



ATTENTION

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

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

Thank you for your patience.

Atty Sanoian, Joanne, sole practitioner (for Petitioner Michael S. Fondriak, Administrator)

Petition to Terminate Proceedings [Prob. C. 12251]

DOD: 10/23/2005		<p>MICHAEL SCOTT FONDRLIAK, son and Administrator, is Petitioner.</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> • He was appointed Administrator on 2/28/2006, and Letters issued on 3/1/2006; • He believed that the only asset in the estate was an interest in real property located in Fresno; • DEBORA ANN FONDRLIAK, Decedent's spouse, filed written objections to the appointment of Petitioner as Administrator; • An attachment to the Objections filed by Debora was a copy of a Grant Deed which purportedly transferred title to the real property to the Decedent, the Petitioner, and Debora "AS JOINT TENANTS"; • On 12/3/2012, his attorney received a Record Owner Guarantee from Fidelity Title Company (copy attached as Exhibit A); • According to the title Guarantee, title to the real property is vested in MICHAEL J. FONDRLIAK, MICHAEL SCOTT FONDRLIAK, and DEBORA ANN FONDRLIAK as joint tenants; • There is no property of any kind belonging to the estate and subject to administration. <p>Petitioner requests that this proceeding be terminated and that the personal representative be discharged.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
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<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		030106
<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: LEG</p> <p>Reviewed on: 1/25/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1 - Fondriak</p>	

Atty Larson, Timothy J., of Dowling Aaron (for Petitioner Barbara A. Lee Lammons)

(1) Waiver of First and Final Account and Report of Executor and Petition for Settlement Thereof; (2) for Allowance of Attorney's Fees for Ordinary and Extraordinary Service and Costs; and (3) for Final Distribution [Prob. C. 10810, 10811, 10954, 12200]

DOD: 9/16/2011		BARBARA A. LEE LAMMONS , daughter and Executor, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Accounting is waived.	
Cont. from		I & A — \$325,000.00	
<input type="checkbox"/>	Aff.Sub.Wit.	POH — \$325,000.00	
<input checked="" type="checkbox"/>	Verified	(no cash)	
<input checked="" type="checkbox"/>	Inventory	Executor — waives	
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Attorney — \$9,500.00	
<input checked="" type="checkbox"/>	Aff.Mail	(statutory; to be paid outside probate)	
	Aff.Pub.		
	Sp.Ntc.	Attorney X/O — \$180.00	
	Pers.Serv.	(per itemization for 1.40 hours for affidavit – death of joint tenant)	
	Conf. Screen		
	Letters	072612	
	Duties/Supp		
	Objections	Costs — \$1,190.00	
	Video Receipt	(filing fees, publication, recording fees)	
	CI Report	Distribution pursuant to Decedent's Will is to:	
<input checked="" type="checkbox"/>	9202	BARBARA A. LEE LAMMONS – entire interest in real property.	
<input checked="" type="checkbox"/>	Order		
	Aff. Posting		Reviewed by: LEG
	Status Rpt		Reviewed on: 1/28/13
	UCCJEA		Updates:
	Citation		Recommendation:
<input checked="" type="checkbox"/>	FTB Notice		File 3 - Lee

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 05/25/12		<p>DAN McKEE, son, was appointed Executor with full IAEA without bond on 07/10/12. Letters were issued on 07/17/12.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 12/14/12</u> As of 01/28/13, the following problem remains:</p> <ol style="list-style-type: none"> Inventory & Appraisal filed 12/11/12 is incomplete at items 3, 4, and 5 under the Declaration of Representative section. <p>Note: First & Final Account and Report of Executor was filed 12/11/12 (see Page 4B).</p>	
Cont. from 121412				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input type="checkbox"/>	Verified			
<input checked="" type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			
<input type="checkbox"/>	Aff.Mail			
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
				<p>Reviewed by: JF</p> <p>Reviewed on: 01/28/13</p> <p>Updates:</p> <p>Recommendation: File 4A - McKee</p>

(1) First and Final Account and Report of Executor of the Will and Petition for Its Settlement, (2) for Allowance of Compensation for Ordinary Services, and (3) for Final Distribution [Prob. C. 10900, 10951]

