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.

Dept. 303, 9:00 a.m. Tuesday, February 2, 2016

1 Shaymus Brant Doughty (GUARD/P) Case No. 05CEPR00511

Attorney: Julia A. Brungess (for Petitioners/Guardians Roy Oken and Doreen Oken)

Petition to Modify Visitation Order

			ROY OKEN and **DOREEN OKEN,** Guardians, are petitioners. Please see petition for details.
Cont. from			
	Aff.Sub.Wit.		
	Verified	X	
	Inventory		
	PTC		
	Not.Cred.		
✓	**Notice of Hrg**		
✓	**Aff.Mail**	W/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

Judge Kazanjian has disqualified herself in this matter.

This matter will be sent to Dept. 54 for assignment.

1. Petition was not signed or verified by the petitioners. Probate Code §1021.
2. Need Order.

Reviewed by: KT

Reviewed on: 1/27/16

Updates:

Recommendation:

File 1- Doughty

Dept. 303, 9:00 a.m. Tuesday, February 2, 2016

2 **Alan Cortez (GUARD/P)** **Case No. 08CEPR01002**

Petitioner Sanchez, Salvador (Pro Per – Father – Petitioner)
Petitioner Cortez, Lucia (Pro Per – Mother – Petitioner)
Guardian Ramirez, Sandra (Pro Per – Maternal Aunt – Guardian)
Guardian Vildosola, Jose (Pro Per – Maternal Uncle – Co-Guardian)

Amended Petition for Termination of Guardianship

			See petition for details.	NEEDS/PROBLEMS/COMMENTS:
				<u>Note</u>: Petitioners reside in Los Angeles, CA.
Cont. from 102015, 120815				<u>Minute Order 12/8/15</u>: Siblings still need to be properly noticed. The Court review a text message notice sent to Jose Vildosola for today's hearing.
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			<u>Note</u>: Notice of Hearing filed 12/21/15 indicates that notice was mailed to Co-Guardian Jose Vindosola and to the minor's siblings on 12/15/15.
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			Reviewed by: skc
	Status Rpt			Reviewed on: 1/27/16
	UCCJEA			Updates:
	Citation			Recommendation:
	FTB Notice			File 2 – Cortez

3 **Jose Borjas and Roy Borjas (GUARD/P)** **Case No. 09CEPR00838**

Petitioner **Borjas, Carmen (pro per – paternal grandmother)**

Petition for Appointment of Temporary Guardian of the Person

Jose, 12			**GENERAL HEARING: 03/07/16**
Roy, 11			**CARMEN BORJAS,** paternal grandmother, is Petitioner.
			TANIA BORJAS, paternal aunt, was appointed Guardian on 01/13/10. – *personally served on 01/07/16*
Cont. from 011916			
	Aff.Sub.Wit.		Father: **JOSE BORJAS**
✓	**Verified**		
	Inventory		Mother: **SONIA RAMIREZ** – *Declaration of Due Diligence filed 01/06/16 states her whereabouts are unknown*
	PTC		
	Not.Cred.		
✓	**Notice of Hrg**		Paternal grandfather: ALVARO NIHO – *deceased*
	Aff.Mail		
	Aff.Pub.		Maternal grandfather: JUAN RAMIREZ Maternal grandmother: ARACELI RAMIREZ
	Sp.Ntc.		
	Pers.Serv.	x	
✓	**Conf. Screen**		Sibling: CARLOS SANDOVAL
✓	**Letters**		
✓	**Duties/Supp**		**Petitioner states:** [see file].
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
✓	**UCCJEA**		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

CONTINUED FROM 01/19/16

Note: There is a current guardianship in place. Tania Borjas, paternal aunt, was appointed guardian of both minors on 01/13/10. A Petition for Termination of Guardianship by Tania Borjas is set for hearing on 03/07/16.

