



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Atty Dornay, Val J., sole practitioner (for Thomas Moreno, Administrator)

(1) First and Final Account and Report of Administration and Petition for Its Settlement and (2) for Allowance of Statutory Attorneys Fees and (3) for Final Distribution

DOD: 7/22/2002		THOMAS MORENO , son and Administrator with Limited IAEA authority, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Paragraph 19 of the <i>Petition</i> states STEVEN MORENO has assigned any interest he has in the estate assets to Petitioner, and that the assignment is on file with the Court. Court records do not show an <i>Assignment of Interest</i> from Steven Moreno has been filed (<i>Note: Assignment of Interest in Estate by FRANK MORENO was filed on 10/3/2013.</i>)
		Account period: 7/22/2002 – 11/9/2013	
Cont. from		Accounting - \$80,025.00	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$80,000.00	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$42,095.06 <i>(all cash)</i>	
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC	Administrator - waives	
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Attorney - \$2,681.00 <i>(statutory)</i>	
<input checked="" type="checkbox"/>	Aff.Mail	<i>w/o</i>	
<input type="checkbox"/>	Aff.Pub.		
<input checked="" type="checkbox"/>	Sp.Ntc.	Closing - \$500.00	
<input type="checkbox"/>	Pers.Serv.	Distribution pursuant to intestate succession and Assignment of Interest is to:	
<input type="checkbox"/>	Conf. Screen	<ul style="list-style-type: none"> VICTIMS COMPENSATION AND GOVERNMENT CLAIMS BOARD to pay off lien filed against the share of FRANK MORENO – \$400.00 cash; THOMAS MORENO – \$38,514.06 cash. 	
<input type="checkbox"/>	Letters	012908	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice	<i>N/A</i>	
			Reviewed by: LEG
			Reviewed on: 1/24/14
			Updates:
			Recommendation:
			File 1 – Moreno

DOD: 3-8-06	ARACELI SOTO GOMEZ Executor with full IAEA without bond, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. According to Attorney Cross' status report filed 12-12-12, it was learned that there was a title issue stemming from Decedent's divorce in 1983 wherein the Decedent was awarded the residence, but the judgment did not contain the complete legal description of the property, so the assessor had no record of transfer to her alone. Attorney Cross anticipated filing an application to the Family Court in the old dissolution case 0274152-8 to modify the judgment or sign a deed conveying the property.</p> <p>In this petition, Petitioner states the correction is expected to be completed before this hearing; however, Court records do not reflect any activity in that case.</p> <p>Was the title issue corrected? Is the estate in a position to close? Need clarification.</p>
	Accounting is waived.	
Cont. from 121013	I&A: \$68,035.00	
Aff.Sub.Wit.	POH: \$68,035.00	
<input checked="" type="checkbox"/> Verified	(Decedent's one-third interest in real property plus personal property)	
<input checked="" type="checkbox"/> Inventory		
<input checked="" type="checkbox"/> PTC	Executor (Statutory): Waived	
<input checked="" type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Attorney (Statutory): Waived	
<input checked="" type="checkbox"/> Aff.Mail	Costs: \$1,090.00 (to be paid by Executor outside of probate estate)	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.	Distribution pursuant to Decedent's will:	
Conf. Screen	Araceli Soto Gomez: \$67,285	
<input checked="" type="checkbox"/> Letters	(Decedent's one-third interest in real property plus personal property)	
Duties/Supp		
Objections		
Video Receipt		
CI Report		
<input checked="" type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
<input checked="" type="checkbox"/> FTB Notice		
		<p>Reviewed by: skc</p> <p>Reviewed on: 1-24-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2 – Soto</p>

First and Final Account: Report of Conservator; and (1) Petition for Approval of Account and Report and (2) Conservator's Fees and (3) Attorney's Fees and (4) Reimbursement of Costs to Attorney and (5) Distribution of Conservatorship Assets Due to Death of Conservatee

DOD: 9-1-13		NANCY QUEMADA LAU , Conservator, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>
		Account Period: 5-31-12 through 9-1-13	
		Accounting: \$515,436.68	
		Beginning POH: \$481,000.00	
		Ending POH: \$482,641.17	
	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		

Subsequent Account Period: 9-2-13 through 10-16-13
 Accounting: \$484,939.17
 Beginning POH: \$482,641.17
 Ending POH: \$481,469.55
 (\$469.55 cash plus two residential properties in Los Angeles, CA)

Conservator: Waived

Attorney: \$6,409.00 (8.6 attorney hours @ \$290/hr and 29 paralegal hours @ \$135/hr per declaration including 6 hours of *anticipated* attorney and paralegal time of \$1,275. See Notes.

