

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>
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<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		<p>BARBARA A. LEE LAMMONS, daughter and Executor, is Petitioner.</p> <p>Accounting is waived.</p> <p>I & A — \$325,000.00 POH — \$325,000.00 <i>(no cash)</i></p> <p>Executor — waives</p> <p>Attorney — \$9,500.00 <i>(statutory; to be paid outside probate)</i></p> <p>Attorney X/O — \$180.00 <i>(per itemization for 1.40 hours for affidavit – death of joint tenant)</i></p> <p>Costs — \$1,190.00 <i>(filing fees, publication, recording fees)</i></p> <p>Distribution pursuant to Decedent's Will is to: BARBARA A. LEE LAMMONS – entire interest in real property.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>	
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		<p>Reviewed by: LEG</p> <p>Reviewed on: 1/28/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3 - Lee</p>		

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>CONTINUED FROM 12/14/12 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>		
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<input type="checkbox"/> Aff.Sub.Wit.				
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			Reviewed by: JF	
			Reviewed on: 01/28/13	
			Updates:	
		Recommendation:		
		File 4A - McKee		

(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.	NEEDS/PROBLEMS/COMMENTS: 1. 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.
	Account period: 05/25/12 – 12/11/12	
	Accounting - \$347,276.09	
Cont. from	Beginning POH - \$321,851.71	
Aff.Sub.Wit.	Ending POH - \$329,823.00	
<input checked="" type="checkbox"/> Verified	(all cash)	
<input checked="" type="checkbox"/> Inventory		
PTC	Executor - \$9,836.58	
<input checked="" type="checkbox"/> Not.Cred.	(statutory)	
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	Attorney - \$9,836.58	
Aff.Pub.	(statutory)	
Sp.Ntc.		
Pers.Serv.	Closing - \$1,500.00	
Conf. Screen		
Letters	Distribution, pursuant to Decedent's Will, is to:	
Duties/Supp		
Objections	Steven C. McKee - \$77,162.46	
Video Receipt	Dan M. McKee - \$77,162.46	
CI Report	Gerald A. McKee - \$77,162.46	
<input checked="" type="checkbox"/> 9202	Dennis R. McKee - \$77,162.46	
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		Reviewed by: JF
		Reviewed on: 01/28/13
		Updates: 01/29/13
		Recommendation:
		File 4B - McKee

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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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		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 CI Report and/or DSS report per §1513(c).</u></p> <p>There is a presently pending 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>		
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Inventory			
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Not.Cred.			
✓ Notice of Hrg			
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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.

SEE ADDITIONAL PAGES

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.

Ms. Encinias filed a Declaration (with proof of service) on 1-29-13. Declaration states:

- On 10-8-12, an argument with Brian Weaver led to him assaulting her. He brought a group of people onto their patio and they were using illicit drugs while their children were present inside the home. Brian was arrested for domestic violence and Ms. Encinias was granted a 7-day emergency restraining order. 11CEFL06715.
- On the day the RO expired, Brian, his parents, and his brother came into her home videotaping and took Brian's belongings. The next day, Ms. Encinias filed papers at the courthouse for another restraining order, custody, property control, and payment. The order was approved. 11CEFL06715.
- Ms. Encinias spent the next several days trying to get Brian served. She was notified that CPS had been trying to reach her because of the domestic violence. The social worker came to the home and explained that the concerns were with Brian and his temper and violence. Ms. Encinias explained that he was no longer living in the home and had only been back once with his family for his belongings. She had no concerns about Ms. Encinias as a mother and was able to see that the children were living in a nice clean environment. At the end of the evaluation she said if Brian was allowed contact with the children, she would make sure the children are removed. That day, Ms. Encinias states she made it a point to inform Brian and his parents over the phone of these developments and made it extremely clear that Brian was not to be allowed around the children.
- Ms. Encinias states a couple of days later, Brian's sister Alison offered to take her and the children to the pumpkin patch because her car was not running. Alison asked if she could take the children to her house to carve the pumpkins, and Ms. Encinias agreed, trusting that they would not have Brian there, since they were aware of the CPS report and the consequences of having the children around him. However, when Kent brought the children home, Blake (7) said that his dad was there.
- Petitioner asked Tricia McAvoy why she ignored what they were told and allowed Brian to be there. She acted like nothing was wrong and said, "There's no restraining order." Ms. Encinias states she then told her that she couldn't trust them and they would not be seeing the children anytime in the near future. A few days later, Ms. Encinias states she was served with the petition for guardianship. Ms. Encinias thinks they did this out of revenge and anger, not out of genuine concern for the children.
- The children continued to reside with Ms. Encinias and Petitioners' attorney continued to send numerous documents. Shortly thereafter, Ms. Encinias was served with a 3-day notice on her residence. She was stressed and upset, and Petitioners sent constant text messages to let them pick up the children. She did not respond because she was terrified of losing the children.
- Ms. Encinias states she appeared in Court on 11-9-12 by herself against Petitioners' attorney. The court told the petitioners they might obtain a joinder into the family law case. Ms. Encinias allowed a modification to the family law order to allow supervised visitation.

