

1 Charles Lee Jefferson (Estate) Case No. 08CEPR00469

Attorney Fanucchi, Edward L. (for Wanda Foster – Administrator)

Probate Status Hearing Re: Filing First Account and or Final Distribution

DOD: 12/12/2006	WANDA FOSTER , was appointed Successor Administrator with limited authority and bond set at \$245,700.00 on 10/22/2014.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order of 12/03/2015: Counsel requests 60 days; no appearance is necessary on 01/28/2016 if the petition is filed at least two court days prior.</p> <p>1. Need First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
Cont. from 120315	Ex Parte Order Reducing Bond of \$245,700.00 to \$101,635.00 was filed 12/18/2014.	
Aff.Sub.Wit.	Receipt of bond filed 02/04/2015.	
Verified	Letters issued on 03/10/2015.	
Inventory	Final Inventory and Appraisal filed 12/12/2014 shows an estate valued at \$102,700.00.	
PTC	Minute Order of 10/22/2014 set this Status Hearing for the filing of the Petition for First Account and/or Final Distribution.	
Not.Cred.	Status Report filed 11/25/2015 (for 12/03/2015 hearing) states on 11/24/2015, Attorney Fanucchi met with the Successor Administrator to discuss the distribution of the estate and the necessity of dealing with the Estate of Queen Jefferson, the decedent's surviving spouse, now deceased. It was determined that it will be necessary to begin proceeding for the estate of Queen Jefferson in order to petition for distribution of estate assets from the estate of Charles Lee Jefferson to the estate of Queen Jefferson. Therefore, it is respectfully requested that this matter be continued for a period of 60 days to allow the Successor Administrator and her attorneys the necessary time to complete the final account and to work on the estate plan for the decedent's surviving spouse.	
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Reviewed by: LV

Reviewed on: 01/26/2016

Updates:

Recommendation:

File 1 – Jefferson

DOD: 11/25/2012	EUSTOLIA CAMACHO , surviving spouse, was appointed Administrator with full IAEA authority without bond on 04/28/2014.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>4B through 4K are Petitions for Appointment of Guardian Ad Litem. Page 4L is Petition for Court Order Invalidating Disclaimers, and Page 4M is Spousal Property Petition.</p> <p>Minute Order of 12/02/2015: A petition has been filed and set for 01/28/2016; this status hearing will trail.</p> <p>1. Need First Account or Petition for Final Distribution.</p>
	Letters issued on 04/29/2014	
Cont. from 060515, 102815, 120215	Inventory and Appraisal filed 01/30/2015 shows an estate valued at \$743,000.00.	
<input type="checkbox"/> Aff.Sub.Wit.	Minute Order of 04/28/2014 set this matter for hearing for the filing of the First Account.	
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<input type="checkbox"/> Conf. Screen	<p>Status Statement on Filing Petition for Distribution filed by Attorney Thomas A. Markeson on 11/25/2015 states the petition for distribution is not yet ready to be filed. Following further investigation Ms. Camacho intends to file two new petitions:</p> <p>A. Spousal Property Petition that seeks an order that the following is community property: 3825 Dockery Ave. Selma; 1430 Pine Street, Selma; 2423 Park Street, Selma; 1604 Floral Ave, Selma; 13603 East Ann Ave, Parlier; 1415 Evergreen Street, Selma; and El Mexicano Restaurant.</p> <p>B. Petition (1) for Court Order Invalidating Disclaimers for Unf timeliness; (2) to Invalidate Disclaimers for Mistake and/or Unjust Enrichment; (3) to Approve Assignment of Minor's Interest to Grandmother.</p> <p>It seeks a ruling that disclaimers filed in March of 2015 are invalid because they are not timely and/or because they have resulted in unjust enrichment. Alternatively the petition seeks approval for a Guardian Ad Litem to assign a minor's property interest acquired as a result of the disclaimer to his grandmother.</p> <p>The petition seeks orders that would substantially impact the assets of the estate and/or the beneficiaries of the estate. Accordingly they will both need to be resolved prior to the final distribution. Both petitions have been finalized and forwarded to the client for review and signature.</p>	
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Please see additional page		
		<p>Reviewed by: LV</p> <p>Reviewed on: 01/26/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4A - Camacho</p>

4A(additional page) Jose Manuel Camacho (Estate) Case No. 14CEPR00177

It is expected to have them filed prior to 12/02/2015. It was not realized until today, 11/25/2015, that the Court set Guardian ad Litem petition filed 10/21/2015 for 12/02/2015. At the last hearing Mr. Markeson thought the status hearing only was continued. Accordingly there has been notice given to anyone.

It is requested that the Court continue this hearing an appropriate date after hearing on the new petitions and to set a date for hearing on the petitions for appointment of Guardian ad Litem.

Note: A Declaration of Child of Decedent Re Knowledge of Disclaimed Interest and Disposition of Disclaimed Interest was filed 11/30/2015.

Assignment of Interest was filed 11/30/2015 signed by the following:

- Adrian Avila
- Blake Avila
- Angelica Torrez
- Jacqueline Salamanca
- Bobby Salamanca
- Yolanda Osuna
- Anna Zepeda
- Michael Angel Camacho
- Jose Manuel Camacho, Jr.
- Lorraine Camacho
- Jobita Salazar

4B Jose Manuel Camacho (Estate) Case No. 14CEPR00177

Attorney Markeson, Thomas A. (for Eustolia Camacho – Petitioner)

Ex Parte Petition for Appointment of Guardian Ad Litem Re: Aerial Santiago

	<p>EUSTOLIA CAMACHO, petitioner, was appointed Administrator of the Estate of Jose Manuel Camacho on 04/29/2014. Letters issued on 04/29/2014.</p>		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 12/02/2015</p>
	<p>Petitioner requests: Attorney David Knudson be appointed as Guardian ad Litem for minor, Aerial Santiago.</p>		
	<p>Petition states: Lorraine Camacho is the daughter of the decedent. Counsel for personal representative spoke to Ms. Camacho in 2015 and determined that she wanted her interest in the decedent's estate to pass to the decedent's surviving spouse, Eustolia Camacho.</p>		
	<p>Counsel for the personal representative prepared a disclaimer but inadvertently failed to include language that the disclaimer was binding on her heirs and assigns. As a result, the disclaimed interest passed is if only Lorraine Camacho predeceased her father. That was not her intent at the time she executed the disclaimer.</p>		
	<p>Appointment of David Knudson as Guardian Ad Litem for the minor child is sought for the purpose of evaluating whether to assign the ward's interest in the estate to Eustolia Camacho and to execute an assignment if appropriate.</p>		
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			<p>Reviewed by: LV</p> <p>Reviewed on: 01/26/2016</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4B Camacho</p>

4E Jose Manuel Camacho (Estate) Case No. 14CEPR00177

Attorney Markeson, Thomas A. (for Eustolia Camacho – Petitioner)

Ex Parte Petition for Appointment of Guardian Ad Litem Re: Dani Zepeda

		<p>EUSTOLIA CAMACHO, petitioner, was appointed Administrator of the Estate of Jose Manuel Camacho on 04/29/2014. Letters issued on 04/29/2014.</p> <p>Petitioner requests: Attorney David Knudson be appointed as Guardian ad Litem for minor, Dani Zepeda.</p> <p>Petition states: Anna Zepeda is the daughter of the decedent. Counsel for personal representative spoke to Ms. Zepeda in 2015 and determined that she wanted her interest in the decedent's estate to pass to the decedent's surviving spouse, Eustolia Camacho.</p> <p>Counsel for the personal representative prepared a disclaimer but inadvertently failed to include language that the disclaimer was binding on her heirs and assigns. As a result, the disclaimed interest passed is if only Anna Zepeda predeceased her father. That was not her intent at the time she executed the disclaimer.</p> <p>Appointment of David Knudson as Guardian Ad Litem for the minor child is sought for the purpose of evaluating whether to assign the ward's interest in the estate to Eustolia Camacho and to execute an assignment if appropriate.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 12/02/2015</p>
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		<p>Reviewed by: LV</p> <p>Reviewed on: 01/26/2016</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4E- Camacho</p>	

4F Jose Manuel Camacho (Estate) Case No. 14CEPR00177

Attorney Markeson, Thomas A. ((for Eustolia Camacho – Petitioner)

