sloan, Karen (pro per Administrator)**

**Order to Show Cause**

| | | | |
|---|---|---|---|
| | | | NEEDS/PROBLEMS/COMMENTS: |
| | | | **OFF CALENDAR.** Per Minute Order dated 11/10/11 if the inventory and appraisal was filed the OSC can come off calendar. Inventory and appraisal filed on 11/29/11. |
| 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: 1/19/12 |
| | UCCJEA | | Updates: |
| | Citation | | Recommendation: |
| | FTB Notice | | File 13 - Sloan |



**Dept. 303, 9:00 a.m. Thursday, January 26, 2012**

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

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

| | | |
|---|---|---|
| Age: 3 years | | |
| 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 | |

**NO TEMPORARY REQUESTED**

**VIVIAN COLMENERO**, paternal great-grandmother, is Petitioner.

Father: **VINCENT ORTEGA**; *incarcerated; consents and waives notice*;

Mother: **YVETTE MOJARRO**; *present in Court at 10/27/2011 hearing;*

Paternal grandfather: George Ortega; *consents and waives notice*;
Paternal grandmother: Alice Perez; *consents and waives notice*;
Maternal grandfather: Unknown; *Declaration of Due Diligence filed 9/20/2011*;
Maternal grandmother: Margaret Gonzalez

**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.

**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.

**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.

**Court Investigator Dina Calvillo's *Report* was filed on 10/20/2011**.

**Court Investigator Dina Calvillo's *Supplemental Report* was filed on 11/29/2011**.

**DSS Social Worker Anita Ruiz' *Report* was filed on 12/1/2011**.

**DSS Social Worker Anita Ruiz' *Report* was filed on 1/23/2012**.

**Court Investigator Dina Calvillo's *Supplemental Report* was filed on 1/23/2012.**

**NEEDS/PROBLEMS/COMMENTS:**

**<u>Continued from 12/1/2011</u>. *Minute Order* states the Court informs the Petitioner that the report from DSS has not been received.**

**<u>Note for background</u>: *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.**

**The following issues from the last hearing remain:**

1. **Need proof of service by mail of the *Notice of Hearing* with a copy of the *Petition for Appointment of Guardian*, or *Consent to Appointment of Guardian and Waiver of Notice*, or a *Declaration of Due Diligence*, for:**
   - **Margaret Gonzalez, maternal grandmother;**
   - **Maternal grandfather, *if Court does not grant Petitioner's request to excuse notice to him.***

**Note: Court records do not contain proof of personal service of notice to Yvette Mojaro, mother. However, she was present in Court at the hearing on 10/27/2011.**

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| **Reviewed by:** LEG |
| **Reviewed on:** 1/19/12 |
| **Updates:** 1/25/12 |
| **Recommendation:** |
| **File 14 – Ortega** |

## 15 Larry Gonzales Jr., Aleyna Gonzales and Amelia Gonzales (GUARD/P) Case No. 11CEPR00835

**Atty** Gonzales, Andy R. (pro per Petitioner/paternal uncle)
**Atty** Gonzales, Rebecca (pro per petitioner/paternal aunt)

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

**Larry age: 16 years**
**DOB: 3/25/1995**

**Aleyna age: 14 years**
**DOB: 7/31/97**

**Amelia age: 12 years**
**DOB: 11/22/1999**

**Cont. from 111711**

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| | 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 | |

**TEMPORARY EXPIRES 01/26/12**

**ANDY GONZALES** and **REBECCA GONZALES,** paternal uncle and paternal aunt, are petitioners.

Father: **LARRY GONZALES** – *personally served 09/20/11*

Mother: **TAMMY GONZALES** – *declaration of due diligence filed on 9/21/11.*

Paternal grandfather: Ascension Gonzales – *deceased.*
Paternal grandmother: Lupe Ybarra – *consents and waives notice.*
Maternal grandfather: Julio Cruz - *deceased*
Maternal grandmother: Carol Cruz – *deceased*

*Minor Aleyna consents and waives notice.*

**Petitioners state** that the mother has been in and out of the children's lives and the children have primarily lived with their father. Their father, however, is abusing prescription medications and has been involved in numerous car accidents, sometimes with the children in the car. Further, the he has forgotten to turn off the stove and left the gas running, therefore, Petitioners feel it is dangerous for the children to remain in his care. Also, CPS removed the children from the father due to his being under the influence.