DOD: 05/25/12	DAN M. MCKEE , Executor, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> The Inventory & Appraisal filed 12/11/12 is incomplete at items 3, 4, and 5 under the Declaration of Representative section, including the Property Tax Certificate. Need revised Inventory & Appraisal. The Order differs from the Petition in the property on hand for distribution. The Petition indicates that there is \$329,823.00 and the Order states that there is \$330,548.60. Need clarification in order to verify the correct distribution to each heir.
	Account period: 05/25/12 – 12/11/12	
	Accounting - \$347,276.09	
Cont. from	Beginning POH - \$321,851.71	
<input type="checkbox"/> Aff.Sub.Wit.	Ending POH - \$329,823.00	
<input checked="" type="checkbox"/> Verified	(all cash)	
<input checked="" type="checkbox"/> Inventory	Executor - \$9,836.58	
<input type="checkbox"/> PTC	(statutory)	
<input checked="" type="checkbox"/> Not.Cred.	Attorney - \$9,836.58	
<input checked="" type="checkbox"/> Notice of Hrg	(statutory)	
<input checked="" type="checkbox"/> Aff.Mail	Closing - \$1,500.00	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen	Distribution, pursuant to Decedent's Will, is to:	
<input type="checkbox"/> Letters	Steven C. McKee - \$77,343.86	
<input type="checkbox"/> Duties/Supp	Dan M. McKee - \$77,343.86	
<input type="checkbox"/> Objections	Gerald A. McKee - \$77,343.86	
<input type="checkbox"/> Video Receipt	Dennis R. McKee - \$77,343.86	
<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: JF
		Reviewed on: 01/28/13
		Updates:
		Recommendation:
		File 4B - McKee

**Petition to Determine Administrative Expenses Allocable to Encumbered Property
Prior to Satisfaction of Lien, and for Deposit of Purchase Money With Court in
Satisfaction of Lien and Expenses [Prob. C. 10360, et seq.]**

DOD: 7-13-12	SUSIE S. VERDUZCO-SAMANC , Daughter and Executor with Full IAEA without bond, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: The Final I&A has not yet been filed. A Partial I&A #1 reflects assets with total value of \$455,800.00 including real property in Fresno County, misc. personal property, and a vehicle.</p> <p>1. The petition is not signed by Attorney Markeson.</p> <hr/> <p>Reviewed by: skc</p> <p>Reviewed on: 1-28-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5 - Verduzco</p>
	One of the assets of the estate is real property located at 5230 E. Belmont Ave. in Fresno (valued at \$120,000.00). Petitioner has entered into an agreement for a "short sale" of the property for \$120,000.00; however, the outstanding loan balance is greater than this amount. The lender scheduled a foreclosure sale on 12-12-12, which Petitioner expects will be postponed. Whether the property is sold via short sale or at foreclosure, Petitioner seeks an order determining the amount of expenses of administration that are reasonably related to the administration of the encumbered property as provide for by Probate Code § 10361.5.	
	Petitioner states the expenses of sale are \$24,399.01, as set forth on Exhibit D, which include commissions, escrow charges, fees and taxes, including unpaid property taxes and penalties. Petitioner will incur additional charges in serving notice of hearing on this petition and may incur additional attorney fees for appearing at this hearing that will be presented in a supplement prior to hearing.	
	Petitioner requests that the court order on approval of this petition that the purchase money be paid to the clerk of the court to be disbursed as provided for by Probate Code § 10362. In the alternative, Petitioner requests an order requiring the lender or other holder of the funds to pay over to Petitioner the expenses and fees of which the estate is otherwise entitled to pursuant to this petition and pursuant to the Probate Code.	
	<u>SEE ADDITIONAL PAGES</u>	
<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 checked="" 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	X	
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

Page 2

Petitioner prays for the following:

- 1) That the court determine the expenses of administration reasonably related to the administration of the encumbered property;
- 2) That the court determine expenses of sale of said property;
- 3) That the court order proceeds from the sale to be paid to the clerk of the court or to the escrow holder, or to petitioner;
- 4) That the court order that upon such payment the lien on the property be discharged;
- 5) That the clerk of the court or escrow holder or Petitioner be ordered to pay and disburse the proceeds of the sale requested in this petition or as otherwise ordered by this court; and
- 6) For such other and further orders as the court deems appropriate.

Objector Green Tree Mortgage Servicing, LLC states none of the expenses at issue were reasonably related to the administration of the property, and even if they were, such expenses are properly recoverable only from the assets of the estate, not from proceeds of a foreclosure sale conducted by Green Tree. Objector requests the petition be denied.