Ex Parte Petition for Appointment of Guardian Ad Litem Re: Dante Camacho

		<p>EUSTOLIA CAMACHO, petitioner, was appointed Administrator of the Estate of Jose Manuel Camacho on 04/29/2014. Letters issued on 04/29/2014.</p> <p>Petitioner requests: Attorney David Knudson be appointed as Guardian ad Litem for minor, Dante Camacho.</p> <p>Petition states: Jose Manuel Camacho is the son of the decedent. Counsel for personal representative spoke to Mr. Camacho in 2015 and determined that he wanted his interest in the decedent's estate to pass to the decedent's surviving spouse, Eustolia Camacho.</p> <p>Counsel for the personal representative prepared a disclaimer but inadvertently failed to include language that the disclaimer was binding on his heirs and assigns. As a result, the disclaimed interest passed as if only Jose Manuel Camacho predeceased his father. That was not his intent at the time he executed the disclaimer.</p> <p>Appointment of David Knudson as Guardian Ad Litem for the minor child is sought for the purpose of evaluating whether to assign the ward's interest in the estate to Eustolia Camacho and to execute an assignment if appropriate.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 12/02/2015</p>
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		<p>Reviewed by: LV</p> <p>Reviewed on: 01/27/2016</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4F - Camacho</p>	

4G Jose Manuel Camacho (Estate) Case No. 14CEPR00177

Attorney Markeson, Thomas A. (for Eustolia Camacho – Petitioner)

Ex Parte Petition for Appointment of Guardian Ad Litem Re: Jennifer Osuna

		<p>EUSTOLIA CAMACHO, petitioner, was appointed Administrator of the Estate of Jose Manuel Camacho on 04/29/2014. Letters issued on 04/29/2014.</p> <p>Petitioner requests: Attorney David Knudson be appointed as Guardian ad Litem for minor, Jennifer Osuna.</p> <p>Petition states: Yolanda Osuna is the daughter of the decedent. Counsel for personal representative spoke to Ms. Osuna in 2015 and determined that she wanted her interest in the decedent's estate to pass to the decedent's surviving spouse, Eustolia Camacho.</p> <p>Counsel for the personal representative prepared a disclaimer but inadvertently failed to include language that the disclaimer was binding on her heirs and assigns. As a result, the disclaimed interest passed is if only Yolanda Osuna predeceased her father. That was not her intent at the time she executed the disclaimer.</p> <p>Appointment of David Knudson as Guardian Ad Litem for the minor child is sought for the purpose of evaluating whether to assign the ward's interest in the estate to Eustolia Camacho and to execute an assignment if appropriate.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 12/02/2015</p>
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		<p>Reviewed by: LV</p> <p>Reviewed on: 01/26/2016</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4G - Camacho</p>	

4G

4H Jose Manuel Camacho (Estate) Case No. 14CEPR00177

Attorney Markeson, Thomas A. (for Eustolia Camacho – Petitioner)

Ex Parte Petition for Appointment of Guardian Ad Litem Re: Matthew Osuna

		<p>EUSTOLIA CAMACHO, petitioner, was appointed Administrator of the Estate of Jose Manuel Camacho on 04/29/2014. Letters issued on 04/29/2014.</p> <p>Petitioner requests: Attorney David Knudson be appointed as Guardian ad Litem for minor, Matthew Osuna.</p> <p>Petition states: Yolanda Osuna is the daughter of the decedent. Counsel for personal representative spoke to Ms. Osuna in 2015 and determined that she wanted her interest in the decedent's estate to pass to the decedent's surviving spouse, Eustolia Camacho.</p> <p>Counsel for the personal representative prepared a disclaimer but inadvertently failed to include language that the disclaimer was binding on her heirs and assigns. As a result, the disclaimed interest passed is if only Yolanda Osuna predeceased her father. That was not her intent at the time she executed the disclaimer.</p> <p>Appointment of David Knudson as Guardian Ad Litem for the minor child is sought for the purpose of evaluating whether to assign the ward's interest in the estate to Eustolia Camacho and to execute an assignment if appropriate.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 12/02/2015</p>
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		<p>Reviewed by: LV</p> <p>Reviewed on: 01/26/2016</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4H- Camacho</p>	

4H

4I Jose Manuel Camacho (Estate) Case No. 14CEPR00177

Attorney Markeson, Thomas A. (for Eustolia Camacho – Petitioner)

Ex Parte Petition for Appointment of Guardian Ad Litem Re: Noah Santiago

		<p>EUSTOLIA CAMACHO, petitioner, was appointed Administrator of the Estate of Jose Manuel Camacho on 04/29/2014. Letters issued on 04/29/2014.</p> <p>Petitioner requests: Attorney David Knudson be appointed as Guardian ad Litem for minor, Noah Santiago.</p> <p>Petition states: Lorraine Camacho is the daughter of the decedent. Counsel for personal representative spoke to Ms. Camacho in 2015 and determined that she wanted her interest in the decedent's estate to pass to the decedent's surviving spouse, Eustolia Camacho.</p> <p>Counsel for the personal representative prepared a disclaimer but inadvertently failed to include language that the disclaimer was binding on her heirs and assigns. As a result, the disclaimed interest passed is if only Lorraine Camacho predeceased her father. That was not her intent at the time she executed the disclaimer.</p> <p>Appointment of David Knudson as Guardian Ad Litem for the minor child is sought for the purpose of evaluating whether to assign the ward's interest in the estate to Eustolia Camacho and to execute an assignment if appropriate.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 12/02/2015</p>
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		<p>Reviewed by: LV</p> <p>Reviewed on: 01/26/2016</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4I - Camacho</p>	

4K Jose Manuel Camacho (Estate) Case No. 14CEPR00177

Attorney Markeson, Thomas A. (for Eustolia Camacho – Petitioner)

Ex Parte Petition for Appointment of Guardian Ad Litem Re: Pedro Avila

		<p>EUSTOLIA CAMACHO, petitioner, was appointed Administrator of the Estate of Jose Manuel Camacho on 04/29/2014. Letters issued on 04/29/2014.</p> <p>Petitioner requests: Attorney David Knudson be appointed as Guardian ad Litem for minor, Pedro Avila.</p> <p>Petition states: Angelica Torrez is the daughter of the decedent. Counsel for personal representative spoke to Ms. Torrez in 2015 and determined that she wanted her interest in the decedent's estate to pass to the decedent's surviving spouse, Eustolia Camacho.</p> <p>Counsel for the personal representative prepared a disclaimer but inadvertently failed to include language that the disclaimer was binding on her heirs and assigns. As a result, the disclaimed interest passed as if only Angelica Torrez predeceased her father. That was not her intent at the time she executed the disclaimer.</p> <p>Appointment of David Knudson as Guardian Ad Litem for the minor child is sought for the purpose of evaluating whether to assign the ward's interest in the estate to Eustolia Camacho and to execute an assignment if appropriate.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 12/02/2015</p>
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		<p>Reviewed by: LV</p> <p>Reviewed on: 01/27/2016</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4K - Camacho</p>	

4K

4L Jose Manuel Camacho (Estate) Case No. 14CEPR00177

Attorney Markeson, Thomas A. (for Eustolia Camacho – Administrator – Petitioner)

Petition for Court Order Invalidating Disclaimers for Untimeliness; (2) to Invalidate Disclaimers for Mistake and/or Unjust Enrichment; (3) to Approve Assignment to Minor's Interest to Grandmother

DOD: 11/25/2012	EUSTOLIA CAMACHO , Administrator and surviving spouse, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need Order.
Cont. from	Petitioner states: she is the surviving spouse of the decedent. Her husband died on 11/25/2012. More than a year later, in December 2013, she learned for the first time that her husband was on title to six different properties as a married man as his separate property. At that time petitioner's attorney, Cynthia Van Doren, informed her that when there is no will separate property assets would pass 1/3 rd to petitioner and 2/3 rd to the seven children. Petitioner informed her children of this situation at Christmas Eve dinner on 12/24/2013. They each understood they were entitled to 2/3 of the properties. At that time they each expressed a desire that the property that had been acquired during the marriage all pass to petitioner. That desire never changed.	
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<input type="checkbox"/> FTB Notice	On 03/03/2014 a petition requesting appointment as administrator of the estate. On 04/29/2014, this court appointed petitioner as Administrator of the estate. The clerk of the court issued letters of administration that same day. Those letters are still in effect. Each of petitioner's children had continued to express a desire that a 100% interest in each property pass to petitioner from the estate. Accordingly, petitioner's attorney, prepared a disclaimer to the six properties of each child. Either in late January or early February 2015, each of the seven children signed a disclaimer. Those disclaimers were filed with the court on 03/17/2015, just short of 15 months after each child became aware of their interest in the properties. Please see additional page	
		Reviewed by: LV
		Reviewed on: 01/25/2016
		Updates:
		Recommendation:
		File 4L- Camacho

What petitioner's attorney did not realize was that the effect of the disclaimer was to pass the interest as if each of the children had predeceased their father. That would result in the property passing to their respective children. This petition seeks to rectify the situation.

Disclaimers Invalid/Not Untimely

Probate Code §279 reads in pertinent part as follows:

- a) A disclaimer to be effective shall be filed within a reasonable time after the person able to disclaim acquires knowledge of the interest.
- b) In the case of any of the following interests, a disclaimer is conclusively presumed to have been filed within a reasonable time if it is filed within nine months after the interest becomes indefeasibly vested, whichever occurs later:

...

- 2) An interest created by intestate succession.