Costs: \$607.30

Petitioner prays for an order:

1. Settling, allowing, and approving the first and final account as filed;
2. Confirming and approving all acts and transactions of Petitioner as Conservator;
3. Authorizing payment of the Attorney fees and costs;
4. Authorizing distribution of the conservatorship estate to Petitioner as trustee of the Quemada Family Living Trust dated 2-4-2000;
5. Discharge upon distribution and filing of proper receipts; and
6. For such other relief as the Court may deem just and proper.

Reviewed by: skc
Reviewed on: 1-24-14
Updates:
Recommendation:
File 3 – Quemada

Page 2

NEEDS/PROBLEMS/COMMENTS:

1. Need account statements pursuant to Probate Code §2620(c).
2. The Conservatee owns two houses in Los Angeles; however, it appears she was only receiving rent from one of them. It appears that family members reside in both residences. Further, it appears that the Conservatee was paying a mortgage and utilities for one or both of these homes, but it is unclear which one. Need clarification.
3. The Conservatee resided with Petitioner in Petitioner's home for the duration of the conservatorship. However, the disbursements schedule indicates numerous and frequent disbursements for grocery and household expenses (Costco, Trader Joe's, Walmart, Food 4 Less, AT&T, reimbursements to Petitioner for utilities, meals, etc.).

In addition, the disbursements schedule also indicates numerous and frequent shopping trips and restaurant meals during the account period with totals such that it appears the conservatorship estate was paying the entirety of the bill for the party (Yosemite Falls Café, Andiamo, Macy's, Target, fast food, etc.).

Need clarification regarding whether the Conservatee was paying an appropriate share of the household and living/entertainment expenses.

4. The disbursements schedule also indicates a security deposit and ongoing rent and utilities for an apartment for "½ Rent with Susie Perez moved to Clovis to help me with mom's physical care." Who is Susie Perez? A family member? Nonrelative Caregiver? These expenses do not appear to be compliant with the conservator's duty not to make gifts, etc., without disclosure and authority. See Cal. Rules of Court 7.1059 and Duties of Conservator.
5. Need clarification regarding the numerous bank fees for "checks and/or withdrawals over limit." Given the numerous disbursements noted above, it does not appear that the estate was being prudently managed if the estate was incurring overdraft fees.
6. Petitioner requests distribution of the conservatorship estate assets including real property valued at \$481,000.00 directly to a family trust pursuant to the conservatee's will; however, real property cannot be distributed directly from a conservatorship estate. See Probate Code §2631 (distribution of personal property only pursuant to §13100 affidavit). It appears this petition cannot be granted as prayed, and appointment of a personal representative for the estate may be necessary. Amendment of this petition may be necessary.
7. Given the above noted issues, the Court may require clarification regarding the request that the conservator's acts during the account period be confirmed and approved. The Court may require modified language or may strike this from the final order.

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS (Cont'd):

8. Attorney's fees include \$1,275 for anticipated 3 hours of attorney time and 3 hours of paralegal time that will be spent to review these Examiner Notes and prepare supplement.
9. Attorney's fees and costs include the paralegal's communications with the attorney service One Legal regarding document filing and costs for retrieval totaling \$433.30. Service expenses of this nature may be considered by the Court to be cost of doing business pursuant to Local Rule 7.17. The Court may require this amount to be deducted from the total requested.

