

DOD: 07/15/03	<b>PUBLIC ADMINISTRATOR</b> , Successor Administrator, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
Cont. from	<b>Petitioner states:</b>	
Aff.Sub.Wit.	1. On 08/01/05, the Court removed Peggy Gastelum as Executor and appointed the Public Administrator as successor administrator. Letters were issued to the Public Administrator on 08/25/05.	
✓ Verified	2. A Petition for surcharge was filed against Peggy Gastelum by Robert Hawkins, bankruptcy trustee of the Estate of John Kearney, Jr. and Maria Ida Kennedy, two beneficiaries of the estate. The Public Administrator joined in that action. An order in favor of the surcharge was filed on 09/24/07.	
Inventory	3. Jeffrey Wall, attorney for Robert Hawkins, attempted to collect on the surcharge but was unable to do so. The Public Administrator asserts that there are no resources in the estate for him to attempt to collect on the surcharge. The right to collect will be given to the beneficiaries of this estate.	
PTC	4. There is no summary of account because no assets ever came into the possession of the Public Administrator. Petitioner does not expect to receive any assets, and requests that this administration be closed.	
Not.Cred.	5. Petitioner and his attorney, County Counsel, waive all fees and commissions and requests to be discharged as administrator.	
✓ 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	<p><b>Petitioner prays for an order:</b></p> <ol style="list-style-type: none"> <li>1. Approving, allowing and settling the final report and approving/confirming all acts and proceedings of Petitioner;</li> <li>2. Finding that Peggy Gastelum, former administrator of this estate, is personally liable to the beneficiaries, Estate of John Perry Kearney, Jr., Maria Ida Kearney, JoAnne Amela Lares, and Robert Hawkins, Chapter 7 Trustee, for the amount of \$63,320.28;</li> <li>3. Closing the administration of this estate; and</li> <li>4. Discharging the Public Administrator as Administrator of the Estate of Lydia Robles Gannon.</li> </ol>	<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 01/22/14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 1 – Gannon</b></p>

Atty Knudson, David N., sole practitioner (for Cynthia Blackstock, Executor)

(1) First Account and Report of Executor, (2) Petition for Recovery of Funds Belonging to Estate and Status Report of Executor [Prob. C. 10900, 850]

DOD: 10/8/1997		<p><b>CYNTHIA BLACKSTOCK</b>, daughter and Executor, is Petitioner.</p> <p><b>Account period: 8/26/1998 – 9/30/2013</b></p> <p>Accounting - <b>\$190,000.00</b>                  Beginning POH - <b>\$190,000.00</b>                  Ending POH - <b>\$190,000.00</b>  <i>(real property)</i></p> <p>Executor - <b>not requested</b>                  Attorney - <b>not requested</b>                  Costs - <b>not requested</b></p> <p><b>Petitioner states:</b></p> <ul style="list-style-type: none"> <li>• With the exception of rejecting two creditor's claims, Petitioner has taken no action on the others (<i>Exhibit A lists the creditor's claims filed</i>); during the full court of administration of the estate, the estate has lacked sufficient funds to pay creditors claims;</li> <li>• Petitioner's counsel is in contact with the Franchise Tax Board concerning resolution of the claim filed 8/28/1998 for <b>\$348,196.00</b>;</li> <li>• The obligations of the estate include expenses of administration and costs which have not been paid, together with unpaid property taxes on the residence;</li> <li>• Under Decedent's Will, the residential real property passes to Petitioner;</li> <li>• The residence was listed as "<i>Partial Inventory No. 1</i>" [filed 1/14/2000] because it was believed there were other assets which would be subject to administration; however, none have been recovered;</li> </ul> <p><b>~Please see additional page~</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 12/9/2013.</b></p> <p>1. Petitioner states that the residence was listed as "<i>Partial Inventory No. 1</i>" [filed 1/14/2000] because it was believed there were other assets which would be subject to administration. <i>Ex Parte Order to Turn Over Funds Belonging to the Estate</i> filed 10/30/2013 indicates assets belonging to the estate held by Edward A. Kent of <b>~\$41,500.00</b> shall be turned over to the Petitioner as Executor. Need information regarding the status of the funds, and a supplemental or final <i>Inventory and Appraisal</i> to be filed with the Court showing the additional value to the estate.</p> <p>2. Need proposed order pursuant to Local Rule 7.1.1(F) providing that a proposed order shall be submitted with all pleadings that request relief.</p> <p><b>Note:</b> If Petition is granted, Court will set a status hearing as follows:</p> <ul style="list-style-type: none"> <li>• <b>Friday, August 29, 2014 at 9:00 a.m. in Dept. 303</b> for the filing of the second and/or final account. Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required.</li> </ul>
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	X		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

**Petitioner states, continued:**

- A number of related proceedings have occurred in the administration of this estate:
  - On 2/20/1998, Petitioner filed a petition to probate Decedent's Will dated 6/18/1996; Mickey Manuel, Sr., filed a Will contest, contending that there was a subsequent Will which incorporated the living trust, dated 9/12/1997;
  - Mickey Manuel, Sr., also filed a "Petition to Ascertain the Validity of Trust-Related Documents and Determine to whom the Trust Property Shall Pass..." And Petitioner demurred and moved to dismiss both the Will contest and trust petition;
  - On 8/18/1998, Mickey Manuel, Sr., was ordered to file a petition to probate the 9/12/1997 Will as a lost will, to properly serve his will contest, and to file an amended petition regarding the purported trust; nothing was filed, so an Order for Probate was entered 8/26/1998, admitted the 6/18/1996 will and appointing Petitioner as Executor with full IAEA authority without bond;
  - Mickey Manuel, Jr., also filed a Petition to Revoke Probate of the admitted Will; Petitioner's demurrer was sustained without leave to amend on 4/29/1999;
  - On 12/17/1998, the Court dismissed Mickey Manuel, Sr.'s Petition to Establish the Existence of the Trust;
  - In 2000, Mickey Manuel, Jr., filed a Complaint for Ejectment Claiming Possession of the Estate's Residence located on North Pleasant in Fresno; Petitioner filed a Petition to Confirm Title to the Residence as an Asset of the Estate; the two actions were consolidated; Mickey Manuel, Sr., (A. D. Manuel), also asserted his claim to the property as trustee of the purported 1997 trust; on 5/25/2000, Mickey Manuel, Sr. was ordered to file his claim in writing within 30 days; he failed to do so;
  - In 2006, it was discovered that Mickey Manuel, Jr. had forged his mother's signature and obtained a loan secured by Deed of Trust against the North Pleasant residence; on 11/14/2006, Judge Quashnick entered a preliminary injunction prohibiting the trustee under the Deed of Trust from foreclosing on the property;
  - Subsequently, the matter was settled and a Notice of Settlement was filed 6/21/2007;
  - In 2012, Mickey Manuel, Sr., filed once again a petition seeking confirmation of the purported trust, in companion case 12CEPR00408; after various hearings, that petition was dismissed without prejudice;
  - Mickey Manuel, Sr., also filed an unlawful detainer action and obtained a writ of possession for the North Pleasant residence; on 10/29/2012, the court entered an order restraining the writ of possession;
  - Following a hearing on 12/5/2012, the court entered an Order Confirming Title to Real Property as an Asset of the Estate, in which it determined that the Pleasant Avenue residence was an asset of the estate, and Mickey Manuel, Sr., had no interest in it;
  - Subsequently, an order was entered in the unlawful detainer proceeding dismissing it and consolidating the unlawful detainer proceeding with this case.

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

## Second Additional Page 2A, Wilma Ruth Manuel (Estate) Case No. 0609019

### Petitioner states, continued:

- Among the assets of the estate are funds held by **EDWARD A. KENT**, who represented the Decedent in bankruptcy proceedings; a copy of Mr. Kent's recent letter acknowledging he holds the funds is attached as *Exhibit B*; the funds are necessary in the administration of the estate and constitute assets of the estate; it is necessary that the estate receive the funds in order to use them for payment of expenses of administration;
- Information provided to the estate in 1999 indicated the funds had a value of **~\$41,500.00** at that time; at one time, Mickey Manuel, Jr., asserted he had the right to those funds; however, through various proceedings Mickey Manuel, Jr., has abandoned that claim, and his whereabouts are unknown;
- The status of the residence is dire; Petitioner has been working on obtaining a loan against the residence to cover administrative expenses, and then seek distribution of the residence subject to the loan, as the residence is a specific devise under the Will; no other assets have come to Petitioner's knowledge or into her possession which would be distributable under Decedent's Will.

### **Petitioner prays for an Order:**

1. Accepting, allowing and approving the First Account as filed;
2. Ratifying, confirming and approving all allegations of the petition;
3. Directing Edward A. Kent to remit any and all proceeds being held on behalf of Wilma Ruth Manuel, and of the estate of Wilma Ruth Manuel, to Petitioner as Executor under the Will of Wilma Ruth Manuel; and
4. Authorizing the administration of the estate to continue for a period of 6 months to enable resolution of issues regarding the residence and the Franchise Tax Board creditor's claim.

**Note:** *Exhibit A* of the *Petition* does not include in the list of filed creditor's claims in this estate the *Creditor's Claim* filed 12/5/2012 by Mickey Manuel, Sr., for **\$8,513.86** representing property taxes he states he has paid for the real property, which claim was rejected by the *Rejection of Creditor's Claim* filed by Petitioner on 8/5/2013, and which rejection was explained to Mickey Manuel, Sr. in a letter dated 10/18/2013 from Attorney Knudson (copy of letter attached to *Declaration of Mickey Manuel, Sr. Re Status Hearing and Rejection of Claim* filed 10/29/2013.)

Atty Knudson, David N., sole practitioner (for Cynthia Blackstock, Executor)  
 Atty Lampe, Michael J., sole practitioner of Visalia (for J.W. Stone and Mildred Stone; and The Money Man Corp.)  
 Pro Per Manuel, Sr., Mickey (Pro Per Claimant)

Status Hearing Re: Settlement

<b>DOD: 10/8/1997</b>	<p><b>CYNTHIA BLACKSTOCK</b>, daughter, was appointed Executor on <b>8/26/1998</b> without bond, following objections by and litigation with <b>MICKEY MANUEL, SR.</b>, surviving spouse, who had filed a Will Contest on 6/3/1998, objecting to the validity of Decedent's estate planning documents.</p> <p><b>Minute Order dated 4/26/2013</b> from the last hearing in this matter states parties request a continuance. Matter continued to 6/28/2013. Counsel advises the Court that he should have some information on the unlawful detainer by the next hearing. Counsel is directed to submit a status report. The Court orders that the restraining order remain in full force and effect.</p> <p><b>Court set a Status Hearing Re Settlement on 6/28/2013.</b> Court continued the Status Hearing to 8/23/2013.</p> <p><b>Status Report of Executor filed 6/26/2013 states:</b></p> <ul style="list-style-type: none"> <li>• <b>WILMA RUTH MANUEL</b> died 10/8/1997 and her Will left her Fresno residence to two daughters, <b>CYNTHIA BLACKSTOCK</b> and <b>ANGELA MANUEL</b>, and her residence in Kent, Washington to 3 grandchildren, <b>ALYSHA WATTS</b>, <b>TSION MULUGETA</b> and <b>LEONARD WILLIAMS</b>;</li> <li>• Wilma was not married at the time of her death; she had previously been married to A. D. MANUEL, commonly known as "Mickey Manuel," or "Mickey Manuel, Sr.";</li> <li>• Wilma was survived by a son, <b>MICKEY MANUEL</b>, also known as "<b>MICKEY MANUEL</b>" or "<b>MICKEY MANUEL, JR.</b>;" "<b>MICKEY JUNIOR MANUEL</b>" and/or <b>MICKEY J. R. MANUEL</b>;" Mickey Manuel, Jr., sometimes also poses as Mickey Manuel, Sr.;</li> <li>• Cynthia (Executor) believes the petition filed in this proceeding was actually filed by Mickey Manuel, Jr., even though it is signed "Mickey Manuel, Sr.;" <b>MICKEY MANUEL, SR.</b> aka <b>A. D. MANUEL</b> is not a beneficiary under Wilma's Will; Mickey Manuel, Jr. is disinherited with a gift of <b>\$1.00</b> under Wilma's Will; <i>Status Report pgs. 2-3 detail long history of proceedings in this matter</i>);</li> </ul> <p style="text-align: center;">~Please see additional page~</p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>	
			<b>Continued from 12/9/2013.</b>
Cont. from 062813, 082313, 103013, 120913			
Aff.Sub.Wit.			
Verified			
Inventory			
Status Rep.			
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			
		<b>Reviewed by: LEG</b>	
		<b>Reviewed on: 1/23/14</b>	
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 2B – Manuel</b>	

**Status Report of Executor filed 6/26/2013, continued:**

- In 2006, it was discovered that **MICKEY MANUEL, JR.**, had forged Wilma's signature against the North Pleasant property, the only asset of the estate, and obtained a loan secured by Deed of Trust against the North Pleasant residence; a petition was filed to obtain a restraining order to prevent the foreclosure, and on 11/14/2006, Judge Quashnick entered a preliminary injunction prohibiting the trustee to the Deed of Trust from foreclosing on the property; subsequently, the matter was settled and a *Notice of Settlement* was filed on 6/21/2007.
- **Recent Actions:**
  - In 2012, Mickey Manuel, Sr., filed once again a petition seeking confirmation of the purported trust, in companion Case #12CEPR00408; after various hearings, that petition was dismissed without prejudice; Mickey Manuel also filed an unlawful detainer action and obtained a writ of possession for the North Pleasant residence;
  - On 10/29/2012, the Court entered an order restraining the writ of possession;
  - Following a hearing on 12/5/2012, the Court entered an *Order Confirming Title to Real Property as an Asset of the Estate*, in which it determined that the Pleasant Avenue residence was an asset of the estate, and Mickey Manuel, Sr., had no interest in it;
- **Status of the Estate:** The Court has previously directed counsel to respond to issues regarding:
  1. Funds held by Edward A. Kent, former attorney for Wilma Manuel. In response to a letter directed to Edward A. Kent, the undersigned (Attorney Knudson) received a response, acknowledging the funds were still being held (*copy attached as Exhibit A*); by Court order entered 3/29/1999, Mr. Kent was to hold the funds amidst competing claims that were (then) being asserted by Mickey Manuel, Jr., Mickey Manuel, Sr., and the estate, pending issuance of an order by a court of competent jurisdiction to turn over those funds; the estate will be filing an ex parte petition to have those funds turned over to the estate; information provided to the estate at the time of filing the petitions in 1999 indicated that the funds had a value of **~\$41,500.00**.
  2. Settlement of the litigation concerning J. W. Stone and Mildred Stone, the deed of trust forged by Mickey Manuel, Jr. The deed of trust which was determined to be a forgery had been issued to J.W. Stone and Mildred Stone, Trustees of the J. W. Stone Koegh Profit Sharing Plan #001; the Stone defendants were represented in the suit by Michael J. Lampe; the undersigned is informed and believes that counsel was retained on behalf of the Stone defendants by First American Title Insurance Company, which had issued title insurance on the transaction; subsequently, the Stone defendants assigned their interest in the deed of trust to First American Title Insurance Company; in response to the undersigned's request, a letter was received from Michael P. Smith [*of the Law Offices of Michael J. Lampe of Visalia, representing J. W. Stone and Mildred Stone*] (*copy attached as Exhibit B*); in a conversation with Mr. Smith, he indicated that the present beneficiary, First American Title Insurance Company, recognized the invalidity of the deed of trust, and would take no action on it; it is anticipated that First American will release any beneficiary interest under said deed of trust.
  3. The status of the real property. The North Pleasant residence is the only asset of the estate recovered to date; it passes to Cynthia Blackstock under the Will, since Angela Manuel is deceased; Partial Inventory and Appraisal No. 1 filed 1/14/2000 showed a value of **\$190,000.00** for the residence; an accounting would show the residence still on hand; there have been no estate transactions, since the estate has never had any liquid assets; the expenses of the residence have been paid by Cynthia Blackstock.
  4. Unlawful Detainer Proceedings. A motion to dismiss the unlawful detainer action is set for **8/12/2013**.  
**~Please see additional page~**