...

- f) If the disclaimer is not filed within the time provided in subdivision (b), (c), (d), or (e), the disclaimant has the burden of establishing that the disclaimer was filed within a reasonable time after the disclaimant acquired knowledge of the interest.

A remainder is indefeasibly vested when it is "certain ultimately to become a present interest in the remainderperson or his or her successor, and the interest, when acquired, can never be divested." (12 Witkin, Summary of California Law, Real Property § 134 (10th Ed.)).

The interest became indefeasible vested on the decedent's death. At that time the children had a vested right to inherit from their father. The disclaimers here were filed more than 27 months after the decedent's death. More than two years after the death of decedent is no a reasonable time. Because the disclaimers were filed more than nine months after the death of the decedent, each child has the burden to establish their disclaimer was filed within reasonable time after acquiring knowledge of the interest. They have not done so. They each delayed more than 14 months before disclaiming. Nor would any of the children want to argue the disclaimers were timely. They are each desirous of seeing the property pass to their mother and have executed assignments of their interest in the estate to the petitioner.

Disclaimers Invalid/Mistake and or Unjust Enrichment

Alternatively, Petitioner asserts the disclaimers are invalid based on mistake and/or unjust enrichment. When a person obtains a benefit that he or she may not "justly retain," that person is unjustly enriched. A contract may be implied at law in such situations to restore the aggrieved party to her former position by the return of the thing or its equivalent in money. (12 Witkin, *supra*, Contracts § 1013) One who confers a benefit officiously is not entitled to restitution. Ordinarily, it must appear the benefits were conferred by mistake, fraud, coercion or request. Otherwise there may be enrichment, but it is not unjust. The fact that one person benefits another is not by itself sufficient to require restitution, but it is not unjust. (Nibbi Brothers, Inc. v. Brannan Street Investors (1998) 2005 Cal. App.3d 1415)

The disclaimers here were executed under mistake. The decedent's children executed the disclaimers under the mistaken impression the interests would pass to their mother. Instead, it had the effect of passing to the decedent's grandchildren.

Please see additional page

Accordingly, petitioner requests an order of this court hat the execution of the disclaimers was under the mistaken belief the effect would be to pass the interest to Petitioner. Petitioner requests the court find recipients of the disclaimed interests to Petitioner. Petitioner requests the court find recipients of the disclaimed interests were unjustly enriched and that the interests should be returned to the estate. Alternatively, Petitioner requests that the court find the disclaimers rescinded because of the mistake.

Assignment by Guardian Ad Litem

Alternatively, Petitioner requests an order of this court allowing David Knudson, Guardian Ad Litem for one of the affected minors to execute an assignment of the disclaimed interest to his grandmother (Petitioner herein). On 10/07/2015, this court appointed David Knudson as Guardian Ad Litem for Jonathan Salazar. Pursuant to Probate Code § 15405 a Guardian ad Litem representing unborn or unascertained persons may consider general family benefit accruing to living family members when evaluating whether to approve modifications or terminations of a trust. By analogy, Petitioner alleges that section is applicable here. Mr. Knudson has evaluated the situation and believes it is in the best interest of the minor to assign the property to his grandmother. Mr. Knudsen believes that unified ownership of the properties in question are appropriate so as to avoid ownership disputes among the interests and to avoid the possibility of a forced sale when property is held in undivided interests.

Accordingly, alternatively, Petitioner requests an order of this court authorizing Mr. Knudson to execute an assignment on behalf of the ward transferring the property to the Petitioner herein. Should the Court so authorize Mr. Knudson to execute an assignment, that the court approve the petitions filed herein for his appointment regarding additional minors and authorize him to execute assignments regarding those minors as well.

Wherefore, Petitioner prays for the following relief:

- 1) That the court invalidate the seven disclaimers filed herein on February 17, 2015 because they were not filed in a reasonable time;
- 2) Alternatively, that the court invalidate the seven disclaimers filed herein on February 17, 2015 because they were the result of mistake and or unjust enrichment;
- 3) Alternatively, that the Court authorize Mr. Knudson to execute an assignment on behalf of the ward assigning the ward's interest to his grandmother, Petitioner herein; and
- 4) Such other and further relief as the court deems appropriate.

Points and Authorities in Support of Petition (1) for Court Order Invalidating Disclaimers for Untimeliness; (2) To Invalidate Disclaimers for Mistake and/or Unjust Enrichment; (3) To Approve Assignment of Minor's Interest to Grandmother filed 01/25/2016.

4M Jose Manuel Camacho (Estate) Case No. 14CEPR00177

Attorney Markeson, Thomas A. (for Eustolia Camacho – Petitioner – Surviving Spouse)

Spousal or Domestic Partner Property Petition

DOD: 11/25/2012	EUSTOLIA CAMACHO , surviving spouse, is petitioner.	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p>1. Need Order.</p>
	Decedent died intestate	
	Petitioner states she is the surviving spouse of Jose Manuel Camacho. They were married in the United States in 1980. It was their first marriage for each of them. They started out with nothing and remained married until the decedent's death. Petitioner states they were both poor farm laborers and educated in Mexico. Petitioner completed the third grade and does not speak, read or write English. Her husband completed the second grade and spoke broken English, but did not read or write English.	
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	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	x	
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
	In about 1981 they began to sell food to fellow farm laborers. In 1982 they eventually found a restaurant for rent and began running it together. About a year later they obtained financing and purchased the restaurant. The restaurant, El Mexicano, continues to operate to this day. They purchased the restaurant after their marriage. They paid no money down and made payments from the earnings from the restaurant. Just before they bought the restaurant they purchased a small apartment building. They subsequently sold those units, but they used the profits to begin buying other rental properties. Some of the earnings from the rentals were used to help make payments on El Mexicano.	
	Petition and her husband always jointly select properties to buy and jointly made decisions regarding the properties. Petitioner assisted in management of the properties by screening renters, cleaning and collecting rents. Initially they deposited all rents and all earnings from the restaurant into a join account. They later created separate accounts for the restaurant and the rentals. The purchase price for all the properties came from their money that they made from the restaurant or from the rentals. The decedent never received any inheritances during their marriage or any gifts of substantial amount.	
	<u>Please see additional page</u>	
		Reviewed by: LV
		Reviewed on: 01/25/2016
		Updates:
		Recommendation:
		File 4M- Camacho

4M

4M Jose Manuel Camacho (Estate) Case No. 14CEPR00177

Following the decedent's death petitioner began looking into their holdings. During the process she learned that until 2011 they had always taken title to properties as joint tenants. That changed in 2011. During that year they began using Manuel Mestre of Selma as their real estate agent.

In 2011 they took title to the following five properties:

- A. 3825 Dockery Ave. Selma;
- B. 1430 Pine Street, Selma;
- C. 2423 Park Street, Selma;
- D. 1604 Floral Ave, Selma;
- E. 13603 East Ann Ave. Partier;

In 2012 they took title in the following property:

- A. 1415 Evergreen St., Selma.

They purchased their home on Dockery Ave for use as their primary residence. They lived there together until the decedent's death. Petitioner continues to occupy the residence. They paid cash for three of the properties (Pine St., Floral Ave., East Ann Ave.). The other three were financed. Petitioner just finished paying off the East Ann property. In all six instances the decedent took title as married man as his sole and separate property. In regards to the first five properties petitioner signed an interspousal deed. A property matrix showing the date of acquisition is attached as Exhibit A. Copies of the six deeds are attached as Exhibit B. Copies of the interspousal deeds are attached as Exhibit C.

Petitioner is informed and believes and thereon alleges she did not sign the interspousal deed to the Evergreen Street property. Her attorneys have not been able to locate any such document. In no instance did she understand what she was signing in regards to the interspousal deeds. When petitioner signed the interspousal deeds it was her understanding that she was adding her name to the deed. That is what she was told. She states she can read her own name and the name of her husband. She saw both of their names on the document so she agreed to sign it, thinking that was happening.

Petitioner states she was shocked to find out years later (December of 2013) that she was not listed as an owner of the properties. It was never her intent to give up her community property interest in the properties. Petitioner does not think her husband understood either. He told her he had inquired about both names not being on the deed and was also told the document petitioner signed was adding her to the title. According she signed because of the mutual mistake of her and her husband. Had Petitioner known of the true state of affairs she would not have signed the interspousal deeds. Alternatively she was intentionally led to believe she was adding herself to the title. As it turned out that was not the case. According she is requesting that the court determine that the properties in question are community property and that the interspousal deeds are invalid either because of mistake, fraud or breach of fiduciary duty.