SEE ADDITIONAL PAGES

- **Ms. Encinias states on 12-13-12 (Blake's birthday), Alison and Kent McAvoy stopped at her house to ask if they could give Blake birthday gifts and Ms. Encinias allowed them to come in for a few minutes. A few days later, she allowed the kids to go to dinner with Alison and Kent. When they came back, Kent asked to speak with her, and told her the situation had gotten ridiculous. He said, "Now they are bringing up contempt charges against you for the weeks you didn't register for the visitation." He told her she was looking at 35 days in jail, but if she would agree to get the criminal charges dropped against Brian in the DV case, have the restraining orders dropped, and sign a new custody agreement, which he had with him, then they would get the contempt charges against her dropped and stop all of the guardianship proceedings.**
- Ms. Encinias states she read the custody agreement and was okay with some things but not others. Kent told her "Don't worry about it, we can go back and make any changes you want to make later, but as long as we get this signed now, then Brian can start seeing the kids." Ms. Encinias signed the agreement thinking everything was going to be resolved.
- In January 2013, Ms. Encinias states she put the children in the care of her mother Gail Erickson and Petitioners Tricia and Kent McAvoy due to extreme stress and exhaustion and checked herself into the hospital for a few days with the understanding and agreement that the kids would only be in their care while she was in the hospital. However, her mother called the McAvoy's several times and they would not allow her to pick them up, and they now refuse to return the children to her.
- Ms. Encinias states Petitioners have disparaged her to the children to the point that Blake feels he had to choose between his father and grandparents or her. He has become standoffish whenever allowed to speak to her on the phone. Petitioners would not allow visits unless they were supervising. Ms. Encinias states she finally agreed to meet Petitioners at Chuck E Cheese to see the boys this weekend. Cameron was excited to see her and asked to go home with her. She asked if he could spend the night and was told absolutely not.
- Ms. Encinias states when they were leaving, Petitioners put Blake on the spot to tell her what she was putting him through. Ms. Encinias states they are letting all of these scary adult issues be made known to a 7 and 3 year old and trying to turn the children against her.
- Ms. Encinias states she has a chronic pain condition for which she is prescribed medications and is under the routine and consistent care of a doctor. She does not abuse the medications and is present and capable of caring for her children at all times. (Medications listed.)
- Petitioners have allowed her to see the children only if they are directly supervising. The situation is so full of animosity that she has not opted to do this for Blake's sake. Tricia has made many negative comments to Blake about her and Blake as told her, "Mom, grandma hates you." Having visits with Petitioners hovering over her would put Blake in a very uncomfortable position as he is convinced that he has to choose sides. Petitioners have only allowed her three phone calls since Jan 2 and one visit (Chuck E Cheese).
- **Ms. Encinias states she has always been able to care for her children, to provide what they need, and to keep them safe. She does not drink alcohol, does not use illegal drugs, and has never been arrested. She is receiving counseling for herself and is providing counseling for the children at Exceptional Parents Unlimited. The children are her highest priority and Blake has had no attendance issues at school.**

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- Ms. Encinias wishes the Court to consider:
 - The father was arrested for domestic violence
 - Police have been called to the home many times.
 - Petitioners did not keep the father away from the children per CPS. The father lives in the home with Petitioners.
 - Petitioner Kent attempted to coerce her to sign an agreement for custody and drop charges so that she could have the children back in her care.
 - Petitioners are alienating her from her children.