**NEEDS/PROBLEMS/COMMENTS, continued:**

**Notes for background:**

***Declaration of Mickey Manuel, Sr., RE Status Hearing and Rejection of Claim filed 10/29/2013 states:***

- His creditor's claim for **\$8,513.86** for property taxes he paid on the house that is part of this estate was rejected according to the docket history on 8/5/2013;
- He recently received a letter dated 10/18/2013 from Attorney David N. Knudson, who represents Personal Representative Cynthia Blackstock (*copy of letter attached as Exhibit A*);
- In the letter, Attorney Knudson states that he is writing the letter at the Court's request to explain why his creditor's claim was rejected; without any citation to statute or case law, Attorney Knudson said:  
"In Probate cases, creditor's claims are filed only for debts and claims that exist prior to the person's death. Thus filing a creditor's claim for the monies you advanced towards property taxes was inappropriate; it was not permitted by law and had to be rejected. It appears, however, that the taxes should have been paid by the estate; unfortunately, the estate has no funds. We are trying to obtain a loan to pay administrative expenses and close the estate. There are no assets that we have been able to locate except for the house here in Fresno. Mickey Jr. fraudulently claimed the house in Washington, trashed it, borrowed against it and it was foreclosed."
- He disagrees with Attorney Knudson's statement regarding his claim being "inappropriate" and "not permitted by law and had to be rejected." In fact, based on the citation below, it appears that Attorney Knudson is making a false statement. In California Civil Practice [...] Volume 13, Chapter 13 § 13.2, it states as follows:  
"...The definition of 'claim' in Probate Code § 9000(a) is based on the definition of claim contained in Uniform Probate Code § 1-201(4), which states that a claim includes liabilities of the estate that arise at or after the death of the decedent. Consequently, regardless of the literal language of Probate Code § 9000, a reasonable interpretation of 'claim' includes liabilities arising after, as well as before, a Decedent's death [Kizer v. Hanna (1989) *reporter cites omitted*]."
- It is his belief that the property taxes he paid were a legitimate claim; it is his intention to file a Complaint of Rejected Claim on or before 11/4/2013;
- Further, Attorney Knudson's letter confirms his beliefs and statements when he also stated in his letter: "....There are no assets that we have been able to locate except for the house here in Fresno. Mickey Jr. fraudulently claimed the house in Washington, trashed it, borrowed against it and it was foreclosed."
- In Case #12CEPR00408, he petitioned the Court to recognize Wilma Ruth Manuel's Trust, which preceded the Will that appointed Cynthia Blackstock, and where he was the Successor Trustee and a beneficiary of the estate; Cynthia Blackstock alleged that he, instead of Mickey Jr., was the one that committed fraud; in that case, he was basically dismissed based on those allegations and now we see through Attorney Knudson that Cynthia Blackstock knew all along that he was not the perpetrator of the fraud; [Note: Minute Order dated 6/18/2012 from Case #12CEPR00408 states the *Petition for Order Accepting Appointment of Respondent as Successor Trustee for the Wilma Manuel Family Trust* is denied and dismissed without prejudice.]
- So, as the never divorced husband of Decedent Wilma Ruth Manuel, and as the Successor Trustee and beneficiary of her Trust, he has an interest in the house in Fresno as well as the right to be reimbursed for the **\$8,513.86** in property taxes he paid;

**~Please see additional page~**

**Notes for background, continued:**

***Declaration of Mickey Manuel, Sr., RE Status Hearing and Rejection of Claim filed 10/29/2013, continued:***

- In addition, he feels it to be grossly unfair for Attorney Knudson to obtain a loan on the house, for administrative expenses which are primarily his attorney fees;
- A loan, if one is obtained, will not be able to be paid back and the house will end up in foreclosure; this will cause a loss of equity which is also unfair to the beneficiaries of the estate;
- In the minute order for the last status conference hearing, the Court ordered him to provide Attorney Knudson information about estate assets; he mentioned that there had been life insurance on Wilma Ruth Manuel; in the letter from Attorney Knudson, he asked him for information concerning the company, where it was obtained, etc.; he has no further information or detail concerning life insurance other than he know that she had some at one time.

***Petition to Confirm Title to Real Property in the Estate filed by Cynthia Blackstock, Executor, on 10/30/2012*** was heard on 12/5/2012; the Petition was granted, and the *Order Confirming Title to Real Property in the Estate* signed 12/11/2012 finds in pertinent part: The residence located on North Pleasant is an asset of the Estate of Wilma Ruth Manuel, and Mickey Manuel, Sr., has no interest therein; temporary restraining order entered by this Court on 10/29/2012 is extended to 2/4/2013 or until an adverse ruling is obtained in Case #12CECL05667 [unlawful detainer]; Mickey Manuel, Sr., the Fresno County Sheriff, and their agents, [etc.], are restrained and enjoined from executing that *Writ of Possession* entered 10/5/2012 in Case #12CECL05667 [Civil case consolidated with Probate case on 8/16/2013.]

***Status Report of Executor filed by Attorney Knudson for Cynthia Blackstock on 6/11/2012 states:***

- Wilma Ruth Manuel's Will left her Fresno residence to two daughters, **CYNTHIA BLACKSTOCK** and **ANGELA MANUEL**, and a residence in Kent, Washington, to three grandchildren, **ALYSHA WATTS**, **TSION MULUGETA**, and **LEONARD WILLIAMS**;
- Wilma was not married at the time of her death on 10/8/1997; she had previously been married to **A. D. MANUEL**, commonly known as, "**MICKEY MANUEL**" or "**MICKEY MANUEL, SR.;**"
- Wilma was survived by a son, **MICKEY MANUEL**, also known as "**MICKEY MANUEL**" or "**MICKEY MANUEL, JR.;**" "**MICKEY JUNIOR MANUEL**" and/or **MICKEY J. R. MANUEL;**" Mickey Manuel, Jr., sometimes also poses as Mickey Manuel, Sr.;
- Cynthia (Executor) believes the petition filed in this proceeding was actually filed by Mickey Manuel, Jr., even though it is signed "Mickey Manuel, Sr.;" **MICKEY MANUEL, SR.** aka **A. D. MANUEL** is not a beneficiary under Wilma's Will; Mickey Manuel, Jr. is disinherited with a gift of **\$1.00** under Wilma's Will; *Status Report pgs. 2-3 detail history of proceedings*);
- In 2006, it was discovered that **MICKEY MANUEL, JR.**, had forged Wilma's signature against the North Pleasant property, the only asset of the estate, and obtained a loan secured by Deed of Trust against the North Pleasant residence; a petition was filed to obtain a restraining order to prevent the foreclosure, and on 11/14/2006, Judge Quashnick entered a preliminary injunction prohibiting the trustee to the Deed of Trust from foreclosing on the property; subsequently, the matter was settled and a *Notice of Settlement* was filed on 6/21/2007;

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**Notes for Background, continued:**

**Status Report of Executor filed 6/11/2012, continued:**

- **Present status of the estate:** Nothing further occurred in the estate proceedings until **MICKEY MANUEL, SR.**, filed an *Application for Waiver of Court Fees* in February 2009 and in September 2009, both of which were denied; on **3/27/2012**, he filed a further *Application for Waiver of Court Fees*, which was granted, and thereupon he filed his *Petition to Secure Appointment as "Successor Trustee"* for the **WILMA MANUEL FAMILY TRUST**; Cynthia Blackstock has not been given notice of the hearing on that petition;
- The North Pleasant residence is the only asset of the estate; it passes to Cynthia Blackstock under the Will since Angela Manuel is deceased; Wilma also owned a residence in Kent, Washington, of which **Mickey Manuel, Jr.**, obtained possession and fraudulently sold, taking the proceeds;
- There are no funds available to pay expenses of administration; Wilma's former attorney **EDWARD A. KENT, JR.**, had possession of some of her funds, but Mr. Kent resigned from the State Bar in 2003 with disciplinary charges pending; the plan for administration is to try to obtain a loan on the North Pleasant residence so administrative expenses can be paid.

**Creditor's Claim filed 12/5/2012 by MICKEY MANUEL, SR., aka A.D. MANUEL**, is dated 11/15/2012 and states **\$8,513.86** is owed to him based on the following:

- Attached to the claim are receipts for payments made on property with parcel #406-172-01-S; *[Note: documents attached consist of copy of 2011-2012 Fresno County Secured Property Tax Bill; copy of Abstract of Delinquent Secured Taxes or Certificate of Redemption; copy of County of Fresno Tax Collection Division letter regarding payment of delinquent taxes under an installment plan of redemption for APN 406-172-01, indicating \$90.00 installment plan fees and first payment of 20% or more of the unpaid redemption amount and any current taxes must be paid by June 30, signed by Mickey Manuel and dated 5/4/2012];*
- Cynthia Blackstock owes this money; she was residing and still resides in the residence and chose not to pay property taxes for years;
- The Trust was about to lose the house but he stepped up and saved it;
- Once it is settled that the home is back in the Trust, and now that the home is already back in his name in the Trust, he will take care of the taxes from now on;
- This creditor's claim is in no way a settlement of what Cynthia owes the Trust; he is still pursuing the assets from Wilma's life insurance policy, which he was the beneficiary of, and all assets that have not been accounted for;
- Wilma and he were never divorced; enclosed you will find a copy of the marriage license *[Note: copy of marriage license is not attached to claim.]*
- Explanation of money owed totaling **\$8,513.86**:
  - **\$4,839.86** -- 20% of taxes owed had to be paid
  - **\$3,184.00** – current year taxes for 2011
  - **\$400.00** – one month that he paid
  - **\$90.00** – start-up fee.

**Petition to Determine Administration Expenses Allocable to Encumbered Property Prior to Satisfaction of Lien, and for Deposit of Purchase Money with Court in Satisfaction of Lien and Expenses [Prob. C. 10361.5, 10362]**

<b>DOD: 11-23-06</b>	<b>TRO restraining Trustee's Sale and further Proceedings Regarding Premises at 4086 W. San Jose, Fresno, CA extended to 12-2-13.</b>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Minute Order 1-17-13:</b>  <b>The Court directs Mr. Knudson to submit a declaration specifically outlining what is happening in the other jurisdictions that would preclude further inventory and appraisals.</b>  Matter continued to 3/21/13. Mr. Knudson is directed to provide Mr. Lucich notice of the next hearing. The temporary restraining order restraining the trustee's sale is extended to 3/21/13. Continued to 3/21/13.</p> <p><b>Minute Order 3-21-13:</b> Ms. Hubbell is appearing specially for Thomas Agawa. Joint request for continuance. Matter continued to 4-25-13. TRO remains in full force and effect and is extended to 4-25-13.</p> <p><b>Minute Order 6-20-13:</b> Mr. Knudson is also appearing specially for Edward Treder. Mr. Knudson advises the Court that they are still working on settling this matter. Mr. Knudson requests a continuance. Matter continued to 7/18/13. The TRO is extended to 7/18/13. Continued to 7-18-13</p> <p><b>Note: Points and Authorities in Support of Petition were filed 3-19-13 by Attorney Knudson. See file.</b></p> <hr/> <p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 1-22-14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b>  <b>File 3A - Petrogonas</b></p>
<b>Cont. from 011713, 032113, 042513, 050913, 062013, 071813, 101713, 120213</b>	<p><b>Petitioner states</b> one of the assets of the estate is real property located at 4086 W. San Jose in Fresno, originally appraised at \$275,000.00 at Decedent's date of death. Due to the decline in the real estate market, and based on Internet valuation website, Petitioner believes the house is valued at this time at approx. \$133,000.00.</p> <p>Decedent's spouse Maria Raquel Petrogonas ("Raquel") has continued to reside in the residence and on 8-24-10 was granted a probate homestead.</p> <p>At the date of death, the house was encumbered in the initial amount of \$91,751.00, with the mortgage payable at a rate of \$848.26/month. During the initial period of estate administration, the Administrator made payments from estate funds, and later, Raquel made payments to the Administrator for the mortgage. Raquel's sole source of income is Social Security Disability payments of only \$850/month.</p> <p>The property subsequently went into default. Anticipating funds from the sale of properties in Argentina and/or Greece, Petitioner advanced \$7,650 to cure the default on the loan. When the estate was unable to pay property taxes and/or insurance, the bank subsequently raised the monthly payment to more than \$1,600.00. Petitioner tried on numerous occasions to negotiate a loan modification with Bank of America, who steadfastly refused to consider it.</p> <p>The current arrearages are \$19,327.00 and the present balance due is \$47,565.64 (Exhibit C). A Trustee's (foreclosure) sale was set for 11-29-12.</p> <p>Petitioner states the estate has incurred substantial administrative expenses with respect to the administration of this property and brings this petition pursuant to Probate Code §10361.5 to determine the amount of expenses of administration reasonably associated with the administration of the encumbered property, and to determine the expenses of the sale payable from the sales proceeds.</p> <p>In the event the property is sold, whether at Trustee's sale or otherwise, the estate lacks assets to pay administration expenses and seeks an order determining same.</p>	
<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
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<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<input checked="" type="checkbox"/> <b>Response</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		

**SEE PAGE 2**

**Petitioner states the expenses of administration reasonably related to the administration of the encumbered property are \$46,167.18, computed at Exhibit E, which includes:**

- Estimated statutory fees allocable to the property, based on the estimated current value;
- Extraordinary fees payable to Petitioner and his attorney for the sale of the property at a minimal rate pursuant to Local Rule 7.18;
- Filing fees;
- Additional attorney's fees incurred in bringing this petition, together with costs advanced; and
- Expenses paid for the care preservation and maintenance of said property during the course of administration, including mortgage payments, homeowner's insurance and property taxes.

No additional expenses of sale are requested at this time. If the property is ultimately sold pursuant to the power of sale under the deed of trust, said expenses will be borne by the Bank. However, if Petitioner is successful in negotiating a short sale or otherwise reaching accommodation with the lender, this petition will be amended accordingly.

Petitioner will incur additional charges in serving notice of hearing on this petition and may incur additional attorney's fees for appearing at the hearing(s) on this petition. Said additional fees will be presented in a supplement to this petition prior to the hearing date.