5A Barber L. Mardis (CONS/PE) Case No. 14CEPR00530

Attorney Bagdasarian, Gary G. (for Sharon Shrives – Conservator)

Probate Status Hearing Re: Filing of the First Account

	SHARON SHRIVES , was appointed Conservator of the Person and of the Estate on 09/25/2014 with bond set at \$40,000.00.	NEEDS/PROBLEMS/COMMENTS: 5B is Petition for Transfer.
	Letters issued on 09/25/2014.	
Cont. from 120315		Minute Order of 12/03/2015: Counsel reports that the information is currently with the accountant; requests additional time. No appearance is necessary on 01/28/2016 if the petition is filed a least two court days prior.
Aff.Sub.Wit.	Final Inventory and Appraisal filed 03/05/2015 showing and estate valued at \$10,072.48.	
Verified Inventory		<ol style="list-style-type: none"> 1. Need First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
PTC	Minute Order of 09/25/2014 set this Status Hearing for the filing of the First Account.	
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: LV
		Reviewed on: 01/26/2016
		Updates:
		Recommendation:
		File 5A – Mardis

Petition for Transfer

		<p>SHARON SHRIVES was appointed conservator on 9/25/14 with bond set at \$40,000.00.</p> <p style="text-align: center;"><u>Please see file for details</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order of 12/17/2015: Counsel has no objection to the transfer; continued to the date of the status hearing for filing of the first account.</p> <p>Note: A status hearing for the filing of the first account was continued to 1/28/16. It appears that this petition should not be approved until after the approval of the first account. Therefore the court may wish to continue this matter to 1/28/16 to be heard with the status hearing for the filing of the first account.</p> <p>Note: If the petition is granted, status a hearing will be set as follows:</p> <ul style="list-style-type: none"> • Wednesday, April 27, 2016 at 9:00 a.m. in Department 303, for the filing of the receipt of transfer.
<p>Cont. from 121715</p>			
<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 checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: KT (LV)</p> <p>Reviewed on: 01/26/2016</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5B - Mardis</p>	

Attorney Shepard, Jeff S. (for Raynette Grant – Executor – Petitioner)

Objector Dunn, Robyn R. (Pro Per – Daughter)

First Account and Report of Administration and Petition for Settlement

DOD: 09/25/2014		RAYNETTE GRANT , Executor, is petitioner.	NEEDS/PROBLEMS/ COMMENTS:
		Account period 09/25/2014 to 12/15/2015	
		Accounting - \$162,262.93	
		Beginning POH - \$113,395.69	
		Ending POH - \$114,660.43 (\$46,604.43 is cash)	
Cont. from		Petition states the estate is not in a condition to be closed for the following reason: By the terms of the will of the deceased, the residue of the estate is devised and bequeathed in percentage amounts of twenty (20% each to four heirs/beneficiaries, ten (10%) to one heir and five (5%) percent to two heirs. The remaining asset of decedent's estate is forty (40%) interest in a condominium which makes it impractical to distribute in kind. The condominium has been listed with a real estate broker for sale; no acceptable offers have been received. Wherefore, petitioner prays for an order and judgment as follows: 1. Settling and allowing the first account and report as filed; 2. Ratifying, confirming and approving all of the acts and transactions of petitioner as executor; 3. Making such further order as the Court deems proper. <u>Please see additional page</u>	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail w/		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters 10/16/14		
<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		
			Reviewed by: LV
			Reviewed on: 01/26/2016
			Updates:
			Recommendation:
		File 6- Rowley	

Objection to First Account filed by Robyn Dunn on 01/13/2016 states she hereby objects to the First Account and Petition for Settlement as Follows:

1. Decedent's property located at 2648 N. Armstrong Fresno, Ca. and noted in Will is not present.
2. Monaco Mobile Home Documentation.
3. Decedent's Property located at Lot 18 of Tract N476 W. Barstow #101 Documentation as to holding of other 60%
4. Income from Rental Property located at 476 W. Barstow #101 08/01/2014 to 07/01/2015.
5. Raye Grant, Executor has not acted impartially in her role as Executor of Will and Distribution of the Estate.
6. Many items were removed from the property prior to appraisals.

Response to First Accounting Objection filed 01/21/2016 by Attorney Jeff S. Sheppard states the decedent included in his will real property located at 2648 N. Armstrong, Fresno, Ca. 93727. However, in 2002, decedent sold said real property to Raynette R. Grant as Trustee of the Raynette R. Grant Family Trust dated 10/01/2001. The decedent's personal property located at 2648 N. Armstrong was sold at auction and proceeds are shown in Receipts, Schedule B, Page 3 of the accounting.

The Monaco motor (mobile) home had been disposed of by decedent prior to his death; a copy of the Oregon Vehicle Certificate of Title processed 090408 from Decedent to Diana Lynn Tompkins and Austin Jay Rowley is attached as Exhibit B.

A copy of the Grant Deed for the real property described by objector as Lot 18 of Tract 2607 LaVille Barstow, No 101, Fresno to Fred Rowley, an unmarried man, as to an undivided 40 percent and Raynette Grant, an unmarried woman, as to an undivided 60 percent, is attached as Exhibit C.

The rental income was inadvertently omitted from the accounting; a Declaration Correcting First Account and Report of Administration and Petition for Settlement is being filed concurrently herewith and a copy is attached as Exhibit D.

Nothing has been distributed except specific personal items the decedent set forth in his will; these were distributed prior to the auction to save the estate the expense of protecting them.

Objector, Robyn R. Dunn, was on the property many times. Objector knew the auction date and affirmed that she would tell her children. Objector was at the property the morning of the auction date. The auction date was advertised in the Fresno Bee and online prior to the sale date. There is no specific list of items objector says were removed prior to appraisals to petitioner cannot respond further.

Waiver of Accounting and Report of Executor and Petition for Its Settlement; Waiver of Executor's Commissions: for Allowance of Attorney's Fees for Ordinary Services and Costs Reimbursement; and for Final Distribution

DOD: 07/07/14	GRACIELA SALAS TAPIA , Executor, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. There appears to be an error in the calculation of the statutory fees. Examiner calculates the statutory fee to be \$6,149.85.</p> <p>2. The Petition indicates that the property on hand at the end of the accounting period is \$74,726.61 all of which is cash, but also proposes to distribute real and tangible personal property in addition to cash. Need clarification regarding the property on hand.</p> <p>3. The Order does not state the property on hand for distribution (see Local Rule 7.6.1) and also lists the incorrect statutory fees and distribution. Need revised Order.</p>
	Accounting is waived.	
Cont. from	I & A - \$171,661.65	
Aff.Sub.Wit.	POH - \$74,726.61	
<input checked="" type="checkbox"/> Verified	\$159,526.61	
<input checked="" type="checkbox"/> Inventory	(\$74,726.61 is cash)	
<input checked="" type="checkbox"/> PTC	Executor - waived	
<input checked="" type="checkbox"/> Not.Cred.	Attorney - \$6,239.83 (more than statutory) \$6,149.85 (statutory)	
<input checked="" type="checkbox"/> Notice of Hrg	Costs - \$1,559.30 (filing fees, certified copies, recording fees, publication, probate referee)	
<input checked="" type="checkbox"/> Aff.Mail w/	Closing - \$1,000.00	
Aff.Pub.	Distribution, pursuant to Decedent's will, is to:	
Sp.Ntc.	Graciela Salas Tapia: \$65,927.48 \$66,017.46 cash , plus real property, 2 vehicles and a motorcycle	
Pers.Serv.		
Conf. Screen		
Letters 10/24/14		
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		
	Reviewed by: JF	
	Reviewed on: 01/26/16	
	Updates: 01/27/16	
	Recommendation:	
	File 7- De La Torre	

DOD: 5-29-12	LORI SHIBATA , Trustee, filed this Petition for Instructions to Trustee on 9/24/14.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Ms. Lee’s Request to Waive Court Fees filed in connection with her Response to the Petition for Instructions was denied on 12/12/14 and the filing fee for that Response was paid on 12/22/14.</p> <p>Ms. Lee filed a second Request to Waive Court Fees in connection with her Objections to the First Account on 5/7/15. Pursuant to the Court’s minute order of 7/9/15, the Court deferred its decision as to Ms. Lee’s filing fees until it is determined if Ms. Lee is entitled to any compensation from the underlying action.</p> <p>At this time, the Court may require further information regarding the settlement and/or the assets of the trust in order to address the Request to Waive Court Fees, given the pending settlement.</p> <p>If the Request to Waive Court Fees is denied, \$435.00 is due from Ms. Lee.</p> <p>2. The Judicial Council Form Request for Dismissal was received by fax on 1/27/16; however, it cannot be entered administratively until the pending Request to Waive Court Fees is addressed by the Court.</p>
Cont from 111314, 031815, 041615, 052115, 070915, 091015, 100115, 110515, 121015, 011416	ALYSSA LEE , Beneficiary, filed her Response (Objection) on 12/12/14.	
<input type="checkbox"/> Aff.Sub.Wit.	Ms. Shibata also then filed her First Account and Report of Trustee on 2/27/14 (Page B).	
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC	Ms. Lee filed her Objections to the First Account on 5/7/15.	
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Various minute orders indicate settlement has been reached.	
<input checked="" type="checkbox"/> Aff.Mail	Minute Order 1/14/16 states Counsel will file a Request for Dismissal on the Judicial Council form.	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.	On 1/14/16, Mr. Knudson filed Notice of Settlement of Entire Case as well as a Request for Dismissal and Withdrawal of Objections and Matters, in pleading form and signed by both attorneys.	
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input checked="" 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	Update: Request for Dismissal has now been submitted on the Judicial Council form.	
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
Reviewed by: skc		
Reviewed on: 1/26/16		
Updates: 1/27/16		
Recommendation:		
File 8A – Lee		