Objector provides a statement of relevant facts and legal argument, including authority:

- **Applicable sections of the Probate Code:** Not all recoverable expenses will take priority over a secured obligation.
- **Petitioner is not entitled to expenses associated with a short sale because no short sale took place:** See Request for Judicial Notice re Trustee's Deed Upon Sale. Therefore, Petitioner's plea for \$9,205.01 as reimbursement for sale expenses should be denied.
- **Ordinary compensation does not take priority over a lien:** Petitioner seeks to recover \$9,200.00 in ordinary compensation, but does not provide any support for the notion that ordinary compensation can be paid out piece-meal as certain assets, or in this case liabilities, of an estate are liquidated. That petitioner can seek an "allowance" before approval of the final account does not change the fact that such allowance is only payable from the assets of the estate. Even if it were appropriate for the court to consider this request to receive a portion of ordinary compensation from the proceeds of the foreclosure sale, Petitioner does not provide any support for the prerequisite proposition that the ordinary compensation requested is in payment for the expenses **reasonably related** to the property sold. That Petitioner's calculation is based on a percentage of the value does not establish that this amount is "reasonably related" to the administration of the property. To the contrary, the very fact that ordinary compensation is not discretionary but formulaic demonstrates that it is impossible for the court or petitioner to establish "reasonably related" element that is a prerequisite to any administration expenses taking priority over the secured obligation.

Since there is no legal basis for determining whether the ordinary expenses is "reasonably related" to the administration of the property, there is also no basis for awarding such compensation from the proceeds of a foreclosure sale. Petitioner should seek recovery from the assets of the estate when the estate has been fully "accounted for by [her -] the personal representative." (Probate Code §10800(a)).

SEE ADDITIONAL PAGES

- **Extraordinary expenses cannot take priority over a lien if they do not benefit the estate:** \$2,000.00 in extraordinary fees and costs of \$435 for filing this petition should be denied for several reasons. Extraordinary compensation is paid from the assets of the estate, not proceeds of a foreclosure sale by a third party. The request should be denied on this ground alone. Second, Petitioner relies on local rule, which permits extraordinary fees for attorneys without further justification for "court-confirmed sales of real property." Surely the local rules exception to the Cal. Rules of Court is not intended as a loophole to compensation both Petitioner and attorney for a sale conducted by a third party and then recover that compensation from the third party. To the extent that Petitioner contends that her attempts to negotiate a short sale that never occurred warrant the extraordinary compensation from the proceeds of the foreclosure sale that took place instead, the argument should be rejected because there is no benefit to the estate for a short sale if it should have been clear to Petitioner from the beginning that the estate could not gain assets as a result of either.
- **The remaining expenses were not necessary:** \$207 for appraisal, \$2000 for "post death" trash pickup, \$303 for "post death" water, \$220 for "post death" PG&E, and \$129 for "post death" City of Fresno should be denied because Petitioner fails to present any explanation for the notion that any of these expenses were "necessary." Only necessary expenses are recoverable. It is unclear why a property that was about to be sold at a foreclosure sale was generating trash, water and electricity bills. Petitioner provides no authority why these should be recoverable from the sale rather than the assets of the estate; therefore, it is unclear why these are either necessary or reasonably related to the administration of the property.

Objector's Request for Judicial Notice references the following recorded documents:

- The Corporate Assignment of Deed of Trust recorded 7-17-12 in the official records of Fresno County as instrument number 2012-0099188
- The Trustee's Deed Upon Sale, recorded 12-28-12 in the official records of Fresno County as instrument number 2012-0187908

Atty Istanbulian, Flora, sole practitioner (Court-appointed for Conservatee)

**Petition for Attorney Fees and for Termination of Services of Attorney
[Prob. C. 1472]**

Age: 83 years	<p>FLORA ISTANBOULIAN, Attorney Court-appointed on 10/30/2012 to represent the Conservatee, is Petitioner.</p> <p>SUSAN M. BROWN, daughter, was appointed Conservator of the Person and Estate on 11/29/2012.</p> <p>Petitioner requests fees in connection with the representation of the Conservatee for 's petition to appoint a Conservator, and requests her appointment be terminated as her services are no longer needed in this case. Petitioner requests she be paid from the Conservatorship estate for services rendered from 11/16/2012 to 12/13/2012, for 3.25 hours @ \$200.00 per hour for a total of \$650.00, and requests reimbursement of the filing fee paid for this petition in the amount of \$435.00, for a total amount of \$1,085.00.</p> <p>Services are itemized by date and include review of file and documents, visits with client, and court appearances.</p>	NEEDS/PROBLEMS/COMMENTS:
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<input type="checkbox"/> Aff.Sub.Wit.		
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<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		
		Reviewed by: LEG
		Reviewed on: 1/28/13
		Updates:
		Recommendation:
		File 6 - Eastwood