(1) First Account and Report of Guardian, (2) Petition for Attorneys' Fees [Prob. C. 2620]

Age: 12 years	MARLEEN C. MAFFEO, mother/guardian, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 12/10/13. As of 1/23/14 the following issues remain:</p> <ol style="list-style-type: none"> 1. Need declaration in support of attorney fees. California Rules of Court, Rule 7.751. 2. Need schedule listing the property on hand at the fair market value. Probate Code §1063(a). (<u>Note:</u> Bank statements show that the current value of the stocks and securities is \$148,652.28. Therefore the fair market value of the estate would total \$389,256.77. This would mean that the bond should be increased to \$440,580.00) 3. Need order <p>Note: If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Friday, September 11, 2015 at 9:00 a.m. in Department 303, for the filing of the second account. <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>	
	Account period: 7/18/12 – 7/17/13		
Cont. from 121013	Accounting - \$246,855.69		
<input type="checkbox"/> Aff.Sub.Wit.	Beginning POH - \$235,589.46		
<input checked="" type="checkbox"/> Verified	Ending POH - \$242,776.50		
<input type="checkbox"/> Inventory	Current bond is \$335,000.00.		
<input type="checkbox"/> PTC	Guardian - waives		
<input type="checkbox"/> Not.Cred.	Attorney - \$4,371.63		
<input checked="" type="checkbox"/> Notice of Hrg	Petitioner prays for an Order:		
<input checked="" type="checkbox"/> Aff.Mail	1. Approving, allowing and settling the first account and report;		
<input type="checkbox"/> Aff.Pub.	2. Authorizing payment of attorney fees in the sum of \$4,371.63.		
<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 checked="" type="checkbox"/> 2620(c)			
<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: KT
			Reviewed on: 1/23/14
		Updates:	
		Recommendation:	
		File 4 – Maffeo	

Age: 9 years	MARLEEN C. MAFFEO, mother/guardian, is petitioner.	NEEDS/PROBLEMS/COMMENTS: Continued from 12/10/13. As of 1/23/14 the following issues remain: 4. Need declaration in support of attorney fees. California Rules of Court, Rule 7.751. 5. Need schedule listing the property on hand at the fair market value. Probate Code §1063(a). (<u>Note:</u> Bank statements show that the current value of the stocks and securities is \$148,652.28. Therefore the fair market value of the estate would total \$389,256.77. This would mean that the bond should be increased to \$440,580.00) 6. Need order Note: If the petition is granted, status hearings will be set as follows: <ul style="list-style-type: none"> Friday, September 11, 2015 at 9:00 a.m. in Department 303, for the filing of the second account. 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.	
	Account period: 7/18/12 – 7/17/13		
Cont. from 121013	Accounting - \$246,855.69		
Aff.Sub.Wit.	Beginning POH - \$235,589.46		
<input checked="" type="checkbox"/> Verified	Ending POH - \$242,776.50		
Inventory	Current bond is \$335,000.00.		
PTC	Guardian - waives		
Not.Cred.	Attorney - \$4,371.63		
<input checked="" type="checkbox"/> Notice of Hrg	Petitioner prays for an Order:		
<input checked="" type="checkbox"/> Aff.Mail w/	3. Approving, allowing and settling the first account and report;		
Aff.Pub.	4. Authorizing payment of attorney fees in the sum of \$4,371.63.		
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
<input checked="" type="checkbox"/> 2620(c)			
Order X			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			Reviewed by: KT
			Reviewed on: 1/23/14
		Updates:	
		Recommendation:	
		File 5 – Maffeo	

Atty **Esraelian, Robyn L., of Richardson, Jones & Esraelian (for Petitioners Joshua Houssiere and Cara Houssiere, Co-Executors)**

Petition to Dismiss Probate and Discharge Executors

DOD: 3/17/2012	<p>JOSHUA HOUSSIERE and CARA HOUSSIERE, children and Executors, are Petitioners.</p> <p>Petitioners state:</p> <ul style="list-style-type: none"> • Petitioners were appointed Executors and Letters were issued on 9/11/2012, and Petitioners have administered the estate with full authority under the IAEA; • A Creditor's Claim was filed on 11/[19]/2012 by Capital One Bank in the amount of \$19,190.84; an insolvency release was signed by Capital One Bank on 11/22/2013 (<i>copy of release attached as Exhibit A</i>); • There are no other debts or expenses of the estate other than costs and statutory fees associated with the filing of this Probate proceeding; • There are no probate assets to be administered; the only asset of the estate was Decedent's oil interest located in the state of Louisiana; the Executors retained an attorney in Louisiana to complete the ancillary administration; • In doing so, the attorney completed the distribution of the oil interests to the beneficiaries under Decedent's Will rather than completing the distribution to the Executors; • Therefore, there remain no assets to administer in the state of California; • The beneficiaries under Decedent's Will are the Executors of the Will (<i>copy of Judgment of Possession issued by the 14th Judicial District Court, Parish of Calcasieu, State of Louisiana, attached as Exhibit B</i>). <p>Petitioners pray for an Order:</p> <ol style="list-style-type: none"> 1. Dismissing the petition for probate of the estate; and 2. Discharging the Executors. 	NEEDS/PROBLEMS/COMMENTS:
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters 091112		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input checked="" type="checkbox"/> FTB Notice		
		<p>Reviewed by: LEG</p> <p>Reviewed on: 1/24/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 6 – Houssiere</p>