1. Need proof of personal service at least 5 court days before the hearing of *Notice of Hearing* with a copy of the *Petition for Appointment of Guardian of the Person* or Consent & Waiver of Notice or Declaration of Due Diligence for:
   a. Jose Borjas (father)
   b. Jose Borjas (minor)
   c. Sonia Ramirez (mother) – *unless diligence is found*

Reviewed by: JF

Reviewed on: 01/28/16

Updates:

Recommendation:

File 3- Borjas

4 Betty Jean Chrest (CONS/PE) Case No. 12CEPR01002
Attorney Kruthers, Heather H (for Public Guardian)

Second and Final Account and Report of Conservator; Petition for Compensation to Conservator and her Attorney; Authorizing Sale of Personal Property and Distribution of Proceeds

DOD: 6/23/15		
	Aff.Sub.Wit.	
✔	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	x
	Aff.Mail	x
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✔	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

PUBLIC GUARDIAN, Conservator of the Estate, is Petitioner.

Account period: 4/16/14 – 6/23/15
Accounting: $174,403.00
Beginning POH: $139,898.87
Ending POH: $92,227.29

Account period: 6/24/15 – 8/28/15
Accounting: $94,218.51
Beginning POH: $92,227.29
Ending POH: $73,468.70
($28,203.71 cash plus personal property including a mobile home and a TV)

Conservator: $11,123.00 (for 87.80 Deputy hours @ $96/hr plus 35.45 Staff hours @ $76/hr, itemized at Exhibit C, including

Attorney: $1,875.00 (per local rule)

Bond fee: $244.96

Filing fee: $435.00

Petitioner requests authority to sell the personal property assets (mobile home and TV) and distribute the proceeds.

The beneficiaries under the decedent's will (Exhibit D) are her three children, Diana Rodrigues, Robert Chrest, and Debbie Covey.

Petitioner states after payment of the allowed commissions, fees, and costs totaling $13,707.08, Petitioner requests distribution of the remaining cash of $14,496.63 be made in three equal shares to the beneficiaries, equal 1/3 shares of sale proceeds, and equal 1/3 shares of any other property of the deceased Conservatee not now known or discovered.

SEE PAGE 2

NEEDS/PROBLEMS/COMMENTS:

1. **Need Notice of Hearing.**
2. **Need proof of service of Notice of Hearing at least 15 days prior to the hearing on all heirs plus the office of the Veterans Administration pursuant to Probate Code §§ 1460, 1461.5 and including a copy of the petition to those that requested special notice pursuant to Probate Code §1252.**
3. **Need §13100 Declaration from Debbie Covey.**
4. **Petitioner's math and distribution appears to be slightly off. Examiner calculates that the commissions, fees and costs total $13,677.96, not $13,707.08, which leaves $14,525.75 for distribution, a difference of $29.12. Although this is a minimal difference, the Court may require distribution to be recalculated.**

Reviewed by: skc
Reviewed on: 1/28/16
Updates:
Recommendation:
File 4- Chrest

Petitioner prays for an order:

1. Approving, allowing and settling the Second and Final Account;
2. Authorizing the conservator and attorney fees and commissions;
3. Authorizing payment of the bond fee;
4. Authorizing Petitioner to sell the personal property as described above and distribute the proceeds;
5. Authorizing distribution of the balance of the property on hand as set forth above; and
6. In the event the whereabouts of the heirs are not known, authorizing Petitioner to deposit any remaining balance of funds with the Fresno County Treasury pursuant to Probate Code §11850(a); and
7. Any other orders the Court considers proper.

5 John Yee Tsang (Estate) Case No. 13CEPR00665

Attorney: Steven F. Salazar (for Petitioner Helen Tsang)

First Account of Personal Representative

DOD: 3/31/13		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	W/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✓	**Letters**	10/14/13
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

HELEN TSANG, Administrator with Will Annexed, is petitioner.

Account period: 10/10/13 – 11/30/15

Accounting	-	**$1,334,493.28**
Beginning POH	-	**$1,334,493.28**
Ending POH	-	**$ 602,648.00**

Petitioner states pursuant to a Settlement Agreement by assignment and Quit Claim Deed, she transferred the Decedent's 62.5% interest in Tsang Farms to the surviving partner, Alan Tsang. The Settlement Agreement included the transfer of 100% interest in all creditor's claims related to Tsang Farms.

Petitioner states the estate is not in a condition to close because the estate has no cash available to pay for the necessary repairs to its agricultural well as well as any other remaining obligations until the real property can be sold.

On or about 10/5/15, Petitioner entered into a Probate Real Estate listing agreement with Gill Properties, Realtor for the sale of the estate's remaining real property.