Blake, age 7	TEMPORARY EXPIRES 1-31-13		<p>NEEDS/PROBLEMS/COMMENTS: <u>Minute Order 1-3-13:</u> The Court is informed that nothing has been resolved in Family Court as of yet. The Court on its own motion grants a temporary guardianship in favor of James Mcavoy and Patricia Mcavoy. The temporary expires 1-31-13 unless terminated sooner by a family court.</p> <p>1. <u>If this matter goes forward, need DSS report per §1513(c).</u></p> <p>There is a <u>presently pending</u> matter involving custody of the children in the Family Court. A Domestic Violence Temporary Restraining Order filed 10-19-12 granted sole legal and physical custody of the two children to the mother with no visitation to the father pending the hearing scheduled for 11-9-12 <u>continued to 1-7-13.</u></p> <p>Examiner notes that Attorney Glenn Wilson, who represents the Petitioners here, also represents the father in the family law matter.</p> <p>Pursuant to Local Rule 7.15.7, if a matter is presently pending in the Family Law Court, a petitioner seeking custody or visitation rights will be instructed to seek joinder in the family law proceeding and request relief from that Court.</p> <p>Court records indicate that there were no appearances at the family law hearing on joinder and the matter was taken off calendar.</p>
Cameron, age 3	<p>JAMES KENT MCAVOY and PATRICIA ANNE MCAVOY, Paternal Grandparents, are Petitioners.</p> <p>Father: BRIAN MICHAEL WEAVER - Nominates, consents and waives notice Mother: KIANNA MARIE ENCINIAS - Personally served 10-30-12</p> <p>Maternal Grandfather: Reynaldo Encinias - Mailed service 10-30-12 Maternal Grandmother: Gail Pixley- Ericson - Mailed service 10-30-12</p> <p>Petitioners state the minor children are believed to reside with the mother; however, their current address is not known to Petitioners. Petitioners have serious concerns with regard to the safety and well-being of the children if they remain in the care of their mother and, due to allegations of domestic violence made by the mother against Petitioners' son (the father), Petitioners believe that taking immediate custody of the children is in their best interest and necessary to protect their health, safety and well-being.</p> <p>Petitioners state the mother has a history of suicide attempts, suffers from serious mental health conditions has been hospitalized on multiple occasions. Petitioners state the mother takes various medications (list provided) and relies heavily on sleeping medication. Petitioners contend that the mother sleeps so deeply that she is unable to care for the children.</p> <p>Petitioners state that on 10-15-12, the mother called the father to transport she and the children to the hospital because the younger child fell while attempting to use the bathroom unattended and split his lip, requiring stitches. Petitioners state the mother had been asleep. Petitioners state the father reported that the mother appeared to be under the influence of drugs and that she had taken two pills as they were leaving the house.</p>		
Cont. from 010313			
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, DSS Report		X	
Clearances		X	
✓ Order			
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
SEE ADDITIONAL PAGES			

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Petitioners state the mother has passed out with the children in her care on at least one occasion. Their son (the father) returned home and took a photograph, which shows that the children were present (attached).

Petitioners also state the older child has not been sent to school on a regular basis, and that when the younger child was taken to the hospital, Petitioners state the mother requested the doctor write a note for the older child's absences, which the doctor declined.

Petitioners state that in August 2012, the mother called and requested that they pick up Blake, and when they got home at nearly 6:30 pm, the child said all he had to eat all day was a piece of string cheese. Also in August, Petitioners state the father reported that the mother had left a message that she couldn't care for the children, so Allison (Petitioners' daughter) picked them up and provided childcare.

Petitioners state guardianship is necessary to protect the children and that being in the care of the mother is detrimental to the children.