8A Nathan Boone-Mendez and Daniel Boone-Mendez (GUARD/P)

Case No. 12CEPR01123

Atty Famularo, Gina M. (for Kimberly and Ronnie Vidaurri – Guardians – Petitioners)

Notice of Motion and Motion for Change of Venue; Memorandum of Points and Authorities; Declaration of Petitioner

	KIMBERLY and RONNIE VIDAURRI , Guardians, are Petitioners.	NEEDS/PROBLEMS/COMMENTS:
	Petitioners were appointed as Guardians of the minors at Court Trial on 8-15-13.	Note: Page 8B is a continued Review Hearing regarding visitation that was set pursuant to Minute Order 8-15-13 to be heard at 10:30 a.m.
Cont. from 120313	Petitioners request that this Guardianship case be transferred to Riverside County.	Note: The minors have resided with Petitioners in Winchester, CA., which is Riverside County, since December 2012.
Aff.Sub.Wit.	Points and authorities provided.	<u>Continued from 12-3-13</u>
Verified		Minute Order 12-3-13: Ms. Famularo is appearing via CourtCall. Matter continued to 1-28-14. The Court will maintain jurisdiction until the next hearing at which time it will address the matters before.
Inventory		1. Need Notice of Hearing.
PTC		2. 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 pursuant to Probate Code §2214.
Not.Cred.		Note: The proof of service on the attorney for the mother as attached to the motion is not sufficient. Notice of Hearing is a mandatory Judicial Council form required for all probate proceedings. See Probate Code.
Notice of Hrg		3. Need transfer fees.
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: skc
		Reviewed on: 1-23-14
		Updates:
		Recommendation:
		File 8A – Boone-Mendez

8A

Atty Famularo, Gina M. (for Kimberly and Ronnie Vidaurri – Guardians – Petitioners)
Atty Mendez, Jennie (Mother, in pro per)
Petition for Visitation/ Review Hearing

Nathan (8)	KIMBERLY and RONNIE VIDAURRI were appointed as Guardians of the minors at Court Trial on 8-15-13.	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> Pursuant to Substitution of Attorney filed 12-2-13, Jennie Mendez, Mother, is now self-represented. On 12-2-13, the mother filed a Withdrawal of Petition for Termination of Guardianship; Petition for Visitation; and Supportive Declaration of Jennie Mendez. Ms. Mendez requests supervised visitation twice a month for 4 hours/visit, telephonic or face to face technology communication every Sunday between 5 and 7 for up to 30 minutes, and requests to attend the minors' activities upon notice to the guardians and be provided with a schedule of the activities. Ms. Mendez states that without a court order, she does not believe the guardians will allow her to visit because they cancelled her October visit, did not provide a schedule until November, and do not allow her telephone contact.
Daniel (6)		
	The Court set this review hearing pursuant to Minute Order 8-15-13.	
Cont. from 120313	Minute Order 8-15-13: Parties reach a resolution as fully set forth on the record by Ms. Kezirian. Parties agree, and the Court orders that Ms. Trejo's petition be withdrawn and dismissed. Parties further agree, and the Court orders that Ms. Mendez's petition to terminate be amended and treated as a petition for visitation. In addition, parties agree to participate in mediation with Mr. Fischer before the next hearing. Parties further agree that there will be no objections to jurisdiction. With respect to Kimberly Vidaurri and Ronnie Vidaurri's petition for guardianship, the Court finds that it would be detrimental for the children to return home at this time. The Court grants the petition and appoints Kimberly Vidaurri and Ronnie Vidaurri as the guardians. Ms. Kezirian is directed to prepare the agreement. Petition granted. Order signed before court trial. Set on 12/3/13 @ 10:30 a.m. Dept. 303 for: Petition for Visitation/ Review Hearing. Order After Hearing was submitted with transcript and signed 11-18-13. Minute Order 12-3-13: The Court will maintain jurisdiction until the next hearing at which time it will address the matters before. Supervised visitation as to the mother shall remain as previously set that being once per month for four hours. Mother is authorized to have telephone contact with the children every Sunday between 5:00 and 7:00 pm for up to 30 minutes. Matter continued to 1-28-14. On 1-9-14, Guardians filed Monitor's Status Report and Guardian's Phone Records. The documents provide details of the mother's interactions with the minors during visitations and frequency of phone calls.	
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		
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Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc Reviewed on: 1-23-14 Updates: Recommendation: File 8B – Boone-Mendez