Atty Rube, Melvin K. (for Lori Shibata – Trustee – Petitioner)
Atty Knudson, David N. (for Alyssa Lee – Beneficiary – Objector)

First Account Current and Report of Trustee, Petition for Trustee Fee and for Settlement of First Account Current

DOD: 5/29/12	LORI SHIBATA , Trustee, filed this First Account Current, which covers the account period from 5/29/12 through 12/31/14, on 2/27/15.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>3. Ms. Lee’s Request to Waive Court Fees filed in connection with her Response to the Petition for Instructions was denied on 12/12/14 and the filing fee for that Response was paid on 12/22/14.</p> <p>Ms. Lee filed a second Request to Waive Court Fees in connection with her Objections to the First Account on 5/7/15. Pursuant to the Court’s minute order of 7/9/15, the Court deferred its decision as to Ms. Lee’s filing fees until it is determined if Ms. Lee is entitled to any compensation from the underlying action.</p> <p>At this time, the Court may require further information regarding the settlement and/or the assets of the trust in order to address the Request to Waive Court Fees, given the pending settlement.</p> <p>If the Request to Waive Court Fees is denied, \$435.00 is due from Ms. Lee.</p> <p>4. The Judicial Council Form Request for Dismissal was received by fax on 1/27/16; however, it cannot be entered administratively until the pending Request to Waive Court Fees is addressed by the Court.</p>
Cont from 041615, 052115, 070915, 091015, 100115, 110515, 121015, 011416	ALYSSA LEE , Beneficiary, filed her Objections on 5/7/15.	
<input type="checkbox"/> Aff.Sub.Wit.	Various minute orders indicate settlement has been reached.	
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC	Minute Order 1/14/16 states	
<input type="checkbox"/> Not.Cred.	Counsel will file a Request for Dismissal on the Judicial Council form.	
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	On 1/14/16, Mr. Knudson filed Notice of Settlement of Entire Case as well as a Request for Dismissal and Withdrawal of Objections and Matters, in pleading form and signed by both attorneys.	
<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 checked="" 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: skc
		Reviewed on: 1/26/16
		Updates: 1/27/16
		Recommendation:
		File 8B- Lee

First and Final Account of Executor and Petition for Its Settlement; for Allowance of Fees and for Final Distribution

DOD: 09/22/14	SHIRLEY J. SHAEFFER , Executor, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Account period: 09/22/14 – 10/19/15	
Cont. from	Accounting: \$170,823.64	
<input type="checkbox"/> Aff.Sub.Wit.	Beginning POH: \$168,319.00	
<input checked="" type="checkbox"/> Verified	Ending POH: \$165,823.64 (all cash)	
<input checked="" type="checkbox"/> Inventory	Executor: \$5,974.71 (statutory)	
<input checked="" type="checkbox"/> PTC	Attorney: \$5,974.71 (statutory)	
<input checked="" type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail w/		
Aff.Pub.		
Sp.Ntc.	Distribution, pursuant to Decedent's will, is to:	
Pers.Serv.	Shirley J. Shaeffer, Trustee, Trust A, the John Edward Breeden and Charlene Ann Breeden Family Trust, dated May 2, 2000 - \$153,874.22 cash	
Conf. Screen		
<input type="checkbox"/> Letters 01/28/15		
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		
		Reviewed by: JF
		Reviewed on: 01/26/16
		Updates:
		Recommendation: SUBMITTED
		File 9- Breeden

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA

DOD: 7/25/14	SPECIAL ADMINISTRATION EXPIRES 1/28/16 (Letters not yet issued)	NEEDS/PROBLEMS/COMMENTS:
		Note: Objector Anne Todd-Cortez filed a Motion to Consolidate or Stay on 1/13/16 that is set for hearing on 2/29/16.
	ANITA MARIE FERGUSON, named executor with bond of \$39,000.00 (bond filed 11/25/15), is Petitioner.	Minute Order 12/3/15: Ann Todd-Cortez states her oral objection in open court. Any will contest and written objections must be filed and properly served no later than 1/13/16.
Cont from 050715, 061815, 081315, 092415, 102215, 120315	Full IAEA – ok	Note: Order Appointing Special Administrator filed 12/16/15 authorizes Anita Marie Ferguson as Special Administrator with bond of \$39,000.00 to appear in and represent the interests of the Estate of Howard Fleming in <i>Anita Ferguson v. MRO Investments, et al.</i> , Fresno Superior Court Case No. 15CECG02501.
<input checked="" type="checkbox"/> Aff.Sub.Wit.	Will dated 3/14/04	Note: Although Petitioner did file a bond on 11/25/15 in connection with her Petition for Probate, the bond appears to reflect appointment as Executor with full authority on 10/21/15, which is incorrect as she has not been appointed Executor. The Court may require a separate or more specific bond in order for Letters of Special Administration to issue.
<input checked="" type="checkbox"/> Verified	Residence: Fresno Publication: Fresno Bee	Note: This estate was opened with a fee waiver. Please note that upon distribution, all Court filing fees will be due.
Inventory	Estimated value of estate: Personal property: \$8,000.00 Real property: \$31,000.00 (\$55,000.00 encumbered for \$24,000.00)	<u>SEE ADDITIONAL PAGES</u>
PTC	Probate Referee: Steven Diebert	Reviewed by: skc
Not.Cred.	Opposition filed 1/13/15 states at the time of his death, the decedent had two siblings, Anne Todd-Cortez and Charles Fleming, both residents of Fresno County. Also at the time of his death, the decedent was married to Leeann Fleming. Petitioner knew Leeann Fleming as the wife of the decedent. On 4/17/15, the State Registrar – Office of Vital Records issued an Affidavit to Amend Howard Edward Fleming's death certificate correcting item 12 from "divorced" to "married" and further identifying Leeann as surviving spouse.	Reviewed on: 1/26/16
<input checked="" type="checkbox"/> Notice of Hrg		Updates: 1/27/16
<input checked="" type="checkbox"/> Aff.Mail		Recommendation:
<input checked="" type="checkbox"/> Aff.Pub.		File 10 - Flemming
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input checked="" type="checkbox"/> Objections		
Video Receipt		
CI Report		
9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	<u>SEE ADDITIONAL PAGES</u>	

Page 2

Objector states on or about 7/26/14, the day after the decedent's death, Linda and Raymond Jackson (Raymond is the brother of the decedent's mother Fayola Fleming) visited Petitioner to see how she was doing. Petitioner told them the decedent had a will that was not properly witnessed and asked Linda if she thought that would be a problem.

At the time of his death, the decedent and Anne held title as joint tenants to real property in Fresno County. A notice of death of joint tenant was filed by Anne with the Fresno County Recorder on 12/10/14. Said property was sold to MRO Investments, Inc., in June 2015. On 6/24/15, MRO filed an unlawful detainer to evict Petitioner from the property. On 8/7/15, Petitioner filed a complaint for quiet title against MRO and Anne. The UD and quiet title actions were consolidated into the quiet title action 15CECG02501.

A Notice of Motion and Motion to Consolidate, or in the Alternative to Stay this probate action has been filed seeking to consolidate this matter with 15CECG02501. [*Examiner's Note: This motion is set for 2/9/16 at 9:00 am in Dept. 303.*]

Objector states the petition and ex parte request for special powers contain intentional misrepresentations to the court regarding the decedent's marital status and heirs. Petitioner has failed to give proper notice to all interested parties. Petitioner told family members the day after his death that the decedent's will was not witnessed, yet the instrument she has filed with the court bears handwriting of at least two people and the signature of three witnesses.

Objector states this matter should be consolidated with the existing consolidated actions under Case No. 15CECG02501 or in the alternative the probate action should be stayed. If the quiet title shows that Petitioner has no interest in the property, this case becomes moot because as Petitioner's pleadings show, without the property the estate is below the jurisdictional threshold.

Objector states this matter should be denied until Petitioner amends her petition to correct intentional misrepresentations and proper notice has been provided by law. Furthermore, any powers given to Petitioner as a representative of the estate should be immediately revoked based upon her intentional misrepresentations made to this court. Moreover, this matter should be consolidated with 15CECG02501 or stayed until after the quiet title action is determined.