Petitioner requests the Court order that following the hearing and approval of this petition, any proceeds of sale be paid to the clerk of the court to be disbursed as provided in Probate Code §10362 as follows:

- First in payment of costs of administration attributable to this property;
- Second towards payment of the lien held by Bank of America, and thereafter
- To lenders with secured interests in the property, including Paul A. Dictos (\$7,650.00) and Atkinson, Andelson, Loya, Ruud and Romo (\$106,767.00)

**Petitioner requests:**

1. That the Court determine the amount of expenses of administration reasonably related to the administration of the encumbered property;
2. That the Court determine the expenses of sale of said property, if any there be;
3. That the Court order the proceeds from the sale to be paid to the Clerk of the Court to be disbursed as provided in Probate Code §10362
4. For an order that upon such payment the lien on the property be discharged; and
5. For such further orders that the Court may deem proper.

**Bank of America, N.A., Respondent/Secured Party filed:**

- **Memorandum of Points & Authorities in Response to Petition to Determine Administrative Expenses Pursuant to Cal. Prob. Code §§ 10361.5, 10362**  
Respondent requests the Court deny any order compelling Respondent to accept less than the entire amount due under its security interest and/or deny any order requiring a Reconveyance of its lien, and further deny Petitioner any fees and costs claimed to be related to the sale and administration of the property, particularly any fees and costs derived from proceeds from the sale of Respondent's secured property. See pleading for details.
- **Request for Judicial Notice in Support of its Response to Petition to Determine Administrative Expenses Pursuant to Cal. Evid. Code §§ 452(c), (g), 453 & Appendix of Exhibits**  
12 exhibits provided. See pleading for details.

**Status Hearing Re: Stipulation**

<b>DOD: 11-23-06</b>	<p><b>PAUL A. DICTOS</b>, Administrator with Limited IAEA and bond of \$100,000.00, filed Petition to Determine Administration Expenses Allocable to Encumbered Property Prior to Satisfaction of Lien, and for Deposit of Purchase Money with Court in Satisfaction of Lien and Expenses, which petition was originally heard on 1-17-13, and continued numerous times, finally to 1-27-14. See Page 3A.</p> <p>The Court also granted a Temporary Restraining Order pending these proceedings, which has been extended to 1-27-14.</p> <p><b>BANK OF AMERICA, N.A.</b>, Respondent / Secured Party, filed a response on 1-14-13.</p> <p>Pursuant to Minute Order 7-18-13, both counsel concur that the petition was premature and continuance was needed to list the property.</p> <p>On 12-2-13, the Court confirmed the sale of the real property for \$165,000.00. On that date, Mr. Knudsen advised the Court that he anticipates a stipulation with regard to the above-referenced petition. The Court continued the petition to 1-27-14 (Page 3A, which is the 9<sup>th</sup> hearing on the petition), and also set this status hearing re stipulation.</p> <p>As of 1-22-14, nothing further has been filed.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>1. Need written status report per local rules.</b></p>
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202 Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
	<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 1-22-14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 3B – Petrogonas</b></p>	

		<b>WELLS FARGO BANK, NA</b> , Former Conservator of the Estate, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		Account period: 9-1-12 through 10-11-13	<b>Note:</b> Bruce Bickel was appointed as Successor Conservator of the Estate on 8-8-13 with bond of \$280,000.00. Bond was filed and Letters issued on 8-16-13.	
		Accounting: \$ 999,874.87	<b>Note:</b> ROBERT N. LOWDER, II, and MARCIA D. LOWDER were appointed Successor Co-Conservators of the Person on 10-13-10.	
		Beginning POH: \$ 779,355.41	<b>Note:</b> Gary Bagdasarian, attorney for Successor Conservator of the Estate Bruce Bickel, filed a "Notice of No Objection" to this petition.	
		Ending POH: \$ 51,181.48 (cash)	<u>SEE ADDITIONAL PAGES</u>	
<input type="checkbox"/>	Aff.Sub.Wit.	<p><b>Former Conservator:</b> Petitioner represents that the usual charges and reasonable value of its services during the period of this account are <b>\$15,235.86 (based upon 1.5% of the value of the assets)</b>. Pursuant to Court order, Petitioner has received \$600/month totaling \$7,800.00 (through 9-20-13), and has also received a \$1,000.00 termination fee that is preset for Petitioner's final accounts and deducted on termination and transfer of accounts, leaving a <b>balance of \$7,035.86 as now unpaid and due. See Exhibit II.</b></p> <p><b>Attorney:</b> \$5,506.20 (See Exhibit III, attorney rate is \$285/hr)</p> <p><b>Costs:</b> \$870.00 (filing) (See Examiner Note)</p> <p>Petitioner states it is a trust company and financial institution. Some of the conservatee's investments and assets are held in common or pooled trust funds by Petitioner. Petitioner states it does not have separate account statements or supporting financial account statements other than its accountings to submit in support of the accounting or in accordance with Probate Code §2620(c).</p> <p><b>Petitioner prays for an order:</b></p> <ol style="list-style-type: none"> <li>1. Approving, allowing and settling the account and report as filed;</li> <li>2. Confirming, approving and ratifying all acts and transactions of Petitioner as conservator reflected in the petition and account;</li> <li>3. Authorizing payment of the conservator and attorney fees, costs, and commissions;</li> <li>4. Authorizing Petitioner to deduct the fees and costs approved from the remaining reserve and funds held by Petitioner and then pay the balance to the successor conservator; and</li> <li>5. For such other relief and further orders as the Court considers proper.</li> </ol>		
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
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<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	2620(c)		X	
<input type="checkbox"/>	Order	X		
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 1-22-14	
			Updates:	
			Recommendation:	
			File 4 – McDaniels	

**NEEDS/PROBLEMS/COMMENTS:**

1. Petitioner states account statements are not available pursuant to Probate Code §2620(c). Examiner is not aware of authority exempting a financial institution from providing account statements. The Court may require clarification and authority for not providing statements and for funds to be held in such pooled accounts with reference to applicable law re conservatorship estate management. Was there a prior order allowing this?
2. Schedule K "Distributions to Conservatee" indicates distribution of the non-cash assets on 10-7-13 to the conservatee. Need clarification: Were these assets distributed to Mr. McDaniels, or to Mr. Bickel as successor conservator of the estate? Need receipt from the distributee for those assets (including house, annuity, motorhome, personal property, various shares of securities).
3. The monthly PG&E payments appear unusually high for a newer single family residence. The Court may require clarification.
4. Does the Conservatee have a credit card? Disbursements Schedule includes various monthly payments to "Wells Fargo Card Services." Need clarification with reference to the history of this conservatorship estate, including the conservatee's prior excessive use of credit without supervision prompting removal of the original conservator. Also note that it appears that disbursements exceeded receipts by approx. \$27,000.
5. Need clarification regarding the fees: \$15,235.86 minus \$8,800 leaves a balance due of \$6,435.86 due. Petitioner requests \$7,035.86 (discrepancy \$600).

Examiner notes that this account period goes through 10-31-13, even though Petitioner's resignation was accepted and effective as of the appointment of Mr. Bickel on 8-8-13. According to the Disbursements Schedule, Petitioner received its monthly fee of \$600 on 9-20-13 and paid itself the additional "termination fee" of \$1,000.00 on 10-8-13. Need clarification regarding the additional \$600 included in the fee request.

6. The Court may also require clarification regarding the payment of the \$1,000.00 termination fee received prior to Court authorization. See Cal. Rules of Court 7.755.
7. Attorney costs appear to include \$435 for this account and \$435 for the filing of the last account in December 2012.  
However, it appears that filing fee was already reimbursed pursuant to that petition and order thereon filed 4-3-13. Therefore, reimbursement for costs should total \$435.00 for the filing of this account only.
8. Need order. Order must specify the dollar amount to be distributed to the successor conservator per local rule.

**Note:** A "Supplemental Account" indicating a summary of a subsequent account period, without further information or documentation. The Court may require the summary to be filed as a subsequent account pursuant to applicable format requirements for accounts (Probate Code §1060, mandatory forms, etc.

**(1) Petition for Settlement of First Amended First Account and (2) Second and Final Account, (3) for Final Distribution and (4) for Allowance of Compensation for Ordinary and Extraordinary Services**

<b>DOD: 03/11/10</b>	<b>OWEN OVERTON</b> , Administrator, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	First Amended Account period: <b>06/03/10 – 03/31/13</b>	
<b>Cont. from</b>	Accounting - <b>\$665,255.84</b>	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Beginning POH - <b>\$521,763.15</b>	
<input checked="" type="checkbox"/> <b>Verified</b>	Ending POH - <b>\$551,137.35</b>	
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>	Second and Final Account Period:	
<input type="checkbox"/> <b>Not.Cred.</b>	<b>04/01/13 – 12/06/13</b>	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Accounting - <b>\$588,912.90</b>	
<input checked="" type="checkbox"/> <b>Aff.Mail</b> w/	Beginning POH - <b>\$551,137.35</b>	
<input type="checkbox"/> <b>Aff.Pub.</b>	Ending POH - <b>\$319,829.32</b>	
<input type="checkbox"/> <b>Sp.Ntc.</b>	(\$292,784.95 is cash)	
<input type="checkbox"/> <b>Pers.Serv.</b>	Administrator - <b>\$14,920.82</b>	
<input type="checkbox"/> <b>Conf. Screen</b>	(statutory)	
<input type="checkbox"/> <b>Letters</b> 05/25/10	Administrator x/o - <b>\$17,716.00</b> (for services provided in managing the apartment building asset of the estate, arranging reconstruction after a fire in the apartment building, dealing with insurance claims, sale of the property and defending litigation filed by Ana Overton)	
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input checked="" type="checkbox"/> <b>9202</b>	Attorney - <b>\$14,920.82</b>	
<input checked="" type="checkbox"/> <b>Order</b>	(statutory)	
<input type="checkbox"/> <b>Aff. Posting</b>	Attorney x/o - <b>\$17,400.00</b>	
<input type="checkbox"/> <b>Status Rpt</b>	(itemized by date for work done regarding the sale of real property, providing legal services in defending actions filed by Ana Overton against the estate; 58 hours @ \$300/hr.)	
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>	Closing - <b>\$10,000.00</b>	
<input checked="" type="checkbox"/> <b>FTB Notice</b>		

**Continued on Page 2**

**Distribution, pursuant to settlement agreement and intestate succession, is to:**

Ana Overton - \$91,405.42 cash, plus debt (to the estate) forgiveness in the amount of \$13,522.18

Owen R. Overton - \$34,595.01

David W. Overton as Personal Representative of the Estate of Terry L. Overton - \$30,608.96

David W. Overton - \$30,608.96

Thomas G. Overton, II, as assignee of Thomas G. Overton - \$30,608.96

Atty Baker-Grumprecht-Davies, Kathleen (for Melissa Russell – paternal grandmother)

Atty Bradbury, Peggy (pro per – maternal grandmother/Petitioner)

## Petition for Visitation

Rebecca, 11	<b>PEGGY BRADBURY</b> , maternal grandmother, is Petitioner.		<b>NEEDS/PROBLEMS/COMMENTS:</b> <b>CONTINUED FROM 11/18/13 Minute Order from 11/18/13 states: Dr. Barns and Dr. Emon Abdolosalehei are ordered to provide the Court information regarding what is in the best interest of the child with respect to visitation. Dr. Barns and Dr. Emon Abdolosalehei are ordered to be personally present on 01/27/14. Counsel is directed to prepare an order for the Court's signature.</b>  1. Proof of service on the Notice of Hearing filed 09/04/13 indicates that the Notice of Hearing was mailed to the guardian's attorney and not to the guardian. Further, the proof of service does not indicate that a copy of the Petition for Visitation was served along with the Notice of Hearing. Service to an attorney is insufficient pursuant to California Rule of Court 7.51 and Probate Code § 1214. Need proof of service by mail at least 15 days before the hearing to Guardian, Melissa Russell.
Eva, 8	<b>MELISSA RUSSELL</b> , paternal grandmother, was appointed Guardian of the Person and Estate on 08/09/10. Letters of Guardianship were issued on 08/26/10.		
	Parents are both deceased.		
Cont. from 100113, 111813	<b>Petitioner states</b> that her daughter, the children's mother, died in October 2009. After her death, the father allowed the guardian to have frequent visits. Petitioner states that she had a good relationship with the father until his death in May 2010. After the father's death, the paternal grandmother, Melissa Russell, was appointed guardianship. Initially, Petitioners relationship with the guardian was good and Petitioner visited with the children frequently and the children spent all holidays with Petitioner. In August 2011, the guardian abruptly stopped all visitation and cut off all communication with petitioner. The guardian continues to refuse Petitioner visitation.		
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail	w/o		
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input type="checkbox"/> Letters			
<input type="checkbox"/> Duties/Supp	<b>Petitioner requests visitation with the children as follows:</b>		
<input type="checkbox"/> Objections	<ol style="list-style-type: none"> <li>1. During the summer months.</li> <li>2. One week of Easter vacation.</li> <li>3. One week of Thanksgiving vacation.</li> <li>4. Two weeks of Christmas vacation.</li> <li>5. Anytime Petitioner is in Fresno as reasonably agreed between Petitioner and Guardian.</li> </ol>		
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input type="checkbox"/> Order	x		
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt	For visitation in Sacramento, Petitioner requests that she meet the guardian in Turlock to exchange the children.		
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice	For visitation in Fresno, Petitioner requests she be allowed to pick up and drop off the children from the guardian's home. While visiting in Fresno, the children will stay with Petitioner at her cousin's home in Fresno. Continued on Page 2		
			<b>Reviewed by:</b> JF
			<b>Reviewed on:</b> 01/22/14
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 6 – Pitkin</b>

**Guardian's Responsive Declaration in Opposition of Petition for Visitation filed 09/25/13 states:**

Petitioner's petition for visitation is misleading. Petitioner did have some visitation with the girls approximately every 6 weeks or so while their father was still alive. The visitation did continue for a short time after Justin's death. However, she did not have extensive visits with the girls as she alleges in her Petition. Further, the guardian's relationship with Petitioner was strained at best and the guardian ultimately determined that it would be detrimental to the girls to have any unsupervised visits with Petitioner, due to Petitioner's behavior. On 08/24/11, guardian's attorney sent a letter to Petitioner notifying her that any future visits would need to be supervised and at the discretion of a therapist. Guardian came to the decision to not allow Petitioner unsupervised visits after she insisted that she discuss paternity and other issues with them that were not age appropriate and undermining to the guardian. This started happening in 2010, just after the father passed away. Guardian has attached numerous text messages to her Response to show the court the type of messages she received from Petitioner. In the messages, Petitioner goes from being angry to nice and then sad. Many of the messages were threatening to the guardian with Petitioner calling guardian a "liar" and stating that she would "kick my ass". On a phone call, Petitioner blurted out to Rebecca that Justin was not her father. Upon that occurring, Guardian took the phone from Rebecca and has not allowed Petitioner to communicate with the girls since. Rebecca was 8 years old when this occurred and had lost both of her parents within the last year. At no time has Petitioner asked for visitation under the conditions Guardian set forth in her letter of 08/24/11. Instead she has continually harassed Guardian via cell phone.

Guardian states that the only reason Justin was not initially on Rebecca's birth certificate is because she was born before he and Michelle were married and Justin had not signed the Declaration of Paternity when the nurse came in with the birth certificate forms. Michelle listed Justin as Rebecca's father in her baby book and never told Justin or Rebecca that he was not her father. After Michelle's death, Justin petitioned the Court for a Judgment of Paternity so that everything was legal and there was no question of his paternity. The Judgment was granted on 05/21/10 (just 11 days after Justin's death), and Rebecca's birth certificate has since been amended listing Justin as her father.