Petitioners' Supplemental Declaration filed 10-26-12 requests that the Court reconsider the request for immediate temporary guardianship pending the hearing and provides information regarding a text message from the mother and a printout from the mother's Facebook page, which Petitioners state may indicate that the mother is planning to take the child out of state (attached).

Kianna Marie Encinias (Mother) filed two declarations and proofs of service on 11-5-12:

- 1. Declaration of Kianna Marie Encinias states she does not agree with the petition.** Declaration provides response to the allegations in the petition. See declaration. Mother states she receives food stamps and the family is never without food. The father has not provided as a father or a partner with stable job or medical. She is a good mother and the children are her #1 priority. The children are well-behaved, well-adjusted good children. If she were an unfit mother and the allegations of Petitioners were true, then this would not be the case.
- 2. Declaration of Gail Anne Erickson (Maternal Grandmother) states she does not agree with the allegations or proceedings.** Details provided.

Kianna Marie Encinias (Mother) filed an Ex Parte Request for Dissolution of Guardianship and an Objection to Guardianship on 1-11-13. Per Court order on 1-15-13, the ex parte request for dissolution of guardianship is denied, and any objections will be heard at the hearing scheduled for 1-31-13.

Ms. Encinias states Petitioners had told her they decided to drop their actions to seek guardianship, that they didn't want to take the children away from her, and that filing for guardianship was just "things getting ugly." Ms. Encinias states she asked Petitioners if she would care for the children when she was in the hospital, and they said it was no problem. However, while she was in the hospital, Petitioners filed for guardianship. Ms. Encinias states she had no knowledge of any new court proceedings or requests and was never served with anything. When she got out of the hospital, she was informed that Petitioners had gotten guardianship and she was not allowed to come get the children.

Ms. Encinias' Ex Parte Request for Dissolution of Guardianship states that one of the times that Kent came to drop off the kids, he told her that his attorney had written up a custody agreement for shared custody between the mother and the father, and they wanted to drop the guardianship because they don't want to take the children, they just want to be able to see them. Ms. Encinias states she signed the custody agreement with the understanding that everything would be dropped. On 1-1-13 she had to be hospitalized for exhaustion and Petitioners offered to care for the children. However, they then filed for guardianship and lied in their paperwork saying she had been served, when she had not.

Ms. Encinias feels her children have been abducted from her and she just wants them back home. She is a stay at home mom and the children are her entire life. Cameron (3) is extremely attached to her and she has never been away from him.

Court Investigator Jennifer Daniel filed a report on 12-14-12. A DSS report pursuant to Probate Code §1513(c) has not yet been received.

DOD: 7-12-12	RONALD E. STOLL, son, and HAROLD G. WEISS, grandson, are Petitioners.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need date of death of deceased spouse per local rule. 2. Petitioner states there is no issue of predeceased child, and that Mr. Stoll is the Decedent's son, but requests to pass the property in equal shares to Mr. Stoll and Mr. Weiss. <p>However, it is unclear how a share would pass to Mr. Weiss, the Decedent's grandson. Need clarification of Mr. Weiss' relationship to the Decedent and to Mr. Stoll, with reference to applicable Probate Code, such as §6402.</p>	
	40 days since DOD		
	No other proceedings		
Aff.Sub.Wit.	I&A: \$40,000.00 (real property)		
✓ Verified	Decedent died intestate		
✓ Inventory	Petitioners request Court determination that Decedent's 100% interest in real property located at 4471 E. Hedges in Fresno, and personal property consisting of a savings account with an amount of \$477.31, passes to them 50% each.		
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: skc
			Reviewed on: 1-28-13
		Updates:	
		Recommendation:	
		File 8 - Stoll	

Atty Rindlisbacher, Curtis D., of Perkins, Mann & Everett (for Petitioner Barbara Brady)

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

DOD: 11/18/2012	BARBARA BRADY , cousin and named Executor without bond, is Petitioner.		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: If petition is granted, Court will set status hearings as follows:</p> <ul style="list-style-type: none"> • Friday, June 28, 2013 at 9:00 a.m. in Dept. 303 for filing of inventory and appraisal; and • Friday, March 28, 2014 at 9:00 a.m. in Dept. 303 for filing of first account and/or petition for final distribution. <p>Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.</p>
	Full IAEA – o.k.		
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified	Will Dated: 11/3/2012		
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC	Residence: Fresno		
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg	Publication: Business Journal		
<input checked="" type="checkbox"/> Aff.Mail	W/		
<input checked="" type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.	<p>Estimated value of the Estate:</p> <p>Real property (encumbered) - \$0</p> <p>Personal property - \$37,000.00</p> <p>Total - \$37,000.00</p>		
<input type="checkbox"/> Conf. Screen			
<input type="checkbox"/> Aff. Posting			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt	Probate Referee: Rick Smith		
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
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			Reviewed by: LEG
			Reviewed on: 1/28/13
			Updates:
			Recommendation: SUBMITTED
			File 9 - Phillips