DOD: 10/15/2007		<p>JAMES RONNIE MERCER, surviving spouse is petitioner.</p> <p>No other proceedings.</p> <p>Decedent died intestate.</p> <p>Petitioner requests Court determination that decedent's 1/4 interest of the property located at 901 S. 2nd Street, Kernan, Ca. and decedent' 1/2 interest of the property located at 15452 W. "A" St. Kernan, Ca. pass to the petitioner.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Off Calendar. Order was signed on 01/14/2014.</u></p>
Cont. from 121013			
<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/		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: LV</p> <p>Reviewed on: 01/24/2014</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 9 – Mercer</p>	

Atty Chielpegian, Michael; Cobb, Lee S. W.; of Chielpegian Law Offices (for Petitioner Henry Lara)

Petition to Reform Irrevocable Trust

		<p>HENRY LARA, surviving spouse and Trustee of the LARA FAMILY RESIDUARY TRUST, is Petitioner.</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> • Petitioner and his late wife, Judith Lara (Decedent), are the Trustors of the LARA FAMILY TRUST dated 3/18/1977 (copy of Trust attached as Exhibit A); • Upon the death of Decedent, the LARA FAMILY TRUST was divided into 2 separate trusts: HENRY LARA SURVIVOR'S TRUST, and LARA FAMILY RESIDUARY TRUST; • Petitioner is the current lifetime beneficiary of the RESIDUARY TRUST, and the daughters of Petitioner and Decedent are the contingent remainder beneficiaries of the RESIDUARY TRUST; • Paragraph FOURTH of the Trust Agreement provides that the RESIDUARY TRUST is irrevocable; • Petitioner seeks to reform the RESIDUARY TRUST based on a scrivener's error; reformation is necessary to correct the scrivener's error of the drafting attorney, who was an associate at Anderson, Nearon & Falco; • Specifically, the Trust Agreement confers upon the Trustee the right to make certain distributions in the Trustee's "sole and absolute discretion;" • Petitioner believes that the "sole and absolute discretion" distribution standard may be deemed to be a general power of appointment that is not limited by an ascertainable standard, thereby potentially causing the assets of the RESIDUARY TRUST to be included in Petitioner's estate; • A purpose of the LARA FAMILY TRUST, and the creation of the RESIDUARY TRUST upon the death of the first spouse, was to provide for the surviving spouse during his or her lifetime and to limit and minimize estate taxes upon the death of the surviving spouse; • Neither Petitioner nor Decedent intended for the corpus of the RESIDUARY TRUST to be included in the surviving spouse's estate; <p align="center"><i>~Please see additional page~</i></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. 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>
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		
			<p>Reviewed by: LEG</p> <p>Reviewed on: 1/24/14</p> <p>Updates:</p> <p>Recommendation: File 11 – Lara</p>

Petitioner states, continued:

- The scrivener's error materially affects the **RESIDUARY TRUST** and its purpose to eliminate or minimize estate taxes upon the death of the surviving spouse; the **RESIDUARY TRUST** should therefore be reformed to strike "sole and absolute" in specifying the Trustee's ability to make distributions from the **RESIDUARY TRUST**, and to limit the Trustee's discretion to make distributions only for the health, education, support and maintenance of the surviving spouse; (*proposed revisions to the **RESIDUARY TRUST** are attached as Exhibit B*);
- Further, the proposed reformation is necessary because continuation of the **RESIDUARY TRUST** under its current draft could defeat or substantially impair the accomplishment of the purpose and intent of the **RESIDUARY TRUST** as anticipated by Petitioner and Decedent;
- The proposed reformation will not impair the interest of any settlor or beneficiary of the **RESIDUARY TRUST**; (*proposed **REFORMED RESIDUARY TRUST** are attached as Exhibit C*);
- The Trustee, the current lifetime beneficiary, and the contingent residuary beneficiaries likely to take upon the death of Henry Lara, consent to the proposed reformation; the Trustors' children, **JACQUELINE RENEE LARA, PEGGY LARA KEMP and SUZI MERCI LARA KYRIAKIDES**, are the contingent remainder beneficiaries of the **RESIDUARY TRUST** who are reasonably likely to take under the circumstances (*Consents attached as Exhibits D, E, F, G*); the Court may limit the class of beneficiaries whose consent is needed to compel the modification of the Trust to the beneficiaries who are reasonably likely to take under the circumstances, pursuant to Probate Code § 15404(c); therefore, no other consents are necessary to compel modification of the Trust