Petitioner's behavior and the statements she makes when she is angry are the reason Guardian does not believe it is in the girls' best interest to have visitation with Petitioner in an unsupervised setting. Initially, Guardian wanted the girls to have a continuing relationship with their mother's family, however, as time went on, Guardian's interactions with Petitioner showed her instability and Guardian chose to limit visitation to a supervised setting. The important thing is what Petitioner did not tell the Court. She did not attach any writings between us because they were harmful to her request. She also did not mention Guardian's letter dated 08/24/11 stating that only supervised visits would be allowed moving forward.

Guardian requests the Court deny Petitioner's request for visitation with the children in its entirety. Although they miss their parents greatly, they have adjusted to their new lives and attend therapy every other Friday instead of once per week as they had in the beginning. The girls do not need the horrors of their parent's death brought up in an unhealthy manner such as Petitioner has historically displayed. The girls should not be subjected to the behavior that Petitioner displays or the hurtful things she openly says when she is angry. If the Court feels that the girls should have contact with Petitioner at this point, then that visitation should be in a therapeutic setting with the children's therapist with all costs of these therapeutic sessions being the responsibility of Petitioner.

**Court Investigator Charlotte Bien filed a Supplemental Report on 11/12/13.** The report states that the children have suffered tremendous loss in their young lives by losing both of their biological parents. Rebecca (11) was bonded to Justin Pitkin as her father and he was the only father-figure she had known. The Petitioner, Peggy Bradbury, showed a total disregard for the emotional well-being of Rebecca by telling her that Justin "was not her father". It appears that the guardian, Melissa Russell, is very devoted to her granddaughters. She states, unfortunately, that Peggy Bradbury has been harassing her via text messages for the past couple of years. Mrs. Russell feels it is her duty to protect the girls from the unnecessary and hurtful comments by Ms. Bradbury (Petitioner). According to Mrs. Russell, Peggy Bradbury has made little progress in her own emotional well-being. Mrs. Russell indicates that she does allow the maternal family to see the girls since the maternal uncle Eric and maternal grandfather continue to have regular contact with the girls. There is no doubt that Peggy Bradbury loves her granddaughters and wants to be involved in their lives. It appears, however, that the only possible way to conduct visits between the maternal grandmother and minors is by having therapeutic supervised visits through an agency.

**Appendix of Further Evidence in Support of Petition for Visitation filed by Peggy Bradbury on 11/12/13**

states/includes:

- 1. Supplemental Declaration of Peggy Bradbury in Support of Petition for Visitation states:** She feels she is at an extreme disadvantage in this matter. She has limited financial means and cannot afford an attorney, unlike the guardian. She feels that the guardian has unfairly used a position of monetary strength to her benefit. The guardian abruptly and unilaterally ceased all visitation on 08/24/11, shutting down all communication on that date. Ms. Bradbury states that she is not proud of the things she said during that time and realizes that her efforts at communication could have been more civil. However, at the time, she was extremely depressed and struggling with a weakened emotional state due to losing multiple family members in a relatively short period of time (she lost both of her parents, her daughter and then son-in-law). When the guardian stopped all visitation, it was like she lost her granddaughters as well. This caused her to fall into a deeper emotional tailspin. She felt hopeless and powerless to see her grandchildren. Her emotional state was not helped by chronic pain she was dealing with as well. She felt as though the guardian was using her attorney and financial advantage to push her away. All of these factors caused her to make heated statements from a powerless and weak emotional state. At the urging of her family, she sought psychiatric care towards the end of 2011. She continues with treatment to this day. The process has admittedly been long and a struggle at times, however, towards the end of 2012, she felt she turned a corner. While she is still dealing with depression, she is handling it much better with medication and coping strategies that she has learned during treatment. She has also learned to deal with her anger. She states that the treatment she received has been a tremendous help and she feels much better. She states that she continues to see a psychiatrist, but because she is doing so well, he only sees her once every two months. She states, "For the first time in a long time, I feel positive about my life and my outlook has changed dramatically." She wants to point out the last of the text messages that the guardian took issue with were well over a year old. After getting better, and hoping to once again broach the subject of visits with her grandchildren, she sent the guardian very civil and polite messages in July and October of 2013. The Guardian has continued to ignore all of her messages and has not responded. Ms. Bradbury states that it breaks her heart that she has been denied visitation and is willing to visit them in Fresno at her cousin Jennifer Farmer's home. The children have past experiences at Jennifer's house and are comfortable there. Further, the children have a long and enjoyable history of interacting with Jennifer's children.
- 2. Declaration of Matthew Farmer states:** He is an attorney. His wife Jennifer is the cousin of Peggy Bradbury. He has known Ms. Bradbury approximately 21 years. She has always been close to Jennifer. Peggy's daughter, Michelle (the children's mother) was like a sister to Jennifer. Over the years, they had a close relationship with Rebecca and Eva and the girls spent a lot of time at their home. Even after Michelle passed away, Justin (the girls' father) continued to bring the girls to their house for visits. Peggy had a very difficult time dealing with the loss of her daughter and then son-in-law. She expressed her heartbreak to him on numerous occasions. Peggy's spirits were lifted everytime she was around the girls. There were numerous times that the girls stayed with Peggy at their home over multiple days. Both Peggy and the girls seemed very happy and loving towards one another. For reasons baffling to him, the guardian unilaterally cut off all visitation in August 2011. From that day, he observed Peggy's mental state deteriorate, she was devastated. He noticed a stark and sad change in her personality and outlook on life, she even became withdrawn from Jennifer at times, which was highly unusual given their past close relationship. He encouraged Peggy to seek mental health care. It took some time, but he noticed Peggy changing for the better starting in early 2013. She renewed more frequent and regular visits to their home, regained her sense of humor, and seemed more at peace with herself. It appeared that the treatment had been extremely helpful, making Peggy a better person and returned her to being the Peggy he had known for over 20 years. Over the last year, he has entrusted Peggy to care for his own children. He completely trusts her and feels that his children are well cared for while in Peggy's care. She is like another grandmother to his children. He states that there is zero doubt in his mind that Peggy would positively influence, and interact with, her grandchildren.

He states that Peggy is free to use his home as a place for visitation. The children will be able to visit with Peggy here in Fresno and not have to leave the area. His house is large enough for all of them. Further, his children would enjoy seeing the girls again. He further states that he and his wife Jennifer have gotten along well with the guardian in the past and believes that she trusts both of them. He also states that as an attorney with 16 years of experience, he knows the importance of following court orders and states that he has advised Peggy that it is critical that she follows any court order and Peggy has acknowledged that she will do so. He believes that allowing Peggy to have visitation with the girls at his home is an ideal situation that can be closely monitored.

- 3. Declaration of Jennifer Farmer in Support of Petition for Visitation states:** She has enjoyed an extremely close relationship with Peggy Bradbury for many years. She also witnessed Peggy's decline after the deaths of members of her family and then being barred from visiting with her granddaughters. Since seeking help and counseling, Peggy's demeanor has changed for the better and she has blossomed back into the loving, warm and funny person she had always been. Peggy continues to visit her family here in Fresno regularly. Ms. Farmer states that Peggy often helps her care for her children and that Peggy is wonderful with her children. Ms. Farmer states that she has tried reaching out to the guardian via text message, but the guardian has not responded. The guardian's failure to respond illustrates the necessity for court intervention. Ms. Farmer implores the court to allow Peggy to have visitation with her grandchildren. Especially with the loss of their parents, the children shouldn't be denied someone who loves them unconditionally and the security they enjoyed having Peggy in their lives.
- 4. Declaration of Carol Kess in Support of Petition for Visitation:** She is Peggy Bradbury's first cousin. She has known Peggy her entire life and she and Peggy has always been very close to her and her children. Peggy had been very involved with the girls their entire lives until the guardian cut off visitation. Ms. Kess states that she witnessed Peggy struggling to get her visitation back and she became overwhelmed trying to handle the situation on her own. She observed Peggy withdraw, become upset and depressed. She expressed that she felt powerless and hopeless because she could not afford an attorney like the guardian. The change in Peggy's outlook on life alarmed her and she encouraged Peggy to seek professional help in late 2011. She states that Peggy did seek treatment and continues with treatment to this day. Over the past year, Peggy has improved dramatically, she seems to have her depression under control and is better able to cope with the devastating losses of family she suffered over the past couple of years. Ms. Kess feels that Peggy should be awarded visitation with her grandchildren. Based on her observation of previous interactions between Peggy and her grandchildren, the relationship is beneficial to all of them. The relationship was filled with love, compassion and caring for the children by Peggy. Ms. Kess believes that the girls will be excited to see their grandmother and visit their extended family again.

**Declaration of Melissa Russell filed 01/09/14** states: she has some very real concerns regarding the animosity exhibited by Peggy Bradbury and members of her immediate family toward her. Although, she can understand the pain Ms. Bradbury suffered with the sudden loss of her daughter, but it does not excuse her bad behavior with Rebecca & Eva and her (Melissa Russell). Ms. Bradbury has filed some notes from her psychiatrist/therapist that indicate that she was distraught and had extreme rage directed toward Ms. Russell. Ms. Bradbury claims that she is in a much better state of mind now, but Ms. Russell does not believe that is so, based in part on a letter received from Ms. Bradbury just prior to her filing this petition for visitation, included with the letter is another letter from Carole Hess (relative of Ms. Bradbury) to Eric, Ms. Bradbury's son, that further disparages Ms. Russell (letters attached). She is very concerned that the anger and venom shown in these letters will be transmitted to the girls. Both Rebecca and Eva were placed under a great deal of emotional strain by the numerous derogatory statements made by Ms. Bradbury during visitations with her. There were many problems after visitation with both girls, ranging from depression to angry outbursts. Although I have no doubt that both of the girls love their maternal grandmother, she does not believe that either one of them has the emotional development and maturity to deal with the anger exhibited by these letters.

**Continued on Page 5**

## **6 Rebecca Lee Ann Dell Pitkin and Eva Jane Carolyn Pitkin (GUARD/PE)**

Page 5

Ms. Russell states that she was hoping that the therapist would be able to make recommendations as to what is best for Rebecca and Eva. However, she has been informed that the Sullivan Center (where both therapists are employed) expect her to pay \$4,000.00 (\$2,000.00 each) as witness fees if she subpoena's the therapists to court. Apparently, this is the fee the Sullivan Center charges for any therapist who is ordered to appear in court and testify. Aside from the Social Security payments she receives for Rebecca and Eva, she is their sole support. She does not receive any financial aid from the State of California or any other family members and she cannot afford to pay \$4,000.00 at this time. She states that she is willing to participate in a child custody evaluation with a court recognized psychologist should the court desire further insight into this matter, but she believes that the cost of evaluation should be paid by Ms. Bradbury.

Ms. Russell understands that she misses the children, but she also believes that she caused a great deal of turmoil and psychological harm to both children when she had unsupervised visits. Ms. Russell believes that any contact between Ms. Bradbury and the girls should be limited to a supervised, therapeutic setting only at a licensed supervising agency. There should be clear parameters as to acceptable topics and the therapist should have the ability to terminate the visit if the guidelines are not followed. The agency should be in Fresno County. All costs of the visitation/therapy should be borne by Ms. Bradbury. Ms. Russell proposes Comprehensive Youth Services for supervised visits.

**(1) First and Final Report of Personal Representative, (2) Petition for Final Distribution and (3) Allowance of Attorneys' Fees on Waiver of Accounting**

<b>DOD: 12/28/12</b>	<b>DEBORAH J. SCHMALL</b> , Executor, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	Accounting is waived.	
<b>Cont. from</b>	I & A - <b>\$182,204.99</b>	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	POH - <b>\$146,921.00</b>	
<input checked="" type="checkbox"/> <b>Verified</b>	Executor - <b>waived</b>	
<input checked="" type="checkbox"/> <b>Inventory</b>	Attorney - <b>\$6,466.15</b> (statutory)	
<input checked="" type="checkbox"/> <b>PTC</b>	Costs - <b>\$536.00</b> (filing fees, certified copies)	
<input checked="" type="checkbox"/> <b>Not.Cred.</b>	Closing - <b>\$2,000.00</b>	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	<b>Distribution, pursuant to Decedent's Will, is to:</b>	
<input checked="" type="checkbox"/> <b>Aff.Mail</b> w/	Cynthia (Molina) Dahlquist - \$137,918.85	
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b> 05/23/13		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<input checked="" type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<input checked="" type="checkbox"/> <b>FTB Notice</b>		
	<b>Reviewed by:</b> JF	
	<b>Reviewed on:</b> 01/22/14	
	<b>Updates:</b>	
	<b>Recommendation:</b> SUBMITTED	
	<b>File 7 – Molina</b>	

Atty Johnson, Mark D., sole practitioner, Sanger (for Petitioner Helen Woodward, friend)

## Amended Petition for Order Approving Establishment of Special Needs Trust

Age: 61 years	<p><b>HELEN WOODWARD</b>, friend and Guardian ad Litem appointed on 10/30/2013 for the purpose of filing the instant petition, is Petitioner.</p> <p><b>Petitioner requests</b> the Court establish the <b>DANIEL KANDARIAN SPECIAL NEEDS TRUST</b> based upon the following:</p> <ul style="list-style-type: none"> <li>Daniel Kandarian (proposed SNT Beneficiary) is to receive <b>\$50,000.00</b> as a result of settlement of his dispute with <b>SUZANNE COOPER</b>, his sister and the Successor Trustee of the <b>WANDA KANDARIAN TRUST (09CEPR00332; petition dismissed on 2/15/2011)</b>, over the validity of the Wanda Kandarian Trust;</li> <li>Mr. Kandarian is disabled and receives needs-based public benefits; he was struck by a car while riding a motorcycle without a helmet in 1984, which seriously impaired both his physical and mental abilities; he requires a trust to provide for his care and to purchase a trailer for his personal dwelling;</li> <li>After payment of costs of <b>\$260.00</b> and attorney fees of <b>\$2,000.00</b> from the settlement, Mr. Kandarian will receive approximately <b>\$47,740.00</b>, and outright distribution of the settlement to him as proposed SNT Beneficiary would eliminate his eligibility for SSI and Medi-Cal;</li> <li>Petitioner seeks to establish a Special Needs Trust under Probate Code §§ 3602 – 3613, and an order authorizing Petitioner to sign the proposed Special Needs Trust as grantor;</li> <li>Petitioner requests that <b>TOM AVEDISIAN</b> and <b>LOUISE AVEDISIAN</b>, first cousins of Mr. Kandarian, serve as Co-Trustees without bond (signed <i>Trustee Consent</i> to serve filed 9/9/2013); ~Please see additional page~</li> </ul>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b> <b>Continued from 1/6/2014.</b> The following issue from the last hearing remains:</p> <ol style="list-style-type: none"> <li>California Rules of Court Rule 7.903(c)(5) requires the Co-Trustees to post bond in the amount required under Probate Code § 2320 et seq. Bond is required in the sum of <b>\$52,514.00</b>. Alternatively, Court may require the funds to be placed into a blocked account and no withdrawals would be authorized without Court order (the latter alternative can be impractical for a special needs trust.)</li> </ol> <p><b>Note:</b> If the <i>Petition</i> is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> <li><b>Friday, February 28, 2014</b> at 9:00 a.m. in Department 303, for the filing of the proof of bond or receipt of funds placed in blocked account.</li> <li><b>Friday, March 27, 2015</b> at 9:00 a.m. in Department 303, for the filing of the first account of the SNT.</li> </ul> <p>Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.</p>
Cont. from 101613, 010614		
Aff.Sub.Wit.		
✓ Verified		
Inventory		
PTC		
Not.Cred.		
✓ Notice of Hrg		
✓ Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
Reviewed by: LEG		
Reviewed on: 1/23/14		
Updates:		
Recommendation:		
File 8 – Kandarian		

**Petitioner requests the Court order that:**

1. The Court will establish the **DANIEL KANDARIAN SPECIAL NEEDS TRUST**, that Petitioner is directed to execute it, and that the Court has continuing jurisdiction over the SNT;
2. Tom Avedesian and Louise Avedesian, as the first cousins of the proposed SNT Beneficiary, who have been paying for Daniel Kandarian's needs out of their own pockets for years up to this point in time, shall serve as Co-Trustees with bond as determined by the Court;
3. Daniel Kandarian has a disability that substantially impairs his ability to provide for his own care or custody, and constitutes a substantial handicap;
4. Daniel Kandarian is likely to have special needs that will not be met without the trust;
5. Money paid to the SNT does not exceed the amount that appears reasonably necessary to meet Daniel Kandarian's special needs;
6. Payment of all monies due [Daniel Kandarian as proposed SNT Beneficiary] from Suzanne Cooper, in her capacity as Successor Trustee of the Wanda Kandarian Trust, shall be paid to the Trustee of the [Daniel Kandarian] Special Needs Trust;
7. Any proceeds of the settlement shall not be considered received by [Daniel Kandarian as proposed SNT Beneficiary] for public benefit eligibility purposes;
8. The assets of the SNT are unavailable to the proposed SNT Beneficiary and shall not constitute a resource for eligibility purposes for Medi-Cal, SSI, regional center assistance, or any other program of public benefits;
9. All statutory liens in favor of the State Department of Health Services, State Department of Mental Health, the State Department of Developmental Services, and any county or city and county in California must first be satisfied pursuant to Probate Code §3604(d); and
10. The SNT is subject to the Court's continuing jurisdiction unless otherwise specified, and is subject to periodic accounts and reports for court approval as required in conservatorship matters.