Response to Objection filed 1/26/15 by Petitioner Anita Marie Ferguson states Objector does not seek to inherit from her late brother; rather, the purpose is to prevent administration of the estate. Petitioner on her own behalf and on behalf of the estate has filed *Anita Ferguson v. MRO Investments, Inc., et al.*, 15CECG02501 alleging that Anne Todd-Cortez wrongfully transferred title to the real property on South Anna in Fresno and that such wrongful actions caused damage to Petitioner and to the estate. In the response, Objector has interposed two demurrers, the second of which is set for hearing on 3/17/16.

Objector argues that Petitioner lacks standing to pursue any actions on behalf of the estate. That is what this objection is really about. Objector wants to derail this lawsuit and prevent the decedent's estate from recovering its interest in the real property. The Court has circumscribed powers to adjudicate ownership of the real property. See authority cited.

SEE ADDITIONAL PAGES

Dept. 303, 9:00 a.m. Thursday, January 28, 2016

Petitioner's Response to Objection (Cont'd): Petitioner states one purpose of probate administration is to marshal the assets of the estate. See authority cited. Petitioner seeks to proceed with administration to adjudicate the estate's claim to the real property, which will further the purposes of probate. Accordingly, the objections should be overruled.

Decedent's marital status: To Petitioner's great surprise, the decedent's sister, Objector Anne Todd-Cortez, has asserted that the decedent was still married to Leeann Fleming at the time of his death. Petitioner has assembled pleadings from the 1996 dissolution case involving the decedent and Leeann Fleming and requests judicial notice of same. It appears default was entered against the decedent, which default was set aside by order of Madera County Superior Court, which subsequently transferred the case to Fresno Superior Court. The Court's Odyssey page shows that the divorce was final on 7/11/1997. See attached Judgment at Exhibit B.

Petitioner states when Leeann Fleming purchased her residence on Fremont Avenue in 2001, she took title as "an unmarried woman as her sole and separate property," and the grant deed recorded 12/21/01 reflects the borrower as "Leeann Fleming, an unmarried woman." Thus, the evidence demonstrates that Ms. Fleming held herself out to the world as an unmarried woman. Petitioner believed the divorce was complete.

Further, the decedent's will was made in 2004, after commencement of the divorce action and after Leeann Fleming purchased her residence. Decedent's marital status is not grounds to dismiss this probate proceeding. If the court grants the relief requested by Objector, the estate will never be probated and assets will be lost.

Temporary Letters: In response to the first demurrer Petitioner requested temporary letters of administration. Although a bond has been filed, the court has not yet issued letters of administration.

Petitioner states the Court may wish to continue this matter to allow for notice and/or further briefing. Pending such further hearing, the Court should issue letters, which will address the issue of standing raised in the demurrer.

Petitioner states the will should be admitted to probate. Petitioner concludes that Objector is only interested because it impacts her wrongful attempts to sell real property belonging to the decedent. As alleged in the lawsuit, Objector sold her interest in the real property to the decedent and Petitioner in 2004, and by such sale severed her joint tenancy interest. But Objector never recorded a deed in favor of her brother and Petitioner, instead reserving an undocumented mortgage in the property. After her brother's death, Objector wrongfully recorded an Affidavit of death of joint tenant thereby claiming the property for herself. Now with her hand caught in the proverbial cookie jar, she is attempting to derail the probate to cover up her wrongful acts. The Court should look through the objection and see it for what it really is – an attempt to conceal Anne Todd-Cortez' misappropriation of estate assets. Accordingly, the objection should be overruled and letters of administration (sic) should issue to Petitioner.

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS:

1. Petitioner provides a copy of a dissolution judgment entered in July 1997 in Madera; however, a motion to set aside the judgment was filed in December 1997 and it appears the matter was transferred to Fresno thereafter in 1998. Exhibit J of Petitioner's Request for Judicial Notice appears to be a copy of a rejection notice dated 10/15/99 from the Fresno Superior Court Family Law Department re proof of service of preliminary disclosure, which indicates that the dissolution may not have been final. If the decedent was married at the time of his death, continuance for notice to the spouse is required.

Update: Examiner has reviewed the dissolution file 0617937-8. It appears the 1997 judgment was set aside pursuant to Madera Superior Court Minute Order dated 1/29/98. Thereafter, the matter was transferred to Fresno Superior Court pursuant to Order dated 4/8/98. It appears that a judgment was submitted for entry on two occasions, but both submissions were returned without filing for technical deficiencies that were never cured.

2. The objection alleges that the decedent also had a brother, who would be entitled to notice of these proceedings. Continuance may be required for notice to Charles Fleming. If deceased need date of death per Local Rule 7.1.1.D.
3. Upon further review, the two Proof of Subscribing Witness documents filed 3/24/15 and 8/20/15 appear deficient in that Item 1b (re acknowledgment by the decedent of his signature) was not completed by either witness. The Court may require further Proof of Subscribing Witness pursuant to Probate Code §8220 et seq.
4. As noted above, although Petitioner did file a bond on 11/25/15 in connection with her Petition for Probate, the bond appears to reflect appointment as Executor with full authority on 10/21/15, which is incorrect as she has not been appointed Executor and the will has not been admitted to probate. The Court may require a separate or more specific bond in order for Letters of Special Administration to issue.

Waiver of Accounting and Petition for Final Distribution under Will and for Allowance of Statutory Attorney's Fees

DOD: 04/14/15		<p>DONNA GIANNETTA, Executor, is Petitioner.</p> <p>Accounting is waived.</p> <p>I & A - \$248,602.48 POH - \$246,376.08 (\$21,376.08 is cash)</p> <p>Executor - waived</p> <p>Attorney (statutory) - \$8,042.05</p> <p>Closing - \$500.00</p> <p>Distribution, pursuant to Decedent's will, is to:</p> <p>Donna Giannetta: \$6,417.01 cash, plus ½ interest in real property</p> <p>Nancy Schneider: \$6,417.01 cash, plus ½ interest in real property</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail w/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 06/26/15		
<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: JF</p> <p>Reviewed on: 01/26/16</p> <p>Updates:</p> <p>Recommendation: SUBMITTED</p> <p>File 11- Kuhlman</p>	

12 Malcolm E. Ghazal (Estate) Case No. 15CEPR00709

Attorney Webb, Melissa E. (for Michelle R. Bernard & Eric C. Hanson – Co-Executors)

Probate Status Hearing RE: Filing of the Inventory and Appraisal

DOD: 03/10/2015		NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR.</u> <u>Final Inventory and Appraisal</u> <u>filed 01/21/2016.</u>
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 01/26/2016
		Updates:
		Recommendation:
		File 12- Ghazal

Petition for Appointment of Guardian of the Person

		<p align="center"><u>NO TEMPORARY IN PLACE; TEMPORARY DENIED ON 08/27/15 DUE TO NO APPEARANCES</u></p> <p>TESSIEJARRA MACK, paternal grandmother, is Petitioner.</p> <p>Father: D'ANDRAE MARTIN, SR. – Consent & Waiver of Notice filed 11/18/15</p> <p>Mother: TRACEY MCBETH – Consent & Waiver of Notice filed 11/18/15</p> <p>Paternal grandfather: SMILEY MARTIN – Consent & Waiver of Notice filed 11/18/15</p> <p>Maternal grandparents: UNKNOWN</p> <p>Petitioner states [see file for details].</p> <p>Court Investigator Julie Negrete filed a report on 10/08/15.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 12/03/15</u> Minute Order from 12/03/15 states: Examiner notes provided in open court. The Court investigator is ordered to re-interview Petitioner and speak with her about what she stated in open court today with regard to her criminal history and provide an update to the Court.</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service 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> or Consent & Waiver of Notice or Declaration of Due Diligence for: <ol style="list-style-type: none"> a. Maternal grandparents – service by mail ok 3. Need Supplemental Report for Court Investigator. 	
Cont. from 101515, 120315				
<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 type="checkbox"/>	Notice of Hrg			x
<input type="checkbox"/>	Aff.Mail			x
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			n/a
<input checked="" 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 checked="" type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		<p>Reviewed by: JF</p> <p>Reviewed on: 01/26/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 13 – Martin</p>		

DOD: 2/24/09		<p>ROSALIA LANUZA, Spouse, BETSABE LANUZA, Daughter, and ROSALIA LANUZA, as Guardian of the Estate of ERIK LANUZA, Son, are Petitioners.</p> <p>40 days since DOD</p> <p>No other proceedings</p> <p>I&A: \$65,000.00 (real property located at 2133 Zozaya Street in Firebaugh, CA)</p> <p>Decedent died intestate</p> <p>Declaration filed 9/29/15 amends the prayer to request Court determination that the property passes 1/3 to Petitioner and 1/3 each to the decedent's two children.</p> <p>Declaration filed 11/9/15 by Betsabe Lanuza, Daughter, states she is now 18 and is joining her mother as a petitioner.</p> <p>Petitioner was appointed Guardian of the Estate of Erik Lanuza on 1/7/16.</p>	NEEDS/PROBLEMS/COMMENTS:
Cont. from 093015, 120715			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" 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 checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: skc</p> <p>Reviewed on: 1/27/16</p> <p>Updates:</p> <p>Recommendation: SUBMITTED</p> <p>File 14 – Lanuza</p>	