Petitioner prays for an Order Reforming the RESIDUARY TRUST as set forth in Exhibit B attached to the Petition.

DOD: 05/01/2013		<p>TERESA JEAN THOMAS, Successor Trustee of the Robert R. Gibson and Doris E. Gibson Revocable Living Trust.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Declaration pursuant to Local Rule 7.12.5 regarding distribution to Intervivos Trust. 2. Attachment 11 does not provide the decedent's interest in the real property.
		40 days since DOD	
Cont. from			
	Aff.Sub.Wit.	I&A - \$10,645.00	
✓	Verified	<p>Will dated: 06/20/2012 devises the residue pass to the Trustee of the Robert R. Gibson and Doris E. Gibson Revocable Living Trust.</p>	
✓	Inventory		
	PTC	<p>Petitioner requests Court determination that decedent's interest in the real property pass to the Robert R. Gibson and Doris E. Gibson Revocable Living Trust pursuant to decedent's will.</p>	
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: LV
			Reviewed on: 01/24/2014
			Updates:
			Recommendation:
			File 12 – Gibson

Atty Kruthers, Heather H. (for Public Guardian – Petitioner)

Atty Lind, Ruth P. (Court appointed for Proposed Conservatee)

Status Hearing Re: Conservatorship

	PUBLIC GUARDIAN filed a petition for appointment as Conservator of the Person and Estate on 3-13-13 due to Adult Protective referrals re telephone scammers and the status of Mr. Simpson's home. See petition for details.	NEEDS/PROBLEMS/COMMENTS:
		<u>Continued from 10-22-13. As of 1-23-14, nothing further has been filed.</u>
Cont. from 102213		1. Need status.
Aff.Sub.Wit.	Temporary Conservatorship of the Person and Estate was granted on an ex parte basis on 3-14-13.	Note: On 8-27-13, the Public Guardian filed a First and Final Account that was settled on 10-2-13 for the period of temporary conservatorship. Examiner notes that the language in the accounting petition appears to indicate that the conservatorship petition was dismissed; however, that is not the case.
Verified		Minute Order 6-19-13: Parties engage in settlement discussions with the Court. Mr. Simpson agrees to change his telephone number to a private number to avoid being called by scam artists. The Court terminates the temporary conservatorship. The Court indicates for the minute order that the issue regarding the conservatorship will remain open.
Inventory	At hearing on 4-18-13, the temp was extended and the matter set for trial.	Set on 10-22-13 at 10am in Dept 303 for Status Hearing Re: Conservatorship.
PTC		Note: If conservatorship is granted, the Court will set status hearings as follows:
Not.Cred.		<ul style="list-style-type: none"> Friday 5-30-14 for filing of I&A Friday 5-29-15 for filing of First Account
Notice of Hrg	On 6-19-13, at Court Trial / Settlement Conference, temporary conservatorship was terminated; however, the Court stated that the issue regarding conservatorship would remain open and set status hearing for 10-22-13.	
Aff.Mail		
Aff.Pub.	On 10-22-13, the matter was continued to 1-28-14.	
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: skc
Status Rpt		Reviewed on: 1-23-14
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 13 – Simpson

17 Joseph Bawaan, Jr. & Vanessa Bawaan (GUARD/P) Case No. 14CEPR00032

ProPer Bawaan, Albert James (pro per – paternal grandfather/Petitioner)

ProPer Ochoa, Candy Natalie (pro per – paternal grandmother/Petitioner)