Petition Instructing the Trustee, and Approving or Directing the Modification of the Trust Based Upon Changed Circumstances

		<p><b>DOROTEA PARTIA</b>, Successor Trustee, is petitioner.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>
		<p><b>Petitioner states</b> Eusebia R. Partida ("Trustor") established the EUSEBIA R. PARTIDA 2004 TRUST on 2/23/2004. Trustor was the initial trustee of the Trust.</p>	
<b>Cont. from</b>		<p>On 6/13/12, Eusebia R. Partida died and Petitioner became the sol trustee of the Trust. The Trust became irrevocable upon Eusebia's death.</p>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>	<p>The beneficiaries of the Trust are the Trustor's eight children, all who survived the Trustor.</p>	
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>	<p>The assets of the Trust consist of two parcels of real property located in the County of Merced. (A) Approximately 202 acres of bare land with a single family residence on it. This property was recently appraised at \$50,000.00 (Parcel "A"). (B) Approximately 19 acres consisting of bare land and a substantial single family residence. This property was recently appraised at \$400,000.00 (Parcel "B"). The only other assets of the trust consists of household furniture and furnishings and all jewelry, wearing apparel and items of a personal nature located on Parcel "B" with a fairly nominal value.</p>	
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	<p><u>Please see additional page</u></p>	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
			<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 1/22/14</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 9 – Partida</b></p>

Petitioner states, Paragraph 5(A) of the trusts provides that Parcel "A" be subdivided into as many parcels as are practical and allowed by the City of Merced. If the property is subdivided into seven parcels, the successor trustee is to distribute on parcel to Trustor's son, Conrad Partida and if it is divided into eight or more parcels then Conrad was to get two parcels and the remainder distributed in equal shares to her children.

The Trustee was to divide Parcel "B" into as many parcels as is practical and as allowed by the County of Merced. Those parcels were to be distributed Trustor's children. If the distribution resulted in one or more of the Trustor's children receiving none of the parcels, then the Trustee was to determine the average value of the parcel and was to equalize the distribution from the residue.

Both Parcel "A" and Parcel "B" are currently being occupied by Trustor's son, Conrad Partida.

Petitioner states she requested her brother-in-law, Robert J. Guzman, look into the feasibility of subdividing Parcels "A" and "B" as required by the Trust.

With respect to Parcel "A" the City of Merced said it would be possible to subdivide into nine lots. Mr. Guzman consulted an engineering firm and determined that it would cost in excess of \$40,000.00 in professional fees and costs to develop the 202 acre site and cause a Subdivision Map to be recorded. Mr. Guzman consulted with a construction firm and determined that it would cost approximately \$20,000 - \$25,000 to install streets and sidewalks for the subdivision. In the area in which the property is located there is very little demand for residential lots. The Trust has no cash with which to incur the costs of the subdivision. Any costs would need to be incurred by the beneficiaries.

With respect to Parcel "B" Robert Guzman determined that Parcel B cannot be subdivided due to zoning laws. The property falls within the agricultural A-1 zone. Furthermore, the property is surrounded by agricultural land and is not in the City of Merced, and is not in the path of development.

Petitioner believes that if the trustee was required to follow the trust instructions requiring the Trustee to subdivide Parcel "A" it would be financially wasteful and while possible, certainly impractical. Furthermore, Petitioner believes that the trust instructions requiring Trustee to subdivide Parcel "B" is not possible to carry out because the parcel cannot currently be subdivided.

All of the beneficiaries of the Trust, with the exception of Conrad Parida have signed statements indicating that they believe it would be inadvisable to subdivide these parcels and consenting to the Trustee's proposal not to subdivide the parcels.

Probate Code § 15409 permits the modification of a trust upon a change in circumstances.

**Please see additional page**

Petitioner believes and thereon alleges that Eusebia R. Partida did not know that it would be impractical and wasteful to subdivide Parcel "A" and impossible to subdivide Parcel "B". Eusebia probably never checked to ascertain whether the subdivision she envisioned were feasible or possible at the time she set up the trust. Given the strong economy and housing market in Merced in 2004, the year the Trustor signed the Trust, and the enthusiasm and optimism for the future of Merced that accompanied the initial development of the University of California in Merced, Eusebia may well have anticipated that at the time she died it would be practical to subdivide Parcel "A" and possible to subdivide Parcel "B" due to increasing property values and expansion of the sphere of influence for the City of Merced. However, this never occurred. Instead, property went into a downward spiral approximately three to four years after Eusebia executed the Trust.

Petitioner believes that Trustor's purpose in establishing the trust was to transfer her wealth on to her children in an easy and expeditious way. Due to the circumstances set forth in the petition, which were no known or anticipated by Eusebia, the continuation of the trust under its terms would defeat or substantially defeat the purpose of the trust in that it would be a wasteful and ultimately proposition which would greatly reduce the financial benefit accruing to each of the beneficiaries of the trust, which is certainly not what the Trustor intended.

Petitioner therefore seeks an Order that Paragraph 5 of the trust be modified to read as follows:

5. Death of Trustor
  - A. "Upon my death, I direct the successor trustee to distribute the trust assets in equal shares to my children."
  - B. "The successor trustee may pay out of the estate my debts, federal or state taxes, funeral expenses, attorney's fees, and all costs incurred in administering y estate and this trust"

**Wherefore, Petitioner prays for an Order:**

1. Approving and directing modification of the trust as set forth above.
2. For such further or additional relief or orders as the court deems proper.

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

<b>DOD: 10/23/2013</b>		<b>DEBRA L. HALL</b> is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. #11 of the petition does not state the decedent's interest in the property.  2. Petition does not include the name and date of death of the deceased spouse. Local Rule 7.1.1D
		40 days since DOD.	
		No other proceedings.	
<b>Cont. from</b>		Will dated 1/5/10 devises entire estate to Debra L. Hall.	
	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>		
	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>	I & A - \$70,000.00	
✓	<b>Notice of Hrg</b>		
✓	<b>Aff.Mail</b>	W/ <b>Petitioner requests</b> court determination that Decedent's interest in real property pass to her pursuant to Decedent's Will.	
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
	<b>Letters</b>		
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		
			<b>Reviewed by: KT</b>
			<b>Reviewed on: 1/22/14</b>
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 10 – Hall</b>

Atty **Fanucchi, Edward L. (for Jorge Luis Lopez – Father – Petitioner)**

Atty **Pulido, Reynaldo Carrillo (for Maria Zaragoza – Guardian)**

**Status Hearing to Consider Terminating the Guardianship**

<b>Age: 4</b>	<b>MARIA DE JESUS ZARAGOZA GOMEZ</b> , Maternal Aunt, was appointed Guardian of this minor and his three siblings on 4-16-12.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<b>JORGE L. LOPEZ</b> , Father of Jorge Eduardo Zaragoza, petitioned for termination of the guardianship of Jorge only.	
<b>Cont. from</b>	Minute Order of 09/17/2013 set this matter for hearing. Minute Order states the Court is informed that an agreement has been reached however, further mediation has been scheduled for 11/01/2013.	
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> LV
		<b>Reviewed on:</b> 01/23/2014
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 11 – Gomez, Madrigal &amp; Zaragoza</b>



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

		<b>TEMP EXPIRES 1-6-14</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>KELSEY ERIN RIJ</b> , Minor, is Petitioner.	<u>Note: This minor will turn 18 in approx. two (2) months.</u>
		Petitioner requests appointment of <b>DR. MICHAEL KRUEGER and SUSAN KRUEGER</b> , non-relatives, as Guardians. The proposed Guardians are the parents of the minor's best friend.	<p><b>1. Need proof of service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing on all relatives per Probate Code §1511:</b></p> <ul style="list-style-type: none"> <li>- Roger Rij (Paternal Grandfather)</li> <li>- Irma Rij (Paternal Grandmother)</li> <li>- Landon Castillo (Maternal Grandfather)</li> <li>- Joanna Castillo (Maternal Grandmother)</li> <li>- Ryan Rij (sibling, if age 12 or older)</li> <li>- Ethan Rij (sibling, if age 12 or older)</li> </ul>
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Father: <b>JOHN RIJ</b> - Consents and waives notice	
<input checked="" type="checkbox"/>	<b>Verified</b>	Mother: <b>NINON TRIMM</b> - Objection filed 11-6-13	
<input type="checkbox"/>	<b>Inventory</b>	Paternal Grandfather: Roger Rij Paternal Grandmother: Irma Rij	
<input type="checkbox"/>	<b>PTC</b>	Maternal Grandfather: Landon Castillo Maternal Grandmother: Joanna Castillo	
<input type="checkbox"/>	<b>Not.Cred.</b>	Siblings: Ryan Rij, Ethan Rij	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	<b>Minor Petitioner states</b> her mother and stepfather Terry Trimm have created a toxic environment for her for the past several years. Petitioner states she is an A student with a love for cross-country running. She will probably be able to obtain a scholarship for college and has been in contact with two universities. However, her mother and stepfather she has not been allowed to focus on aspects of life that are important to her, such as school, future career, and sports, and has raised her siblings, assuming the role of parent, with little help from her mother. Petitioner met her friend Kennedy Krueger in school and feels fortunate to have the Krueger family in her life. She has felt more welcome in their home than in her own.	
<input type="checkbox"/>	<b>Aff.Mail</b>	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
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<input checked="" type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input checked="" type="checkbox"/>	<b>DSS Report</b>		
<input checked="" type="checkbox"/>	<b>Clearances</b>		
<input type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input checked="" type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
<b>SEE ADDITIONAL PAGES</b>			<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 1-23-14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 13 – Rij</b></p>

**Petitioner states** that after she moved in with the Kruegers, she continued to look after her siblings and take them to school. However, Petitioner states her mother started making threats to make her come back and live with her, such as to have her placed in a mental institution. On 10-17-13, Petitioner states her mother demanded that she be back at home the next day (Friday). Due to a cross-country meet set for Saturday, she then demanded that she return on Sunday. On Sunday, she called the police, who contacted her and told her to go home or they would come get her. Petitioner states Dr. and Mrs. Krueger drove her home where the police were waiting. Petitioner states her mother berated her and called her a runaway, even though they had arranged the situation and knew where she was.

Since being forced to move back in with her mother, Petitioner is terrified that her mother will try to prevent her from going to college or having any success. Petitioner states her mother has also made accusations that she is still taking money from the Kruegers and hiding it. Her stepfather continues to come around and on 10-22-13, made a number of specific threats: That he would "royally fuck up her life and future" if she "pulled another stunt like that again;" that he would take out a restraining order against the Kruegers and sue them when they break it; that he would file charges against Petitioner for car theft; that he would make sure Petitioner would not get into college; that he would take out a restraining order against Kennedy to prevent them from seeing each other at school; that he would make sure any scholarship offer she received was revoked; that he would make it so Petitioner would never be able to get a job, and kick her out of the house and watch her "fall on her face and come running back home;" that he knows the justice system and would use it to ruin Petitioner's and the Kruegers' lives; that he would charge her with slander of her mother; that he would charge the Kruegers with "aiding a runaway;" and that he would "beat the shit out of her if he tried to 'run away' from them again."

Petitioner states she is scared to be living at her mother's house and fears for her safety and her future. The Kruegers treat her like family. Petitioner states she will be 18 in March and will graduate from high school in May, and begs the Court to appoint the Kruegers as her guardians. Petitioner also requests an order preventing her stepfather Terry from being near or communicating with her.

Petitioner filed documentation in support including a declaration from her father, **JOHN RIJ**, who resides in Nevada. Mr. Rij states he is aware of the issues that his daughter faces and fully supports her staying with the Kruegers. He signed consent and wavier of notice form. Additional declarations are filed in support, as well as school reports, text messages.

**Declaration of Attorney Jerry D. Casheros filed 11-6-13 states that a Temporary Restraining Order granted 10-28-13 protects Kelsey from her stepfather Terry Trimm (attached, expires 11-13-13).** Since that time, Mr. Trimm has engaged in a number of retaliatory acts and threats against Kelsey and the Kruegers, including making criminal allegations of statutory rape against the Kruegers' adult son. Attorney Casheros states he investigated these allegations and believes they are retaliatory and lacking any credibility. See details provided. Attorney Casheros states Mr. Trimm is preoccupied with the idea that he could lose his job and have to relinquish his firearms, since he was a security guard at a federal building. However, Attorney Casheros states his sole loyalty is to Kelsey Rij and her safety, and if he felt there were any threat to her safety or physical or emotional well-being, he would cease these proceedings immediately. However, based on his investigation, Kelsey flourishes in the Kruegers' environment and does not believe sending her back to live with her mother and stepfather is in her best interest.

**SEE ADDITIONAL PAGES**

**Attorney Casheros' Declaration (Cont'd):** Additional declarations from Attorney Gary Hunt, Susan Krueger, and Kelsey Rij were also filed. Mrs. Krueger states there was never any intent to threaten Mr. Trimm's career, but given the threats and reports of domestic violence, there was no choice but to seek restraining order to ensure Kelsey's safety. Mrs. Krueger states that when an officer appeared at her home in connection with the allegations made by Mr. Trimm, she showed him the temporary guardianship order, which the officer had not been made aware of. The serious charges have shaken their family, and Kelsey is devastated by the lengths to which her mother and stepfather will go to retaliate for her choosing to stand up to their emotional abuse and threats of physical abuse. Mrs. Krueger states that since Kelsey petitioned the Court for protection in the way of guardianship and restraining order, Terry and Ninon Trimm have acted consistent with the type of threats that scared Kelsey into asking this Court for help in the first place.