Petition for Appointment of Guardian of the Person

		Temporary Expires 1/28/16.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: <ol style="list-style-type: none"> a. Maternal grandfather b. Kelly Dancliff (maternal grandmother) – unless the court dispenses with notice.
		RAYMUNDO SANCHEZ , paternal uncle, is petitioner.	
		Please see petition for details.	
Cont. from 110415, 121015		Court Investigator Report filed on 10/28/15	
<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 type="checkbox"/>	Notice of Hrg	X	
<input type="checkbox"/>	Aff.Mail	X	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv.	W/	
<input checked="" 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 checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 1/27/16
			Updates:
			Recommendation:
			File 15 – Higuera

Petitioner Roman James Cota (Pro Per – Paternal Uncle – Petitioner)

Petitioner Carrie Joyce Cota (Pro Per – Paternal Aunt – Petitioner)

Petition for Appointment of Guardian of the Person

	See petition for details.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note:</u> A competing petition for temporary and general guardianship of Kash Cota was filed 1/26/16 by Maternal Grandmother Elvira Zavala. Temp hearing: 2/9/16 General hearing: 3/29/16</p> <p><u>Minute Order 11/5/15:</u> Jessica Samora contacted the clerk’s office to notify of her inability to appear today. The Court indicated that if Ms. Samora is not present on 1/28/16, the Court will rule absent good cause. Petitioners are to notify Ms. Samora via text message again.</p> <p><u>Minute Order 9/17/15:</u> The Court orders that neither parent may have any visitation until they appear before the Court.</p> <p><u>Update:</u> Please see Declaration filed 1/27/16 by Petitioners Roman and Carrie Cota in support of the competing petition by Elvira Zavala.</p> <p>1. Declaration filed 10/26/15 provides a printout of the hearing information provided to the mother via Facebook message on 10/3/15. Probate Code §1511 requires personal service.</p> <p><u>Update:</u> No further evidence of notice has been filed by Petitioners.</p>
Cont. from 110515		
<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 checked="" type="checkbox"/> Pers.Serv.	W	
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> Clearances		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: skc
		Reviewed on: 1/26/16
		Updates: 1/27/16
		Recommendation:
		File 16 – Cota

Amended Petition for Appointment of Probate Conservator

	There is no temporary.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 12/3/15. Minute order states the court will accept a handwritten note on letterhead from the doctor with regard to the capacity declaration that was undated.</p> <p>Court Investigator advised rights on 11/2/15.</p> <p>Voting Rights affected need minute order.</p> <ol style="list-style-type: none"> The signature of William Garnica, M.D. on the Capacity declaration was not dated. Order is incomplete (completely blank). Need new completed order.
	MARIA DEL CARMEN HENGEL, spouse, is petitioner.	
	Declaration of William Garnica, M.D, filed on 9/8/15.	
Cont. from 102215, 120315	Court Investigator Report filed on 11/24/15	
<input type="checkbox"/> Aff.Sub.Wit.	Declaration of Janet Wright, Court Appointed Attorney for Conservatee, filed on 12/1/15.	
<input checked="" type="checkbox"/> Verified	Declaration of Janet Wright, Court Appointed Attorney for Conservatee, filed on 1/26/16	
<input type="checkbox"/> Inventory	Notice of Unavailability filed by Attorney Kathleen Bakergumprecht-Davis filed on 1/15/16.	
<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 checked="" type="checkbox"/> Pers.Serv.		
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input checked="" 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 checked="" type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
	Reviewed by: KT	
	Reviewed on: 1/27/16	
	Updates:	
	Recommendation:	
	File 17 – Hengel	

Petition for Appointment of Probate Conservator

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><u>OFF CALENDAR</u> Amended Petition filed 12/16/15 and set for hearing on 02/04/16</p>	
Cont. from 102215, 121015			
<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 checked="" type="checkbox"/>	Pers.Serv.		w/
<input checked="" type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		x
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input checked="" type="checkbox"/>	Video Receipt		
<input checked="" 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 checked="" type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: JF	
		Reviewed on: 01/26/16	
		Updates:	
		Recommendation:	
		File 18 – Elensky	

Petition to Determine Succession to Real Property (Prob. Code §13150)

DOD: 5/31/14	MANUEL PACHECO , Spouse, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. It does not appear this petition can go forward as prayed.</p> <p>Petitioner states at #9 that the decedent was also survived by children, but does not state whether the decedent was survived by issue of predeceased child.</p> <p>Attachment #14 lists four additional people, but does not indicate their relationship to the decedent.</p> <p>Pursuant to Probate Code §6401, it appears Petitioner would be entitled to a 1/3 share, and the decedent's children and/or issue of predeceased child would be entitled to share the remaining 2/3 share.</p> <p>Pursuant to Probate Code §13150, all successors in interest must petition together in order for this summary proceeding to be used.</p> <p>Therefore, this petition cannot go forward.</p> <p>2. Petitioner's fee waiver was denied on 9/16/15. Therefore, the filing fee of \$435 is due. Note that the filing fee would be due regardless, since property valued at \$75,000.00 is proposed to pass.</p> <p>3. Petitioner did not provide a proposed order pursuant to Local Rule 7.1.1.F.</p>
	40 days since DOD	
	No other proceedings	
Cont. from 102715, 120715	I&A: \$75,000.00 (Real property in Firebaugh, CA)	
<input type="checkbox"/> Aff.Sub.Wit.	Decedent died intestate	
<input checked="" type="checkbox"/> Verified	Petitioner requests Court determination that the decedent's 100% interest in the real property in Firebaugh passes to him 100%.	
<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	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: 1/26/16
		Updates:
		Recommendation:
		File 19 – Pacheco

Petition for Appointment of Guardian of the Person

See Petition for details.			<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Minute Order 12/3/15:</u> Examiner notes provided in open court. The Court dispenses with notice as to the unknown father and paternal grandparents. The Court grants temporary orders; Letters are to issue forthwith.</p> <p><u>Note:</u> All notice issued have now been cured.</p>
Cont. from 120315			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	W	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 1/26/16
			Updates:
			Recommendation:
			File 20 – Garcia

Probate Status Hearing RE: Proof of Bond

Age:		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR</u></p> <p>Bond in the amount of</p> <p>\$26,578.00 filed 01/21/16</p>
DOD:		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 01/26/16
		Updates:
		Recommendation:
		File 22- Walls

Petition for Appointment of Probate Conservator of the Person

		See petition for details.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator advised rights on 12/1/15.</p> <p>Voting rights affected – need minute order.</p>	
Cont. from 121015				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			W
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
✓	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
✓	Citation			
	FTB Notice			
		Reviewed by: skc		
		Reviewed on: 1/26/16		
		Updates:		
		Recommendation:		
		File 23 - Wortham		

Petition for Appointment of Probate Conservator

Age:		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><u>CONTINUED TO 04/04/16</u> Per request of Counsel</p>
DOD:		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 01/26/16
		Updates:
		Recommendation:
		File 25- Owens

Petition for Appointment of Guardian of the Person (Initial)

Age:		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>This Petition is regarding Nathina Rios only. Petitioner Adrienne Martinez requested that the matter be continued.</p> <p style="text-align: center;"><u>CONTINUED TO 02/29/16</u> Per Petitioner's request</p> <p>Note: Petition for guardianship of Brandon Esqueda filed by Mary Perez is set for hearing on 02/02/16.</p>
DOD:		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 01/26/16
		Updates:
		Recommendation:
		File 26- Rios & Esqueda

Petition for Appointment of Guardian of the Person

		<u>TEMPORARY EXPIRES 01/28/16</u>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i>. 2. Need proof of service 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 & Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for: <ol style="list-style-type: none"> a. Father – <i>personal service needed; unless diligence is found</i> b. Paternal grandparents – <i>service by mail ok</i> c. Maternal grandfather – <i>service by mail ok</i>
		BRANDIE FORD , non-relative, is Petitioner.	
		Note: The minor is the granddaughter of Petitioner's former sister-in-law.	
Cont. from		Father: NOT LISTED – <i>Declaration of Due Diligence</i> filed 12/22/15	
<input type="checkbox"/>	Aff.Sub.Wit.	Mother: KELLEE KRSTIC-MULLENS – <i>Consent & Waiver of Notice</i> filed 12/07/15	
<input checked="" type="checkbox"/>	Verified	Paternal grandparents: NOT LISTED	
<input type="checkbox"/>	Inventory	Maternal grandfather: NOT LISTED	
<input type="checkbox"/>	PTC	Maternal grandmother: SAMANTHA WELDON – <i>Consent & Waiver of Notice</i> filed 12/07/15	
<input type="checkbox"/>	Not.Cred.	Petitioner states [see file].	
<input type="checkbox"/>	Notice of Hrg	Court Investigator Julie Negrete filed a report on 01/25/16.	
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input checked="" 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 checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: JF	
		Reviewed on: 01/26/16	
		Updates:	
		Recommendation:	
		File 27- Krstic-Jones	

Petitioner states, continued:

- The Trust distribution provision in question is Article VIII, Paragraph C(2), set forth in the First Amendment; *[refer to Paragraph 6 on pages 2 – 3 of Petition]*;
- Petitioner requests an order construing this provision to mean that only the named siblings who survive Ida Clark inherit **40%** of the residue of the Trust estate;
- **LOUIS AYRES** is the only sibling of Ida Clark named in the Trust who has survived her, and he receives **40%** of the residue of the Trust estate.