DOD: 2/25/2012		<p>DARLA JEAN COWAN, granddaughter, and MAKENZIE MARIE COWAN, great-granddaughter, are petitioners.</p> <p>40 days since DOD.</p> <p>No other proceedings.</p> <p>Will dated: 6/20/1998 – devises 51% of the estate to Darla Jean Cowan and 49% of the estate to Makenzie Marie Cowan.</p> <p>I & A - \$45,000.00</p> <p>Petitioners request court determination that Decedent's 100% interest in real property located at 4321 E. McKenzie Avenue in Fresno pass to them prusuatn to decedent's Will, 51% to Darla Jean Cowan and 49% to Makenzie Marie Cowan.</p>	<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, pursuant to Probate Code 13153, on: <ol style="list-style-type: none"> a. Scott Aaron Cowan (named executor) b. Donnie Adams (grandson) 3. Need order. 	
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		<p>Reviewed by: KT</p> <p>Reviewed on: 1/29/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 10 - Knight</p>		

11 Everlener Raymond aka Evelina Raymond (Det Succ)

Case No. 12CEPR01120

Atty Krbechek, Randolph (for Petitioners)

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

DOD: 7/26/2000		<p>MARY MCGEE, RITA JONES, EARL LOCKHART, JR., EVERLENER SMITH, JACKIE LOCKHART, ARTHUR LOCKHART, DAVID LOCKHART, RICKY LOCKHART, JAMES LOCKHART, grandchildren, and DANNY BROWN, great-grandson, are petitioners.</p> <p>40 days since DOD.</p> <p>No other proceedings.</p> <p>Decedent died intestate.</p> <p>I & A - \$110,000.00</p> <p>Petitioners request court confirmation that Decedent's 50% interest in real property located in Oakland, CA pass to them in equal shares pursuant to intestate succession.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Petition states that the property was previously owned by Adelina Slaughter. Ms. Slaughter died on 6/5/1987. A probate was conducted in Alameda County. Pursuant to Judgment Settling First and Final Account filed on 1/24/1989 the property was distributed in equal shares (25% each) to Everlener Raymond (decedent) Lucille Smith, Margaret O'Neal and Robert Lockhart. Lucille Smith and Robert Lockhart are still living. Margaret O'Neal died on 7/7/1999 (after this decedent). Petition alleges no probate was conducted with respect to the estate of Margaret O'Neal. Margaret's surviving heir was her sister, Everlener Raymond (decedent). Thus, Everlener Raymond was entitled to a 50% interest in the property, consisting of her 25% interest from the estate of Adelina Slaughter and the 25% interest previously held by her sister, Margaret O'Neal. Margaret O'Neal survived Adeline Slaughter therefore succeeded to the property whether or not she subsequently died (10 years after distribution). This Court cannot pass Margaret O'Neal's interest in the real property in this proceeding. A separate proceeding must be commenced to first pass Margaret's share of Adeline's estate to her heir.</p> <p>Please see additional page</p> <p>Reviewed by: KT</p> <p>Reviewed on: 1/28/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11 - Raymond</p>
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11 Everleener Raymond aka Evelina Raymond (Det Succ)

Case No. 12CEPR01120

2. Decedent's granddaughter, Opal White died on 5/25/2005 (after this decedent). Therefore, the property must pass to Opal White and not her son, Danny Brown. Once it passes to her estate a separate proceeding can be commenced to pass Opal's share of the property to her heir.
3. Need order.