Kelsey's declaration states that the fact that her mother and stepfather have taken actions against the Kruegers and their son has only hurt her more. Kelsey states they only act in their own self-interest and are only worried about Terry's job. Kelsey states they even sent her grandmother to her school to tell her to "do the right thing" without regard for her own safety and wellbeing. Kelsey states the living situation with her mother and stepfather is toxic, emotionally abusive, threatening, and detrimental.

**[Examiner's Note: Pursuant to Minute Order 11-7-13 (temp guardianship hearing), the Family Law TRO is dismissed. (DVTR0 filed by Petitioner Kelsey Erin Rij against Terry Trimm on 10-28-13 in 13CEFL05884).]**

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**Opposition to Petition for Guardianship was filed 11-6-13 by Ninon Trimm (Mother). Opposition states the system is being manipulated to allow the adult son to have continued romantic/sexual relations with the minor.**

Mrs. Trimm states the minor has been defiant toward her mother, her stepfather, her siblings, and accepted parental discipline has been taken, including taking away her privileges. The minor continues to be defiant and manipulative. Mother states there have been no incidents of holes in the wall, threats of violence, or any other unacceptable parental discipline. Mother has only exerted her parental authority over the minor, which has resulted in the minor manipulating and misstating facts to the Court. After this action was initiated, Mother found evidence of a sexual relationship between the minor and the Kruegers' adult son. A police report has been filed. These activities are occurring in the Kruegers' home with their full knowledge. Although the son lives out of state, he is home frequently. Text messages attached.

Attached is a Request for Civil Harassment Restraining Order against Dan Krueger filed 11-5-13 by Ninon Trimm that requests protection for herself, Kelsey, and Terry Trimm, indicating that Terry Trimm has been the victim of harassing phone calls and that Dan Krueger has threatened to kill people who go against him and Kelsey. Attached are text messages between Kelsey and Dan.

Mrs. Trimm states in addition to the texts, she found the minor's diary, which contains entries of a sexually explicit nature.

Mrs. Trimm states she has never threatened to put Kelsey in a mental institution. This is another manipulation by the minor to have continued contact with Dan Krueger. Mother's only comments to minor were regarding the ability of the family to afford college without a scholarship, merit, or other financial aid.

**SEE ADDITIONAL PAGES**

**Mother's Objection (Cont'd):** Mrs. Trimm states that her daughter insisted that if guardianship papers are signed, there would be no need for a restraining order against her stepfather, who is a peace officer and required to carry a firearm in his duties of employment. A recording of this conversation can be provided to the court.

As to specific "threats" by her stepfather, they are all taken out of context and manipulated to the minor's benefit. The minor has been defiant and abusive to Mother, screaming and yelling, and has been told that if she continued to "pull another stunt like this" (like running away to the Kruegers and refusing to come home) requiring the police to be contacted to retrieve her, it would possibly hurt her chances of getting into college. She was told that scholarships are competitive and that people with issues of defiance and illegal behavior are not often considered as candidates. The minor was also told that having a vehicle is a privilege, and that she had no permission to take the vehicle to the Krueger home, and that they have every right to file charges of car theft if she continued to take the vehicle without permission.

**Mrs. Trimm states the Court needs to make orders to protect this minor from further sexual manipulation and requests that the Court deny the petition for guardianship, dismiss the case in its entirety, and order the proposed guardians to surrender the minor to the mother immediately to protect her welfare and safety.**

**[Examiner's Note: Court records indicate that the Request for Civil Harassment Restraining Order filed 11-5-13 by Ninon Trimm (Mother) against Dan Krueger (son of Proposed Guardians) in 13CECG03463 was dismissed.]**

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DSS Social Worker Irma Ramirez filed a report on 12-20-13.

**Note:** This guardianship hearing was originally scheduled for 1-6-14; however, the parties stipulated to a continuance so that the mother could contact the investigator. However, as of 1-23-14, the DSS Social Worker has filed a supplemental report.

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**Supplemental Declaration of Attorney Jerry D. Casheros filed 1-2-14 provides updated status:** The parties were directed to meet and confer regarding visitation. Kelsey spent time with her family over the holidays and has attended family counseling sessions with her mother. The Investigator's report recommends the guardianship be approved on a permanent basis. Mr. Casheros believes that the mother will not contest the permanent guardianship. It appears both sides have come together and handled this in a manner conducive to the best interest of the child. It is respectfully requested that the guardianship be granted.



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

Age: 2	<p align="center"><b><u>TEMPORARY GRANTED EX PARTE;</u></b>  <b><u>EXPIRES 01/27/14</u></b></p> <p><b>REGINA CLARK</b>, paternal step-grandmother, is Petitioner.</p> <p>Father: <b>DANIEL CLARK</b> – <i>Personally served on 11/11/13</i>        Mother: <b>SHERRIE BOLECH</b> – <i>Personally served on 11/11/13</i></p> <p>Paternal grandfather: DANIEL W. CLARK – <i>Consent &amp; Waiver of Notice filed 09/19/13</i>        Paternal grandmother: SHIRLEY STAIRS – <i>Personally served on 11/11/13</i></p> <p>Maternal grandfather: BILLY ARBAUGH – <i>Personally served on 11/11/13</i>        Maternal grandmother: SHERRIE ARBAUGH</p> <p>Siblings: ANTHONY ARBAUGH (6), TREVAR BOLECH (5), JAIDEN (4)</p> <p><b>Petitioner alleges</b> that the parents are both on drugs and are homeless. Selena is moved frequently from home to home, is not bathed regularly, and has no stability in her life.</p> <p><b>Objection to Guardianship</b> filed 11/22/13 by maternal grandmother, Sherrie Arbaugh, states: Paternity has not been verified. If guardianship is deemed to be necessary, Objector feels that the maternal grandparents should be given guardianship. Further objector states that the mother has been clean and sober when she has seen her, therefore she is unclear why guardianship is needed.</p> <p><b>Court Investigator JoAnn Morris filed a report on 11/25/13.</b>  <b>Continued on Page 2</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b><u>CONTINUED FROM 12/02/13</u></b>        Minute Order from 12/02/13 states: Also present in the courtroom is Jason Clark and Billy Arbaugh. Father objects to the guardianship. The Court extends the temporary to 01/27/14. Parties are ordered to provide their current addresses and telephone numbers to the Clerk's office forthwith. Any additional documents the parties wish the Court to consider are to be submitted to Court Investigator JoAnn Morris. The Court directs Ms. Morris to review any such documents. Matter continued to 01/27/14.</p> <p><b>Note:</b> A competing Petition has been filed by Sherrie Arbaugh, maternal grandmother. It is set for hearing on 03/24/14.</p> <p>The maternal grandfather, Billy Arbaugh, was appointed guardian of Selena's siblings, Anthony Arbaugh, Trevar Bolech, and Jaiden Bolech, on 01/18/11.</p> <p>1. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> <u>or</u> <i>Consent &amp; Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for:        - Sherrie Lee (maternal grandmother)</p>	
Cont. from 120213			
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			x
9202			
✓ Order			
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
Reviewed by: JF			
Reviewed on: 01/23/14			
Updates:			
Recommendation:			
File 15A – Bolech & Abraugh			

**Objection to Guardianship** filed by parents, Sherrie Bolech and Daniel Clark, on 12/10/13 states: That they have a home now and can provide for Selena. They take care of their daughter well and are actively attending AA/NA meetings. They also allege that the Petitioner, Regina Clark and paternal grandfather, Daniel W. Clark, have a history of drug abuse, and were abusive to their own children.

**Declaration filed 01/06/14 by Sherrie Bolech, mother**, attaches letters from family and friends supporting her as a mother and supporting Selena staying with her parents.

Age: 2	<p><b><u>TEMPORARY GRANTED EX PARTE;</u></b> <b><u>EXPIRES 01/27/14</u></b></p> <p><b>REGINA CLARK</b>, paternal step-grandmother, is Petitioner.</p> <p>Father: <b>DANIEL CLARK</b> – <i>Personally served on 11/20/13</i>                  Mother: <b>SHERRIE BOLECH</b> – <i>Personally served on 11/20/13</i></p> <p>Paternal grandfather: DANIEL W. CLARK – <i>Consent &amp; Waiver of Notice filed 09/19/13</i>                  Paternal grandmother: SHIRLEY STAIRS – <i>Personally served on 11/11/13</i></p> <p>Maternal grandfather: BILLY ARBAUGH – <i>Personally served on 11/11/13</i>                  Maternal grandmother: SHERRIE LEE</p> <p>Siblings: ANTHONY ARBAUGH (6), TREVAR BOLECH (5), JAIDEN (4)</p> <p><b>Petitioner alleges</b> that the parents are both on drugs and are homeless. Selena is moved frequently from home to home, is not bathed regularly, and has no stability in her life. She has had lice on numerous occasions. The parents also use drugs in front of the minor. Petitioner believes Selena is not safe in the care of her parents and believes temporary guardianship is necessary for her safety.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b><u>CONTINUED FROM 12/02/13</u></b>                  Minute Order from 12/02/13 states: Also present in the courtroom is Jason Clark and Billy Arbaugh. Father objects to the guardianship. The Court extends the temporary to 01/27/14.</p>	
Cont. from 120213			
Aff.Sub.Wit.			
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Letters			x
✓ Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			x
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
		<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 01/23/14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 15B – Bolech &amp; Abraugh</b></p>	

	<b>WHITTIE CARRILLO</b> , Mother, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<b>SHELLY A. MUSGRAVE</b> , Paternal Grandmother was appointed guardian on 7-15-13.	
	Father: <b>JEREMY B. MUSGRAVE</b>	<u>Continued from 1-23-14</u>
<b>Cont. from 012314</b>	Paternal Grandfather: Paul M. Musgrave Maternal Grandfather: Joe P. Carrillo Maternal Grandmother: Tammy L. Carmichael	<b>Note:</b> On 12-9-13, Guardian Shelly A. Musgrave filed an Ex Parte Petition to Stop Visitation. The Court set the matter for hearing on 1-27-14.
<b>Aff.Sub.Wit.</b>	<p><b>Petitioner states</b> the guardian has been denying her visits since 11-26-13. Petitioner has made a police report and call them every time the guardian doesn't show up. On 12-7-13, Petitioner and the police showed up to pick up Jaiden and ask why she won't let Petitioner see him anymore. She knows she is violating the visitation order but she shows no sympathy. That night she was arguing with the police but she finally said yes because she didn't want the police to document it.</p> <p>Petitioner states her visits are Tuesday 10:30 am to 1:30 pm and Saturday 10:30 am to 8:30 pm. Petitioner states that the Saturday night that she got Jaiden the guardian parked outside Petitioner's father's house watching until the two hour visit was over. Jaiden hysterically was crying for Petitioner and the guardian screams and yells at him to stop.</p> <p>Petitioner attaches a Probate Mediation Agreement dated 11-7-13.</p>	<b>Note:</b> The parties attended Probate Mediation on 11-7-13 and reached agreement. In addition to the agreement, the parties agreed to check in with Probate Mediation in January 2014; however, no check-in date is specified.
<b>Verified</b>		<ol style="list-style-type: none"> <li><b>1. Need Notice of Hearing.</b></li> <li><b>2. Need proof of service of Notice of Hearing at least 15 days prior to the hearing on:</b>  - Shelly A. Musgrave (Guardian)</li> <li><b>3. The Court may also require notice to interested persons including:</b>  - Jeremy B. Musgrave (Father)  - Paul M. Musgrave (Paternal Grandfather)  - Joe P. Carrillo (Maternal Grandfather)  - Tammy L. Carmichael (Maternal Grandmother)</li> </ol>
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>	<b>Reviewed by:</b> skc	
<b>Order</b>	<b>Reviewed on:</b> 1-21-14	
<b>Aff. Posting</b>	<b>Updates:</b>	
<b>Status Rpt</b>	<b>Recommendation:</b>	
<b>UCCJEA</b>	<b>File 16A – Musgrave</b>	
<b>Citation</b>		
<b>FTB Notice</b>		

	<b>SHELLY A. MUSGRAVE</b> , Guardian, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	Father: <b>JEREMY B. MUSGRAVE</b>	
	Mother: <b>WHITTIE CARRILLO</b>	
	Paternal Grandfather: Paul M. Musgrave	
	Maternal Grandfather: Joe P. Carrillo	
	Maternal Grandmother: Tammy L. Carmichael	
	<b>History:</b> Petitioner was appointed guardian on 7-15-13 on the condition that Jaiden's father not reside in the home. At the hearing, the parties agreed to visitation for the mother supervised by Ashley Carrillo.	
	On 9-6-13, Whittie Carrillo (Mother) filed a petition for termination of the guardianship. The petition was denied as premature on 11-6-13 and the parties were referred to mediation for visitation.	
	On 12-9-13, Shelly Musgrave (Guardian) filed this petition to terminate visits <i>ex parte</i> . The Court set the matter for hearing on 1-27-14.	
	On 12-13-13, Whittie Carrillo (Mother) filed a petition for visitation that was set for hearing on 1-23-14. The mother stated that the Guardian was denying her the visitation that they had agreed to at mediation. On 1-23-14, the parties were again referred to mediation to take place the same day (1-23-14).	
	<b>Petitioner states</b> visitation should be stopped immediately due to the mother and the supervising agent Ashlie Carrillo violating the order by: 1) Whittie not being present at visitation; 2) Ashlie taking the minor by herself off visitation site of 1911 W. Hampton Way by car to a drug rehab facility; 3) Whittie and Ashlie taking the minor off visitation site in a car to various other locations; 4) Whittie and Ashlie's father Joe Carrillo who lives at visitation site saying inappropriate things to the minor to scare him.	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	
<input checked="" type="checkbox"/>	<b>Verified</b>	
<input type="checkbox"/>	<b>Inventory</b>	
<input type="checkbox"/>	<b>PTC</b>	
<input type="checkbox"/>	<b>Not.Cred.</b>	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	
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<input type="checkbox"/>	<b>Sp.Ntc.</b>	
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<input type="checkbox"/>	<b>Conf. Screen</b>	
<input type="checkbox"/>	<b>Letters</b>	
<input type="checkbox"/>	<b>Duties/Supp</b>	
<input type="checkbox"/>	<b>Objections</b>	
<input type="checkbox"/>	<b>Video Receipt</b>	
<input type="checkbox"/>	<b>CI Report</b>	
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<b>Reviewed by:</b> skc		
<b>Reviewed on:</b> 1-23-14		
<b>Updates:</b>		
<b>Recommendation:</b>		
<b>File 16B – Musgrave</b>		

ProPer Carrillo, Martin R. (pro per – maternal grandfather/Petitioner)

ProPer Carrillo, Bonnie J. (pro per – maternal grandmother/Petitioner)