Petitioner prays for an Order instructing the Trustee that 40% of the residue of the Trust estate shall be distributed to LOUIS AYRES.

Petition to Appoint Successor Trustee

		BARBARA M. BRIDGES is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Declaration Due Diligence for Ricky J. Bridges lists several possible addresses, telephone numbers and email addresses for Ricky J. Bridges but does not state what efforts were made to locate him. 2. Petitioner alleges that Richard A. Jones is no longer able to act as Trustee. Need either resignation of Richard A. Jones or documentation showing he is no longer able to act. 3. Need Order. Local Rule 7.1 states a proposed Order shall be submitted with all pleadings that request relief. If the proposed order is not received in the Probate Filing Clerk's Office ten (10) days before the scheduled hearing, a continuance may be required.
		Petitioner states:	
		The Bridges 2001 Trust (the "Trust") was executed by declaration of Trust on March 28, 2001, by Barbara M. Bridges and Ricky J. Bridges as Trustors, and Richard A. Jones, as Trustee.	
Cont. from		The Trust is an irrevocable life insurance trust, or "ILIT". The sole asset of the Trust is a second to die whole life insurance policy with Barbara M. Bridges and Rickey J. Bridges as the insured lives.	
<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	X	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Trustors' children, Viktor J. Bridges and Desiree D. Bridges, are co-equal beneficiaries of the Trust. Distribution of the policy benefits to said beneficiaries is triggered when both Trustors have deceased.	
		In 2002 the Trustors divorced. A this time, Petitioner and Ricky J. Bridges agreed that the Trust would continue in full force and effect, and to that end each gifted the sum of \$12,000 to the Trust and its beneficiaries as prepayment of the policy premiums. The policy premiums are expected to remain prepaid for the life of the policy.	
		Richard A. Jones is the current Trustee of the Trust and continues to act as such. Richard A. Jones, however, has been stricken with various personal health concerns and it is uncertain how much longer he will be able to act as Trustee of the Trust.	
		Please see additional page	
		Reviewed by: KT	
		Reviewed on: 1/27/16	
		Updates:	
		Recommendation:	
		File 29- Bridges	

29 Bridges 2001 Trust, dated March 28, 2001 Case No. 15CEPR01178

The terms of the Trust provide on the event that Richard A. Jones should resign, become incapacitated or otherwise become unwilling or unable to serve as Trustee, Elizabeth Bridges shall act as Successor Trustee. Elizabeth Bridges has declined to act as Successor Trustee of the Trust.

Therefore, Petitioner asserts that a vacancy exists in the office of Successor Trustee of the Trust.

Petitioner further asserts that the Trust beneficiaries Viktor J. Bridges and Desiree D. Bridges, the children of Trustors, are fit and proper persons to fill the vacancy in the office of Successor Trustee.

Neither Petitioner nor beneficiaries, Viktor J. Bridges or Desiree D. Bridges have had any contact or communication with Ricky J. Bridges since 2004. Petitioner is informed and believes that Trustor Ricky J. Bridges is a resident of the country of Venezuela, but after reasonable and diligent search, Mr. Bridges' exact whereabouts cannot be ascertained.

Beneficiaries, Viktor J. Bridges and Desiree D. Bridges are not named in the trust instrument as trustees, however Petitioner asserts that the purpose of any bond requirement is protection of the beneficiaries' interest. Therefore, Petitioner request that the bond requirement be waived.

Wherefore, Petitioner prays for an order:

1. Appointing Victor J. Bridges and Desiree D. Bridges as Co-Successor Trustees of the Bridges 2001 Trust, dated March 28, 2001, to serve without bond. In the event that either of them should be unable or unwilling to act for any reason, the remaining person shall act as Successor Trustee alone.

Attorney Curtis Rindlisbacher (for Brittney Pinson, granddaughter)

Petition for Letters of Administration; and for Limited Authority under Independent Administration of Estates Act

DOD: 6/26/2013	BRITTANY PINSON , daughter, is Petitioner and requests appointment as Administrator with Limited IAEA authority without bond.	NEEDS/PROBLEMS/COMMENTS: Note: Court will set status hearings as follows: <ul style="list-style-type: none"> • Tuesday, June 28, 2016 at 9:00 a.m. in Dept. 303 for filing of inventory and appraisal; and • Tuesday, March 28, 2017 at 9:00 a.m. in Dept. 303 for filing of first account and/or petition for final distribution. 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.
	Limited IAEA — OK	
Cont. from	Decedent died intestate.	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC	Residence — Fresno	
<input type="checkbox"/> Not.Cred.	Publication — Business Journal	
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	Estimated value of the Estate:	
<input checked="" type="checkbox"/> Aff.Pub.	Real property - \$65,000.00	
<input type="checkbox"/> Sp.Ntc.	Total - \$65,000.00	
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen	Probate Referee: Rick Smith	
<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: LEG
		Reviewed on: 1/27/16
		Updates:
		Recommendation: SUBMITTED
		File 30-Pinson

Ex Parte Petition for Letters of Special Administration

DOD: 11/15/15		GENERAL HEARING 2/11/16	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p>Note: This petition was filed ex parte. Pursuant to Order filed 1/14/16, the Court set the matter for hearing on 1/28/15 and required five days' notice to all interested parties. Notice of Hearing was served on 1/19/16.</p>	
		PATRICIA THOMPSON , Named Alternate Executor without bond, is Petitioner.		
		Petitioner states the named executor, Anjanette Schmidt, declines to act.		
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified	Estimated value of estate:		
<input type="checkbox"/>	Inventory	Personal property: \$20,000.00		
<input type="checkbox"/>	PTC	Real property: \$5,000.00		
<input type="checkbox"/>	Not.Cred.	(Valued at \$275,000.00, encumbered for \$270,000.00)		
<input checked="" type="checkbox"/>	Notice of Hrg	Total: \$25,000.00		
<input checked="" type="checkbox"/>	Aff.Mail	Petitioner states the main asset of the estate is residential real property in Fresno County that was adjudged the decedent's sole and separate property in 2011 upon the dissolution of his marriage. Decedent recently passed away on 11/15/15 leaving the real property encumbered by two mortgages which are currently in default. There are no funds in the decedent's estate to pay the mortgages.		
<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	Decedent's ex-wife, Anjanette Schmidt (daughter of Petitioner Patricia Thompson) is still a named obligee on both mortgage notes. However, Ms. Schmidt is not able to pay the mortgages and the real property is being threatened with foreclosure.		
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order	Petitioner seeks appointment as Special Administrator in order to execute a "deed in lieu of foreclosure" which will effectively convey all interest to the lenders to satisfy the loans and most importantly avoid foreclosure proceedings. While Ms. Schmidt is able to sign off on the deed in lieu of foreclosure process, a representative from the estate is also necessary to act on the decedent's behalf and execute all necessary documentation.		
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice	Petitioner has also filed a Petition for Probate and Letters Testamentary, which is set for hearing on 2/11/16.		
				Reviewed by: skc
				Reviewed on: 1/27/16
			Updates:	
			Recommendation:	
			File 31- Venuto	

Petition for Appointment of Temporary Guardian of the Person

		<u>GENERAL HEARING: 03/17/16</u>	NEEDS/PROBLEMS/COMMENTS:
		JULIA ANNA ROBLES , paternal grandmother, is Petitioner.	
Cont. from		Father: THOMAS RUBIO - Consent & Waiver of Notice filed 01/21/16	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Mother: CONNIE BURRIEL – Personally served on 01/21/16	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.	Paternal grandfather: RAY RUBIO Consent & Waiver of Notice filed 01/21/16	
<input checked="" type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.	Maternal grandfather: DECEASED	
<input type="checkbox"/>	Sp.Ntc.	Maternal grandmother: CYNTHIA AVILA – Consent & Waiver of Notice filed 01/21/16	
<input checked="" type="checkbox"/>	Pers.Serv.	w/	
<input checked="" type="checkbox"/>	Conf. Screen	Petitioner states [see file].	
<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 checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: JF
			Reviewed on: 01/27/16
			Updates:
			Recommendation:
			File 32-Rubio