DOD: 10/23/2012	MARILYN BROOME and SUSAN MYRICK,	NEEDS/PROBLEMS/COMMENTS: 1. Attachment #11 does not include the decedent's interest in the property. 2. Need Trustee's Declaration pursuant to Local Rule 7.12.5.
	Co-Trustees of the Marianne Gilbreth Living Trust, are petitioners.	
	40 days since DOD.	
Cont. from	No other proceedings.	
<input type="checkbox"/> Aff.Sub.Wit.	Will dated: 6/15/2007	
<input checked="" type="checkbox"/> Verified	I & A - \$ 120,000.00	
<input type="checkbox"/> Inventory	Petitioners request court confirmation that decedent's interest in the real property located at 3012 W. Hampton Way in Fresno, passes to them as Co-Trustees of the Marianne Gilbreth Living Trust.	
<input type="checkbox"/> PTC		
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<input type="checkbox"/> Citation		
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		Reviewed by: KT
		Reviewed on: 1/28/13
		Updates:
		Recommendation:
		File 12 - Gilbreth

Taylor age: 10 yrs	TANIA CHEEK , mother, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
Byron age: 7 yrs	LINDA R. CHEEK and TERRY H. CHEEK , paternal grandparents, were appointed guardians on 12/1/2008. <i>Personally served on 1/3/2013.</i>	
Cont. from	Father: MICHAEL T. CHEEK – <i>personally served on 1/3/2013.</i>	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory	Petitioner states she is requesting visitation 6 hours once per week on Sundays.	
<input type="checkbox"/> PTC	Petitioner states she would like the children to join her at church at 9:30 a.m. and then go back to Rescue the Children where she resides returning at 3:30 p.m. Petitioner would also like one phone call per week to stay in contact and to know about school events and activities in their lives.	
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<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv.	W/	
<input type="checkbox"/> Conf. Screen	Petitioner states she is in a transitional life changing community, Rescue the Children, a Christian based community. She states she had always had her children with her up until 4 years ago when she made some bad choices. She has had a hard time pulling herself back up and moving forward. She is thankful for Linda Cheek and Terry Cheek and prays that they will forgive her and that they can have a relationship again. Petitioner states she needs to start building trust and a relationship with her children. She understands it is going to be slow but she needs to start somewhere.	
<input type="checkbox"/> Letters		
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<input type="checkbox"/> Objections		
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<input type="checkbox"/> CI Report		
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<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed on: 1/28/2013
		Updates:
		Recommendation:
		File 13 - Cheek

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

Age: 6 months		<p align="center">GENERAL HEARING 3/21/13</p> <p>REBECCA JOY MARIE WALL, maternal aunt, is petitioner.</p> <p>BECKY ANN ZAGHA, non-relative, was appointed temporary guardian Ex-Parte on 1/8/2013. Temporary hearing on 1/22/2013 extended the temporary to 3/7/2013.</p> <p>Father: NOT LISTED (Louis Ray Perez)</p> <p>Mother: NOT LISTED (Dorothy Grace Marie Maraglino)</p> <p>Paternal grandparents: Not listed Maternal grandparents: Not listed.</p> <p>Petitioner states both parents are in the custody of the San Diego jail. Jordyn's mother wishes Petitioner to care for her until she is able to do so.</p> <p>Letter attached to the temporary petition from Dorothy Maraglino (mother) states she wishes to transfer the care of Jordyn to Rebecca Wall. She further states that Becky Zagha has had the care of Jordyn since August. The care has been good but she has been unable to follow through with keeping in contact. Her husband now needs to return to Saudi Arabia and mom does not want her daughter to leave the country.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service of the Notice of Hearing along with a copy of the temporary petition on: <ol style="list-style-type: none"> a. Dorothy Grace Marie Maraglino (mother) b. Louis Ray Perez (father) c. Becky Ann Zagha (temporary guardian) 3. Child Information Attachment is incomplete at #1c re: whether or not the child is Native America or eligible for membership in one or more Indian Tribes. 4. Child Information Attachment #8 is incomplete re: inquiry as to whether or not the child is Native American. 5. Child Information Attachment is incomplete at #2, names and current addresses of the relatives (mother, father, paternal and maternal grandparents). 6. UCCJEA is incomplete re: child's residence information from 7/31/12 to the present.
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		<p>Reviewed by: KT</p> <p>Reviewed on: 1/29/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 14 – Perez</p>	

15 **Cieanna Catuiza (GUARD/P)**
 Atty Hopper, Cindy (for Anthony Simas, Guardian)
 Atty Hopper, Cindy (for Maria Simas, guardian)
 Atty Castro-Ayala, Mary (for Angel Jones, mother)