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

Ethan, 4	<p align="center"><b><u>NO TEMPORARY IN PLACE; TEMPORARY DENIED ON 12/09/13</u></b></p> <p><b>MARTIN CARRILLO</b> and <b>BONNIE CARRILLO</b>, maternal grandparents, are Petitioners.</p> <p>Father: <b>JON LIGGETT</b> – <i>Personally served on 12/01/13</i></p> <p>Mother: <b>VANESSA CARRILLO</b> - <i>Personally served on 12/01/13</i></p> <p>Paternal grandparents: DECEASED</p> <p>Siblings: KASSIDY LIGGETT (16), BAILEY LIGGETT, PAIGE LIGGETT</p> <p><b>Petitioners state</b> both of the parents are drug users and are constantly high on drugs, and the mother has openly admitted to Petitioners that she and the father both use meth and marijuana. Petitioners state that the children have no parental supervision, and the mother always left the children with the father's 16-year-old daughter, who also uses drugs. Petitioners state there is repeated domestic violence in the house, and the father was arrested for the latest incident. Petitioners state there was a time recently that the children were living in the parents' apartment with no electricity for about 3 weeks to a month, and the 4-year-old child volunteers information to Petitioners and describes his parents fighting in front of him and other activity that a young child should not see. Petitioners state the mother does not protect the children, and does not seek medical care for them. Petitioners state CPS has been notified several times.</p> <p><b>Declaration of Bonnie J. Carrillo filed 12/19/13</b> lists more incidents of domestic violence between the parents and also states that the parents were evicted from their apartment and are living in motels.</p> <p><b>Court Investigator Jennifer Young filed a report on 01/15/14.</b></p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
Makayla, 1		1. Need <i>Notice of Hearing</i> .
		2. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person or Consent &amp; Waiver of Notice or Declaration of Due Diligence</i> for:
Cont. from		- Cassidy Liggett (sibling)
Aff.Sub.Wit.		- Any other sibling 12 years of age and older
✓ 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		
	<b>Reviewed by:</b> JF	
	<b>Reviewed on:</b> 01/23/14	
	<b>Updates:</b>	
	<b>Recommendation:</b>	
	<b>File 17 – Liggett</b>	

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

<b>Age:</b> 4	<b><u>TEMPORARY EXPIRES 01/27/14</u></b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<b>LEONARDA SOTO</b> , paternal grandmother, is Petitioner.	1. Proof of service filed 12/23/13 showing service by mail to the maternal grandmother and paternal grandfather does not indicate that a copy of the Petition was served along with the Notice of Hearing as required.
<b>Cont. from</b>	Father: <b>CEASAR J. SOTO</b> – Consent & Waiver of Notice filed 12/09/13	2. Declaration of Due Diligence filed 12/05/13 states that the mother's whereabouts are unknown. If diligence is not found, need proof of <u>personal service</u> at least 15 days before the hearing of Notice of Hearing with a copy of the <i>Petition for Appointment of Guardian of the Person</i> <u>or</u> Consent & Waiver of Notice for mother, Yoana Alvarez Delgadillo.
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		3. Need proof of <u>service by mail</u> at least 15 days before the hearing of Notice of Hearing with a copy of the <i>Petition for Appointment of Guardian of the Person</i> <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: - Maternal grandfather
<input checked="" type="checkbox"/> <b>Verified</b>	Mother: <b>YOANA ALVAREZ DELGADILLO</b> – Declaration of Due Diligence filed 12/05/13	
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Paternal grandfather: MANUEL SOTO GARCIA – served by mail on 12/23/13 with Notice of Hearing only	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	w/o	
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>	Maternal grandfather: UNKNOWN	
<input type="checkbox"/> <b>Pers.Serv.</b>	Maternal grandmother: CLAUDIA DELGADILLO – served by mail on 12/23/13 with Notice of Hearing only	
<input checked="" type="checkbox"/> <b>Conf. Screen</b>		
<input checked="" type="checkbox"/> <b>Letters</b>		
<input checked="" type="checkbox"/> <b>Duties/Supp</b>	<b>Petitioner states</b> the parents are both in Mexico. The mother has drug abuse issues and the father was deported. Petitioner states that the child was in Mexico also but came back with her great grandmother. The great grandmother has now returned to Mexico and the child has lived with Petitioner and also been visiting with her maternal aunt, the maternal aunt does not want to return the minor to the Petitioner. Petitioner alleges that the maternal aunt has several people living in her small 2 bedroom apartment and there is no space for the minor. Father consents to Petitioner being the guardian.	
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input checked="" type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input checked="" type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
	<b>Court Investigator Dina Calvillo filed a report on 01/23/14.</b>	
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 01/23/14
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 18 – Soto</b>

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

<b>Age: 7</b>		<b><u>NO TEMPORARY REQUESTED</u></b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		<b>GUADALUPE GARCIA</b> , great grandmother, is petitioner.		1. Need Notice of Hearing.	
<b>Cont. from</b>		Father: <b>NOT LISTED</b>		2. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:	
	<b>Aff.Sub.Wit.</b>			<ul style="list-style-type: none"> <li>• Father (Not Listed)</li> <li>• Stephanie G. Luera (Mother) – Unless the Court dispenses with notice</li> </ul>	
✓	<b>Verified</b>	Mother: <b>STEPHANIE G. LUERA</b> , Declaration of Due Diligence filed 01/08/2014		Note: Declaration of Due Diligence filed on 01/08/2014 states does not know mother's new address.	
	<b>Inventory</b>	Paternal Grandparents: Not Listed		3. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:	
	<b>PTC</b>	Maternal Grandparents: Not Listed		<ul style="list-style-type: none"> <li>• Paternal Grandparents (Not Listed)</li> <li>• Maternal Grandparents (Not Listed)</li> </ul>	
	<b>Not.Cred.</b>				
	<b>Notice of Hrg</b>	x			
	<b>Aff.Mail</b>	x			
	<b>Aff.Pub.</b>				
	<b>Sp.Ntc.</b>				
	<b>Pers.Serv.</b>	x			
✓	<b>Conf. Screen</b>	Petitioner states: mother's new born on June 5 <sup>th</sup> tested positive for crack cocaine. Mother has multiple child endangerment cases and is in CPS drug program which she fails to submit to testing and attend classes.			
✓	<b>Letters</b>	Petitioner states she has a safe and healthy home for the minor.			
✓	<b>Duties/Supp</b>	<b>Court Investigator Samantha Henson's report filed on 01/21/2014.</b>			
	<b>Objections</b>				
	<b>Video Receipt</b>			<b>Reviewed by:</b> LV	
	<b>CI Report</b>			<b>Reviewed on:</b> 01/23/2014	
	<b>9202</b>			<b>Updates:</b>	
✓	<b>Order</b>			<b>Recommendation:</b>	
	<b>Aff. Posting</b>			<b>File 19 – Garcia</b>	
	<b>Status Rpt</b>				
✓	<b>UCCJEA</b>				
	<b>Citation</b>				
	<b>FTB Notice</b>				

<b>DOD: 8/16/2013</b>		<p><b>MICHAEL D. COWIN</b>, named executor without bond, is petitioner</p> <p>Full IAEA – o.k.</p> <p>Will dated: 3/19/2004</p> <p>Residence: Clovis</p> <p>Publication: Fresno Business Journal</p> <p><b>Estimated Value of the Estate:</b> Personal property - \$220,000.00</p> <p><b>Probate Referee: Steven Diebert.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>Continued from 1/23/14. Minute Order states the Court rescind its prior order granting the petition. The Court directs the parties to participate in mediation today at 1:30 p.m.</p> <p><b>Note:</b> If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> <li>• <b>Friday, June 20, 2014</b> at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.</li> <li>• <b>Friday, March 20, 2015</b> at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.</li> </ul> <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.</p>
<b>Cont. from 012314</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> W/		
<input checked="" type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
		<b>Reviewed by: KT</b>	
		<b>Reviewed on: 1/23/14</b>	
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 20 – Galvan</b>	

**Atty** Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)  
**Atty** Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole; of McCormick Barstow (for Co-Trustees Antonietta "Rosa" Verni, daughter, and Nicola "Nick" Verni, son)  
**Atty** Phillips, John, of Wild, Carter & Tipton (for Leonard "Dino" Verni, son)  
**Atty** Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)

**Court Trial**

Leonarda DOD: 7/31/2000	<p><b>CARMELA DeSANTIS</b>, daughter and Trust Beneficiary, filed a <i>Petition to Remove Trustees; Appoint Receiver; Surcharge Trustees; Deny Trustees Compensation; Impose Constructive Trust on Assets; and Cause Proceedings to Trace and Recover Assets</i> on 7/26/2012. <b>CARMELA DeSANTIS</b> also filed on 7/26/2012 <i>Amended Objections to First Account Current of Trustee, and Objections to Second Account Current of Trustee.</i></p> <p><b>NICOLA "NICK" VERNI</b>, son and Successor Trustee of the <b>SURVIVOR'S TRUST</b>, and <b>ANTONIETTA "ROSA" VERNI</b>, daughter and Trustee of the <b>MERGED FAMILY SUB-TRUST</b>, filed a <i>Response to Petition to Remove Trustees, etc.</i> on 9/27/2012.</p> <p><b>CARMELA DeSANTIS</b> filed a <i>Petition to Construe Trust Provision</i> on 7/26/2012; <b>NICK VERNI and ROSA VERNI</b> filed a <i>Response to Petition to Construe Trust Provision</i> on 9/27/2012.</p> <p><b>CARMELA DeSANTIS</b> filed a <i>Petition to Establish Claim of Ownership, in Favor of Trust, to Property and for Order Directing its Transfer to the Trustees to Hold in Trust</i> on 8/14/2012; <b>NICK VERNI and ROSA VERNI</b> filed a <i>Response to Petition to Establish Claim of Ownership</i> on 9/27/2012.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Matter of the Verni Family Trust Court Trial and related petitions will be heard at 10:30 a.m. in Dept. 303.</b></p> <p><b><u>Continued from 12/6/2013.</u></b></p> <p><b>Page 1B</b> is the <i>Petition to Remove Trustees, etc.</i></p> <p><b>Page 1C</b> is the <i>Petition to Construe Trust Provision.</i></p> <p><b>Page 1D</b> is the <i>Petition to Establish Claim of Ownership in Favor of Trust to Property, etc.</i></p> <p><b>Page 1E</b> is the <i>Petition for Review of Accounts and Acts of Trustees.</i></p>
Saverio DOD: 5/25/2009		
Cont. from 120613		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Status Rep.		
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><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 1/23/14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 1A – Verni</b></p>	

**1B In the Matter of the Verni Family Trust (Trust)**

**Case No. 10CEPR00639**

- Atty** Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)
- Atty** Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole; of McCormick Barstow (for Co-Trustees Antonietta "Rosa" Verni, daughter, and Nicola "Nick" Verni, son)
- Atty** Armo, Lance, sole practitioner (for Leonard "Dino" Verni, son)
- Atty** Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)

**Petition to: (1) Remove Trustees; (2) Appoint Receiver; (3) Surcharge Trustees; (4) Deny Trustees Compensation; (5) Impose Constructive Trust on Assets; and (6) Cause Proceedings to Trace and Recover Assets [Prob. C. 15642, 16420 & 17200]**

Leonarda DOD: 7/31/2000	<p><b>CARMELA DeSANTIS</b>, daughter and Trust Beneficiary, is Petitioner. <b>Petitioner states:</b></p> <ul style="list-style-type: none"> <li>The <b>VERNI FAMILY TRUST of 1999</b> was created by <b>SAVERIO VERNI</b> and <b>LEONARDA VERNI</b> on 6/10/1999, and was amended once by Settlers on the following day, 6/11/1999; Leonarda died on 7/31/2000, thereby causing the Trust to be divided into three sub-trusts: the <b>VERNI MARITAL TRUST</b>, the <b>VERNI FAMILY TRUST</b>, (which was amended once during both Trustors' lifetimes), and the <b>VERNI SURVIVOR'S TRUST</b> (copies of Trusts attached as Exhibit A); following Leonarda's death, Saverio amended the <b>SURVIVOR'S TRUST</b> seven times, with the <i>Eighth Amendment</i> (the final) amending the <b>SURVIVOR'S TRUST</b> in its entirety;</li> <li>Saverio served as sole trustee of the three sub-trusts until his death on 5/25/2009, and upon his death the Marital Sub-Trust terminated and its principal was added to the Family sub-trust, which became the <b>MERGED FAMILY SUB-TRUST</b>;</li> <li>Pursuant to the Trust terms, <b>ANTONIETTA ROSA VERNI</b>, daughter, is first appointed and currently serves as Successor Trustee of the Merged Family Sub-Trust; pursuant to the <i>Eighth Amendment</i> to Trust, <b>NICOLA VERNI</b>, son, is first appointed and currently serves as Successor Trustee of the <b>SURVIVOR'S TRUST</b>;</li> <li>The beneficiaries of each of the Sub-Trusts are the Settlor's five children: <b>ANTONIETTA ROSA VERNI (Rosa)</b>, <b>NICOLA VERNI (Nick)</b>, <b>LEONARD VERNI (Dino)</b>, <b>MARIA STANZIALE</b>, and <b>CARMELA DeSANTIS</b> (Petitioner); and specific distributions from the Survivor's Sub-Trust are to <b>ERLINDA MARCIANO VERNI (\$200,000.00)</b> and <b>ST. ANTHONY OF PADUA CATHOLIC CHURCH (\$200,000.00)</b>;</li> <li>Following the death of Saverio and Leonarda, the Merged Family Sub-Trust names Rosa as First Successor Appointee, and Maria as Second Successor Appointee; Eighth Amendment provides that upon Saverio's ceasing to act as trustee, Nick will serve as trustee of the Survivor's Sub-Trust;</li> <li><b>Petitioner seeks a Court order pursuant to Probate Code § 15642 removing Rosa as trustee of the Merged Family Sub-Trust, and removing Nick as trustee of the Survivor's Sub-Trust; Petitioner also seeks a determination by the Court that Dino is not qualified to serve as next successor trustee of the Survivor's Sub-Trust.</b></li> </ul>	<b>NEEDS/PROBLEMS/COMMENTS:</b>	
Saverio DOD: 5/25/2009			<b>This matter will be heard at 10:30 a.m.</b>
Conf. from 091112, 100212, 120512, 010313, 022113, 032213, 052413, 062113, 062813, 083013, 092713, 103013, 120613			<b>Continued from 12/6/2013.</b>
Aff.Sub.W			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg		X	
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
✓ Pers.Serv.			
Conf. Screen			
Letters			
Duties/S			
Objection			
Video Receipt			
CI Report			
9202			
✓ Order			
Aff. Post			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<b>Reviewed by: LEG</b>	
		<b>Reviewed on: 1/23/14</b>	
		<b>Updates:</b>	
		<b>Recommendation</b>	
		<b>File 1B - Verni</b>	

Atty Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)  
 Atty Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole; of McCormick Barstow (for Co-Trustees Antonietta "Rosa" Verni, daughter, and Nicola "Nick" Verni, son)  
 Atty Phillips, John, of Wild, Carter & Tipton (for Leonard "Dino" Verni, son)  
 Atty Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)

Petition to Construe Trust Provision [Prob. C. 17200]