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

Joseph, 3	<p><u>TEMPORARY GRANTED EX PARTE;</u> <u>TEMPORARY EXPIRES 01/28/14</u></p> <p><u>GENERAL HEARING 03/19/14</u></p> <p>ALBERT BAWAAN and CANDY OCHOA, paternal grandparents, are Petitioners.</p> <p>Father: JOSEPH DAVID BAWAAN Mother: VANESSA NADINE GONZALEZ</p> <p>Maternal grandparents: NOT LISTED</p> <p>Petitioners state that both parents are homeless, drug addicts, and unemployed. There have been two recent acts of violence involving the parents in the past two months that the children witnessed. CPS is currently investigating the parents for child abandonment.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i>. 2. Need proof of personal service at least 5 court days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Temporary Guardian of the Person</i> <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: <ol style="list-style-type: none"> a. Joseph David Bawaan (father) b. Vanessa Nadine Gonzalez (mother) 	
Vanessa, 8 months			
Cont. from			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			x
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			x
✓ Conf. Screen			
Letters			x
✓ Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order	x		
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: JF</p> <p>Reviewed on: 01/24/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 17 – Bawaan</p>	

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 10/19/13	PAMELA MELVILLE , friend/named Executor without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Note: Status hearings will be set as follows: <ul style="list-style-type: none"> • Friday, 06/27/2014 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Friday, 03/27/2015 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
Cont. from	Full IAEA – OK	
<input type="checkbox"/> Aff.Sub.Wit.	s/p	
<input checked="" type="checkbox"/> Verified	Will dated 06/26/12	
<input type="checkbox"/> Inventory	Residence: Reedley	
<input type="checkbox"/> PTC	Publication: Reedley Exponent	
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Estimated Value of the Estate:	
<input checked="" type="checkbox"/> Aff.Mail	Personal property - \$45,000.00	
<input type="checkbox"/> Aff.Pub.	Annual income - 2,250.00	
<input type="checkbox"/> Sp.Ntc.	Total - \$47,250.00	
<input type="checkbox"/> Pers.Serv.	Probate Referee: STEVEN DIEBERT	
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: JF
		Reviewed on: 01/24/14
		Updates:
		Recommendation: SUBMITTED
		File 18 – Pinkerton

ProPer Byars, Joy (pro per – maternal cousin/Petitioner)

ProPer Hoff, Dawn (pro per – friend/Petitioner)

Petition for Appointment of Temporary Guardianship of the Person

Raine, 3	<p align="center"><u>TEMPORARY GRANTED EX PARTE;</u> <u>TEMPORARY EXPIRES 01/28/14</u></p> <p align="center"><u>GENERAL HEARING 03/18/14</u></p> <p>JOY BYARS, maternal cousin, and DAWN HOFF, friend, are Petitioners.</p> <p>Father: JONATHAN CURIEL – <i>Personally served on 01/18/14</i></p> <p>Mother: VICTORIA CURIEL – <i>Personally served on 01/19/14; Consent & Waiver of Notice filed 01/24/14</i></p> <p>Paternal grandfather: ROBERT Paternal grandmother: SUSAN CURIEL-CHAVEZ</p> <p>Maternal grandfather: MARK LUCIDI, SR. Maternal grandmother: DIXIE DARLING</p> <p>Siblings: SORA LUCIDI-CURIEL, JONATHAN CURIEL, JR.</p> <p>Petitioners state that the parents abandoned the children after being investigated by CPS in San Bernardino County for physical abuse, and lack of food and utilities in the home. Petitioners allege that the children's medical/dental needs were neglected. Raine was suffering from a severe blockage in her colon that is believed to be caused by malnourishment or sexual abuse or both. Mia's upper front teeth are rotted and will require a costly surgical procedure to repair. Petitioners allege that the children were both petrified to have their diapers changed when they first came to live with them, they would cry, scream and beg to not be hurt during diaper changes, and would try to squeeze their knees together and cover themselves with their hands. Petitioners state that the parents are living in Utah at this time and have threatened to come pick up the children after learning that of the Petitioner's intent to file for guardianship.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <hr/> <p>Reviewed by: JF</p> <p>Reviewed on: 01/24/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 19 – Lucidi-Curiel & Curiel</p>	
Mia, 2			
Cont. from			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			x
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			x
✓ Conf. Screen			
Letters			x
✓ Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			x
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			