**Court Investigator Jennifer Young's report was filed 11/10/11.**

**Court Investigator Jennifer Young's Supplemental Report was filed 11/14/11.**

**Court Investigator Jennifer Young's Supplemental Report filed was filed 01/23/12.**

**NEEDS/PROBLEMS/COMMENTS:**

**This petition pertains to Aleyna & Amelia Gonzales only. Petition for Larry Gonzales, Jr. was withdrawn and denied at 11/17/11 hearing.**

**CONTINUED FROM 11/17/11**
**Minute Order from 11/17/11 hearing states: Also present in the courtroom are Larry Gonzales, Jr., Aleyna and Amelia. The Petitioners inform the Court that they no longer wish to pursue the guardianship as to Larry Gonzales, Jr. and wish to withdraw the petition. The petition as to Larry Gonzales, Jr. is withdrawn and the petition is denied. The Court orders a court investigator to conduct a further investigation of the parties and contact CPS regarding the denial of the guardianship petition for Larry Gonzales, Jr. In addition, CPS is to be advised that mother and father wish to have custody of Larry Jr. Tammy Gonzales provides a residence address to the Court. The matter is continued to 01/26/12. The Court extends the temporary guardianship as to Amelia and Aleyna only to 01/26/12. Parties are ordered not to speak ill of one another around the minors. The Court further orders that there be no visitation pending further order of the Court.**

**As of 01/20/12, the following remains outstanding:**

1. **Declaration of Due Diligence filed regarding mother, Tammy Rodriguez, states that her whereabouts are unknown. If diligence is not found need proof of personal service at least 15 days before the hearing of *Notice of Hearing* with a copy of the Petition or Consent and Waiver of notice for:**
   **- Tammy Gonzales, mother**
   *Note: Tammy Gonzales was present in the courtroom on 11/17/11.*
   **- Amelia Gonzales (minor, now age 12)**

**Reviewed by:** JF
**Reviewed on:** 01/20/12
**Updates:** 01/24/12
**Recommendation:**
**File 15 – Gonzales**



**Dept. 303, 9:00 a.m. Thursday, January 26, 2012**

## 16 Angel Miramontes and Yareli Miramonte (GUARD/P)

**Case No. 12CEPR00048**

**Atty Corona, Maria (for Petitioner/maternal grandmother Maria Corona)**

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

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|---|---|
| Angel age: 8 years<br>DOB: 12/8/2003 | |
| Yareli age 7 months<br>DOB: 6/2/2011 | |
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| Cont. from | |
| | Aff.Sub.Wit. |
| ✓ | Verified |
| | Inventory |
| | PTC |
| | Not.Cred. |
| ✓ | Notice of Hrg |
| | Aff.Mail |
| | Aff.Pub. |
| | Sp.Ntc. |
| ✓ | Pers.Serv. W/ |
| ✓ | Conf. Screen |
| ✓ | Letters |
| ✓ | Duties/Supp |
| | Objections |
| | Video Receipt |
| | CI Report |
| | 9202 |
| ✓ | Order |
| | Aff. Posting |
| | Status Rpt |
| ✓ | UCCJEA |
| | Citation |
| | FTB Notice |

**Temporary granted Ex Parte by Judge Chittick on 1/13/2012.**

**Temporary Expires 1/26/2012**

**GENERAL HEARING 3/13/2012**

**MARIA CORONA,** maternal grandmother, is petitioner.

Angel's father: **ANGEL MIRANDA** – *personally served on 1/15/12.*

Yareli's father: **LUIS FABIAN GUTIERREZ** – *personally served on 1/15/12.*

Mother: **YAIRA MIRAMONTES –** *consents and waives notice.*

Angel's paternal grandfather: Fernando Miranda
Angel's paternal grandmother: Liliana Miranda
Yareli's paternal grandfather: Luis Gutierrez
Yareli's paternal grandmother: Mrs. Gutierrez
Maternal grandfather: Hector Miramontes

**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.

**NEEDS/PROBLEMS/COMMENTS:**

1. **Proof of personal service on Angel's father, Angel Miranda, indicates he was personally served by Dora Miramontes on 1/15/12 at 6:00 p.m. in Dinuba. Proof of personal service on Yareli's father, Luis Gutierrez, indicates he was personally served by Dora Miramontes on 1/15/12 at 6:00 p.m. in Orange Cove. Court may require clarification as to how Dora Miramonte is able serve both fathers on the same date, at the same time, in two different locations.**

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| Reviewed by: KT |
| Reviewed on: 1/19/12 |
| Updates: 1/24/12 |
| Recommendation: |
| File 16 - Miramontes |