Leonarda DOD: 7/31/2000	<p><b>CARMELA DeSANTIS</b>, daughter and Trust Beneficiary, is Petitioner.                  Petitioner states:</p> <ul style="list-style-type: none"> <li>The <b>VERNI FAMILY TRUST of 1999</b> was created by <b>SAVERIO VERNI</b> and <b>LEONARDA VERNI</b> on 6/10/1999, and was amended once by Settlers on the following day, 6/11/1999; Leonarda died on 7/31/2000, thereby causing the Trust to be divided into three sub-trusts: the <b>VERNI MARITAL TRUST</b>, the <b>VERNI FAMILY TRUST</b>, (which was amended once during both Trustors' lifetimes), and the <b>VERNI SURVIVOR'S TRUST</b> (copies of Trusts attached as Exhibit A);</li> <li>The instant petition relates to a provision contained in the <b>SURVIVOR'S SUB-TRUST</b>; over Petitioner's objections, Trustees Nick and Rosa have provided a commingled accounting for the Merged Family and Survivor's Sub-Trusts, which fails to segregate each Sub-Trust's assets, liabilities, receipts and disbursements;</li> <li>The failure to appropriately segregate assets, liabilities, receipts and disbursements among the Sub-Trusts prevents the Court, trustee and beneficiaries from determining the size and holdings of the <b>SURVIVOR'S SUB-TRUST</b>; because the <b>SURVIVOR'S SUB-TRUST</b> will be used to fund the above-referenced equalization provision, any appropriate increase in size to that particular Sub-Trust will allow greater realization of the Trustor's intent and will provide a means for effectuating the equalization of prior distributions; conversely, any inappropriate decrease in the size of the <b>SURVIVOR'S SUB-TRUST</b> will undermine the Trustor's intent and deny the Trustee the ability to effectuate an equalization;</li> <li><b>The Trustee of the SURVIVOR'S SUB-TRUST believes that distributions made during Saverio's lifetime should not be considered for purposes of the equalization process; Petitioner believes this to be contrary to the language of the provision and intent of the Trustor.</b></li> </ul> <p>Petitioner requests a judicial declaration from the Court concerning the proper construction of Subsection 1, of Section B, or Article IV of the <b>SURVIVOR'S SUB-TRUST</b> [refer to copy of Trust or Paragraph 11 of Petition for exact language requiring apportionment of the residue of the trust estate into equal shares for Trustor's living children.]</p>	<p><b>NEEDS/PROBLEMS/ COMMENTS:</b></p> <p>This matter will be heard at 10:30 a.m.</p> <p><u>Continued from 12/6/2013.</u></p> <p><b>Note:</b> Additional notes pages originally prepared with respect to this petition have been omitted.</p>
Saverio DOD: 5/25/2009		
Cont. from 100212, 120512, 010313, 022113, 032213, 052413, 062113, 062813, 083013, 092713, 103013, 120613		
Aff.Sub.W		
✓ Verified		
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Notice of Hrg		
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Aff.Pub.		
Sp.Ntc.		
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Video Receipt		
CI Report		
9202		
✓ Order		
Aff. Post		
Status Rpt		
UCCJEA		
Citation		
FTB Notc		
Reviewed by: LEG		
Reviewed on: 1/23/14		
Updates:		
Recommendation:		
File 1C - Verni		

**1D In the Matter of the Verni Family Trust (Trust) Case No. 10CEPR00639**  
**Atty Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)**  
**Atty Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole; of McCormick Barstow (for Co-Trustees Antonietta "Rosa" Verni, daughter, and Nicola "Nick" Verni, son)**  
**Atty Phillips, John, of Wild, Carter & Tipton (for Leonard "Dino" Verni, son)**  
**Atty Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)**

**Petition to Establish Claim of Ownership, in Favor of Trust, to Property and for Order Directing its Transfer to the Trustees to Hold in Trust (Prob. C. 850, 17200.1)**

<table border="1"> <tr><td>Leonarda DOD: 7/31/2000</td></tr> <tr><td>Saverio DOD: 5/25/2009</td></tr> <tr><td> </td></tr> <tr><td>Cont. from 100212, 120512, 010313, 022113, 032213, 062113, 062813, 083013, 092713, 103013, 120613</td></tr> <tr><td>Aff.Sub.W</td></tr> <tr><td><input checked="" type="checkbox"/> Verified</td></tr> <tr><td>Inventory</td></tr> <tr><td>PTC</td></tr> <tr><td>Not.Cred.</td></tr> <tr><td>Notice of Hrg</td></tr> <tr><td>Aff.Mail</td></tr> <tr><td>Aff.Pub.</td></tr> <tr><td>Sp.Ntc.</td></tr> <tr><td><input checked="" type="checkbox"/> Pers.Serv.</td></tr> <tr><td>Conf. Screen</td></tr> <tr><td>Letters</td></tr> <tr><td>Duties/S</td></tr> <tr><td>Objection</td></tr> <tr><td>Video Receipt</td></tr> <tr><td>CI Report</td></tr> <tr><td>9202</td></tr> <tr><td><input checked="" type="checkbox"/> Order</td></tr> <tr><td>Aff. Post</td></tr> <tr><td>Status Rpt</td></tr> <tr><td> </td></tr> <tr><td>UCCJEA</td></tr> <tr><td>Citation</td></tr> <tr><td>FTB Notice</td></tr> </table>	Leonarda DOD: 7/31/2000	Saverio DOD: 5/25/2009		Cont. from 100212, 120512, 010313, 022113, 032213, 062113, 062813, 083013, 092713, 103013, 120613	Aff.Sub.W	<input checked="" type="checkbox"/> Verified	Inventory	PTC	Not.Cred.	Notice of Hrg	Aff.Mail	Aff.Pub.	Sp.Ntc.	<input checked="" type="checkbox"/> Pers.Serv.	Conf. Screen	Letters	Duties/S	Objection	Video Receipt	CI Report	9202	<input checked="" type="checkbox"/> Order	Aff. Post	Status Rpt		UCCJEA	Citation	FTB Notice	<p><b>CARMELA DeSANTIS</b>, daughter and Trust Beneficiary, is Petitioner.</p> <p><b>Summary of Petitioner's requests for specific relief:</b></p> <ol style="list-style-type: none"> <li>Determining that the following is property of the Trust estate:             <ol style="list-style-type: none"> <li><b>Almond crops:</b> (i) The almond meat inventory on hand at the date of Saverio's death; (ii) all almond crops grown on Trust land since Saverio's death; and (iii) proceeds from the sale of the almond inventory and crops;</li> <li><b>Olive crops:</b> (i) The olive oil, olive crop and olive inventory on hand at the date of Saverio's death; (ii) all olive crops grown on Trust land since Saverio's death; and (iii) proceeds from the sale of the olive oil, inventory and crops;</li> <li><b>Other crops (Stone Fruit, Grapes, Etc.):</b> (i) The inventory of other crop grown on Trust land, on hand at the time of Saverio's death but not reported in the Trustee's First Account; (ii) all such crops grown on Trust land since Saverio's death and during 2009; and (iii) proceeds from the sale of the inventory and crops;</li> <li><b>Other Inventory on Hand:</b> (i) The inventory of firewood and olive oil on hand at the time of Saverio's death but not reported in the Trustee's First Account; (ii) all such items produced from products grown on Trust land since Saverio's death and during 2009; [and (iii) proceeds from the sale of the other inventory;]</li> <li><b>Proceeds from Sale of Trust Real Property:</b> The money received by Nick and Dino from DeYoung Properties in connection with the option to purchase land and used by DeYoung Properties to actually purchase Trust land which sum is believed to be not less than <b>\$1,000,000.00</b>;</li> </ol> </li> <li>Directing each of the beneficiaries in possession or holding the property to transfer such property to the Trustees to hold for the benefit of the Trust and the appropriate Sub-Trust(s);</li> <li>Directing each of the beneficiaries in possession or holding any proceeds from the sale or exchange of any of the property to transfer such proceeds to the Trustees to hold for the benefit of the Trust and the appropriate Sub-Trust(s);</li> <li>For judgment in favor of the Trustees of the Trust against any beneficiary who received the Trust property and proceeds, in an amount to be determined and as required to compensate for all of the detriment and damages cause to the Trust; and</li> <li>For treble damages pursuant to Probate Code § 859.</li> </ol>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>This matter will be heard at 10:30 a.m.</b></p> <p><b>Continued from 12/6/2013.</b></p> <p><b>Note:</b> Additional notes pages originally prepared with respect to this petition have been omitted.</p> <table border="1"> <tr><td><b>Reviewed by:</b> LEG</td></tr> <tr><td><b>Reviewed on:</b> 1/23/14</td></tr> <tr><td><b>Updates:</b></td></tr> <tr><td><b>Recommendation:</b></td></tr> <tr><td><b>File 1D - Verni</b></td></tr> </table>	<b>Reviewed by:</b> LEG	<b>Reviewed on:</b> 1/23/14	<b>Updates:</b>	<b>Recommendation:</b>	<b>File 1D - Verni</b>
Leonarda DOD: 7/31/2000																																			
Saverio DOD: 5/25/2009																																			
Cont. from 100212, 120512, 010313, 022113, 032213, 062113, 062813, 083013, 092713, 103013, 120613																																			
Aff.Sub.W																																			
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<input checked="" type="checkbox"/> Pers.Serv.																																			
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<b>Updates:</b>																																			
<b>Recommendation:</b>																																			
<b>File 1D - Verni</b>																																			

**1E In the Matter of the Verni Family Trust (Trust)**

**Case No. 10CEPR00639**

- Atty** Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Petitioner Carmela DeSantis, daughter and Trust Beneficiary)
- Atty** Baldwin, Kenneth A.; Thompson, Timothy; Cunningham, Nikole; of McCormick Barstow (for Co-Trustees Antonietta "Rosa" Verni, daughter, and Nicola "Nick" Verni, son)
- Atty** Phillips, John, of Wild, Carter & Tipton (for Leonard "Dino" Verni, son)
- Atty** Bohn, Jeffrey D., sole practitioner (for Erlinda M. Verni, surviving spouse)

**Petition for Review of Accounts and Acts of Trustees [Prob. C. 16063(a)(5); 17200(b)(5)]**

Leonarda DOD: 7/31/2000	<p><b>CARMELA DeSANTIS</b>, daughter and Trust Beneficiary, is Petitioner.</p> <p><b>Summary of Petitioner's requests in the Prayer for Relief:</b></p> <ul style="list-style-type: none"> <li>That each of the Second, Third, and Fourth Accounts Current submitted to Petitioner by the Co-Trustees be disallowed;</li> <li>That the Co-Trustees, and each of them, be ordered to compensate the estate for any loss caused by their acts and omissions;</li> <li>That the Trustees be directed to prepare and file a true and full account of their acts and proceedings within such time as may be allowed by this Court; and</li> <li>That Petitioner be reimbursed attorney's fees and costs.</li> </ul> <p><b>Petitioner states the following in support of the requests for relief:</b></p> <p><b>Accounts Provided by the Trustees</b></p> <ul style="list-style-type: none"> <li>On or about 8/26/2010, the Co-Trustees, Rosa and Nick Verni, filed a <i>First Account Current and Report of Trustees and Petition for its Settlement</i>;</li> <li>On 10/5/2010, Petitioner filed written objections to the <i>First Account Current</i> based on, among other things, the limited scope of the Account, the Trustees' failure to render separate accountings for each Sub-Trust, the failure to provide information pertaining to transactions involving the Trustees, as well as with respect to various farming operations being managed by the Trustees on behalf of the Trust;</li> <li>At Petitioner's request, the Trustees provided Petitioner with a <i>Second Account Current</i>, covering the period of 1/1/2010 through 12/31/2010;</li> </ul> <p align="center"><b>~Please see additional page~</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p align="center"><b>This matter will be heard at 10:30 a.m.</b></p> <p><b><u>Continued from 12/6/2013.</u></b></p> <p><b>Note:</b> File contains no record of notice sent by Petitioner to any interested parties regarding the instant <i>Petition</i> pursuant Probate Code § 17203.</p> <p><b>Note:</b> Petitioner's prayer requests the Court <b>disallow</b> the accounts. Petitioner requests in the body of the <i>Petition</i> that the Court <b>review</b> the Second, Third and Fourth Accounts, but because the subject accounts have not been filed with the Court by the Co-Trustees as the fiduciaries, the accounts have not been reviewed by the Court.</p>
Saverio DOD: 5/25/2009		
<b>Cont. from 120613</b>		
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## **First Additional Page 1E, Matter of the Verni Family Trust Case No. 10CEPR00639**

### **Petitioner states, continued:**

- On 7/26/2012, Petitioner filed written *Objections to Second Account Current*, and attached a copy of the *Second Account Current (copy of the Objections to Second Account Current filed by Petitioner on 7/26/2012 attached as Exhibit B)*;
- The *Second Account Current* continued to be deficient in the same respects as noted with respect to the *First Account Current*, among others;
- In spite of Petitioner's repeated objections, the Trustees continue to fail to properly account to Petitioner and other beneficiaries, as required by the terms of the Trust and Probate Code § 16062 et seq., in the *Third Account Current*, covering the period of 1/1/2011 through 12/31/2011, mailed to Petitioner at her request on or about 11/19/2012, and the *Fourth Account Current* covering the period of 1/1/2012 through 12/31/2012, mailed to Petitioner at her request on or about 4/19/2013;
- The manner in which such Accounts are deficient is further described in Petitioner's *Objections to Third Account Current*, attached as *Exhibit C*, and Petitioner's *Objections to Fourth Account Current* attached as *Exhibit D*;
- Article 11, Section 4 of the Trust requires the Trustees to render an accounting upon written request of any beneficiary;
- To date, the Trustees have failed to provide adequate accounts in response to Petitioner's requests pursuant to this provision, thereby necessitating this request that the Court review the Second, Third and Fourth Accounts Current and the acts of the Trustees.

### **Response to Petition for Review of Accounts and Acts of Trustees filed on 12/5/2013 by Trustees Nick Verni and Rosa Verni states:**

- Trustees admit that they filed the *First Account Current* and *Report of Trustees and Petition for Settlement* on 8/26/2010; Trustees further admit that Petitioner filed written objections to the *First Account Current* on 10/5/2010; however, Trustees deny that any deficiencies exist, legal or otherwise, in the *First Account Current*;
- Trustees admit that they submitted the *Second Account Current* to Petitioner; Trustees further admit that Petitioner filed written objections to the *Second account current* on 7/26/2012; however, Trustees deny that any deficiencies exist, legal or otherwise, in the *Second Account Current*;
- Trustees admit that they submitted the *Third Account Current* to Petitioner on or about 11/19/2012; Trustees further admit that they submitted the *Fourth Account Current* to Petitioner on or about 4/19/2013; however, Trustees deny that any deficiencies exist, legal or otherwise, in the *Third Account Current* and *Fourth Account Current*;
- The Trustees have filed a full account of their acts and proceedings during the period embraced thereby, and their *Report and Account* should be allowed and approved;
- Trustees expressly deny that any of the *Second, Third and Fourth Accounts Current* are deficient or otherwise fail to comply with the Trust or the requirements set forth in the Probate Code;

### **Trustees pray for an Order of this Court finding that:**

1. The objections of Petitioner be dismissed;
2. All acts and transactions of the Trustees as reflected in the *Account and Report* be ratified and confirmed;
3. The Trustees be authorized and directed to continue the administration of the Sub-Trusts until such time as the remaining tasks discussed herein are accomplished, the remaining legal actions discussed herein are resolved, and a plan of final distribution can be presented to the beneficiaries of the trust for their consent;
4. Petitioner take nothing by way of her Petition; and
5. Attorney's fees and costs of suit are awarded to Respondents.