Case No. 11CEPR00966

Status Hearing and Hearing to Consider Amending Visitation Order

Age: 3 years Cont. from 071912, 012213	<p>ANTHONY SIMAS and MARIA SIMAS, paternal grandparents, were appointed guardians on 1/5/12.</p> <p>Father: MICHAEL CATUIZA</p> <p>Mother: ANGEL JONES</p> <p>Order after Hearing dated 1/6/12 [hearing on 1/5/13] granted the parents supervised visits at Comprehensive Youth Services every Saturday for 2 hours. The cost for the supervised visits, if any, shall be paid equally by the parents, Angel Jones and Michael Catuiza.</p> <p>The Court also ordered that the parents, Angel Jones and Michael Catuiza complete the parenting program at Comprehensive Youth Services.</p> <p>The Court set the matter for review to review the status of the case including the supervise visitation order and to see if the parents have completed the parenting program and if appropriate amend the visitation to allow supervised visitation with a 3rd party supervisor (non-agency).</p> <p>On 6/29/2012 mother, Angel Jones, filed a copy of her certificate of completion of the Successful Single Parenting: Consider the Children Program provided by Comprehensive Youth Services.</p> <p>Order after Hearing dated 7/25/12 states the court orders that the mother, Angel Jones, shall continue to have supervised visits as ordered by the court at the hearing on 1/5/12. The cost for the supervised visits shall be paid by the mother, Angel Jones.</p> <p>The father, Michael Catuiza, shall have supervised visits. The Guardians may arrange for the supervised visits to occur at their home or any other location at their discretion so long as the father is clean and sober.</p> <p style="text-align: center;">Please see additional page</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 1/22/13.</p> <p>Note: Angel Jones, mother, filed Objections to Petition for Appointment of Guardian and Temporary Appointment of Guardian on 1/17/13. Mr. and Mrs. Simas were appointed as guardians on 1/5/2012 therefore, the issue of appointment of a guardian is not before the court.</p> <hr/> <p>Reviewed by: KT</p> <p>Reviewed on: 1/28/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 15 - Catuiza</p>																																														
<table border="1"> <tr><td>Aff.Sub.Wit.</td><td></td></tr> <tr><td>Verified</td><td></td></tr> <tr><td>Inventory</td><td></td></tr> <tr><td>PTC</td><td></td></tr> <tr><td>Not.Cred.</td><td></td></tr> <tr><td>Notice of Hrg</td><td></td></tr> <tr><td>Aff.Mail</td><td></td></tr> <tr><td>Aff.Pub.</td><td></td></tr> <tr><td>Sp.Ntc.</td><td></td></tr> <tr><td>Pers.Serv.</td><td></td></tr> <tr><td>Conf. Screen</td><td></td></tr> <tr><td>Letters</td><td></td></tr> <tr><td>Duties/Supp</td><td></td></tr> <tr><td>Objections</td><td></td></tr> <tr><td>Video Receipt</td><td></td></tr> <tr><td>CI Report</td><td></td></tr> <tr><td>9202</td><td></td></tr> <tr><td>Order</td><td></td></tr> <tr><td>Aff. Posting</td><td></td></tr> <tr><td>Status Rpt</td><td></td></tr> <tr><td>UCCJEA</td><td></td></tr> <tr><td>Citation</td><td></td></tr> <tr><td>FTB Notice</td><td></td></tr> </table>	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			
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Petitioners' Response to Mother's Request to Modify Visitation and Objection to Guardianship filed on 1/25/13. Petitioners state the court granted them permanent guardianship on 1/5/2012, after finding clear and convincing evidence that the guardianship was necessary and proper. At the hearing the court made a visitation order and ordered the parties back on 7/19/2012 to review the status of the case including the supervised visits. At the 7/19/2012 hearing the court ordered the mother, Angel Jones to continue with supervised visits at CYS every Saturday for 2 hours. From the hearing on 7/19/2012 to the date of the signing of the declaration there have been 27 visits that Angel had the ability to visit with Cienna. Out of 27 visitation days Angel attended only 2 visits. During the last 6 months Angel has seen Cienna twice. This clearly shows that Angel has no interest in visiting with Cienna.

As for her allegations against Michael (father), the times that Michael has seen Cienna he has been clean and sober. Petitioners state they would never allow Michael to see Cienna if he is under the influence of any substance and they have never left Michael alone with Cienna.