Ms. Encinias requests the Court seriously consider and investigate the statements made in this Declaration and return the children to her care before they become even more emotionally distressed and traumatized.

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	Will Dated: 11/3/2012		
<input type="checkbox"/> Aff.Sub.Wit.	Residence: Fresno		
<input checked="" type="checkbox"/> Verified	Publication: Business Journal		
<input type="checkbox"/> Inventory	Estimated value of the Estate:		
<input type="checkbox"/> PTC	Real property (encumbered) - \$0		
<input type="checkbox"/> Not.Cred.	Personal property - \$37,000.00		
<input checked="" type="checkbox"/> Notice of Hrg	Total - \$37,000.00		
<input checked="" type="checkbox"/> Aff.Mail W/	Probate Referee: Rick Smith		
<input checked="" type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<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			
<input type="checkbox"/> CI Report			
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<input checked="" type="checkbox"/> Order			
<input checked="" type="checkbox"/> Letters			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
			Reviewed on: 1/28/13
			Updates:
			Recommendation: SUBMITTED
			File 9 - Phillips

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

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.
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 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.		
<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		
		<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>
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 type="checkbox"/>	Notice of Hrg N/A		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
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<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
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<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		
		<p>Reviewed by: KT</p> <p>Reviewed on: 1/28/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11 - Raymond</p>	

11 Everlener Raymond aka Evelina Raymond (Def 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.

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

DOD: 10/23/2012		<p>MARILYN BROOME and SUSAN MYRICK, Co-Trustees of the Marianne Gilbreth Living Trust, are petitioners.</p> <p>40 days since DOD.</p> <p>No other proceedings.</p> <p>Will dated: 6/15/2007</p> <p>I & A - \$ 120,000.00</p> <p>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.</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 W/		
<input type="checkbox"/>	Aff.Pub.		
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<input type="checkbox"/>	Pers.Serv.		
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<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</p> <p>Reviewed on: 1/28/13</p> <p>Updates: 1/29/13</p> <p>Recommendation: SUBMITTED</p> <p>File 12 - Gilbreth</p>	

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

Age: 6 months	GENERAL HEARING 3/21/13	NEEDS/PROBLEMS/COMMENTS:
	REBECCA JOY MARIE WALL , maternal aunt, is petitioner.	1. Need Notice of Hearing.
Cont. from	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.	2. Need proof of personal service of the Notice of Hearing along with a copy of the temporary petition on: a. Dorothy Grace Marie Maraglino (mother) b. Louis Ray Perez (father) c. Becky Ann Zagha (temporary guardian)
<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		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.	X	
<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 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		
	Father: NOT LISTED (Louis Ray Perez)	
	Mother: NOT LISTED (Dorothy Grace Marie Maraglino)	
	Paternal grandparents: Not listed Maternal grandparents: Not listed.	
	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.	
	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.	
		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.
		Reviewed by: KT
		Reviewed on: 1/29/13
		Updates:
		Recommendation:
		File 14 – Perez

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	ANTHONY SIMAS and MARIA SIMAS , paternal grandparents, were appointed guardians on 1/5/12.	NEEDS/PROBLEMS/COMMENTS:
	Father: MICHAEL CATUIZA	Continued from 1/22/13.
	Mother: ANGEL JONES	
Cont. from 071912, 012213	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.	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.
Aff.Sub.Wit.	The Court also ordered that the parents, Angel Jones and Michael Catuiza complete the parenting program at Comprehensive Youth Services.	
Verified	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 3 rd party supervisor (non-agency).	Reviewed by: KT
Inventory	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.	Reviewed on: 1/28/13
PTC	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.	Updates:
Not.Cred.	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.	Recommendation:
Notice of Hrg	<p style="text-align: center;">Please see additional page</p>	File 15 - Catuiza
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		

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.