Petitioner prays for an Order:

1. Approving, allowing and settling the First account;
2. Ratifying, approving, and confirming all acts, transactions, sales, transfers and investments of Petitioner.

NEEDS/PROBLEMS/COMMENTS:

1. Order does not comply with Local Rule 7.6.1C. All orders settling accounts shall contain a statement as to the balance of the estate on hand, specifically noting the amount of cash in the balance.

Note: If the petition is granted, status hearings will be set as follows:

- **Wednesday, September 28, 2016** at 9:00 a.m. in Department 303, for the filing of the petition for final distribution.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.

Reviewed by: KT
Reviewed on: 1/28/16
Updates:
Recommendation:
File 5- Tsang

6 Teresa Hendricks (CONS/PE) Case No. 13CEPR00740
Attorney Logoluso, Timothy V. (for Betty Farmer – Conservator – Petitioner)

Amended First Account and Report of Conservator; Allowing Fees to Conservator of the Estate and Attorney for Conservator, Allowing Conservator to Invade Conservatee's 401(k) Plan to Assist in Providing for Conservatee's Care and Finding that Conservatee Lacks the Ability to Vote

Cont. from 102015, 120815

	Aff.Sub.Wit.	
✔	Verified	
✔	Inventory	
	PTC	
	Not.Cred.	
✔	Notice of Hrg	
✔	Aff.Mail	w
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✔	Letters	3/26/14
	Duties/Supp	
	Objections	
	Video Receipt	
✔	CI Report	
✔	2620(c)	
✔	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

BETTY FARMER, Mother and Conservator of the Person and Estate with bond of $61,250.00, is Petitioner.

Account period: 3/26/14 – 3/31/15
Accounting: $165,739.31
Beginning POH: $138,586.82
Ending POH: $130,404.23
($113,067.23 cash plus non-cash assets including a 100% interest in misc. personal property and a 50% community property interest in two vehicles)

Conservator states $13,264.75 has been reimbursed to Petitioner during account period representing less than a one-third share of household expenses, and is far less per month than a full time care facility or an apartment, assuming she could care for herself.

Conservator requests compensation of $30,000.00 for 10-14 hours per day caring for the Conservatee at a minimum of $100/day ($7.14/hr) for the care and assistance provided during all waking hours.

Attorney: $15,643.38 ($14,753.00 for 64.10 attorney/ associate hours @ $195-275/hr, plus $890.38 in costs including photocopies, postage, mileage, other costs advanced. **Note: $9,689.63 has already been paid to the attorney by Petitioner from her own funds. $5,063.37 remains due to the attorney and Conservator requests reimbursement of the $9,689.63.**

Petitioner states at appointment she was a co-holder of an account with Comerica Bank on behalf of the Conservatee, which received Conservatee's Social Security benefits. All funds in this account are Conservatee's and have never been commingled with Petitioner's funds. Petitioner will take steps to convert this account to the name of the conservatorship estate prior to hearing on this matter. Petitioner now realizes that the Comerica account was inadvertently not inventoried on the Inventory and Appraisal; however, all transactions are detailed in this account and statement are provided.

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/ COMMENTS:

Minute Order 12/8/15: Mr. Blum requests a withdrawal of $6,000.00 to cover the next 60 days of care at the facility, and Ms. Boyett is in agreement with the request. The Court admonishes that should it grant the request, it is without making any representation that there will be no tax consequences and admonishes that whomever withdraws the funds assumes the risk. Mr. Blum will submit a withdrawal order for the Court's consideration. The petition is continued due to the defects listed in the Examiner's Notes.

Update: Please see additional pages re status report and stipulation filed 1/28/16.

SEE ADDITIONAL PAGES

Reviewed by: skc
Reviewed on: 1/27/16
Updates: 1/29/16
Recommendation:
File 6 - Hendricks

Petitioner states she personally deposited $3,000.00 of her own funds in order to open the Bank of the West account because she believed she was supposed to open a separate account and did not wish to take funds from the Comerica account to do so. The Comerica account was not a checking account, but a debit account. *[Examiner's Note: This amount has been reimbursed to Petitioner per Schedule C.]*

Petitioner states the Inventory and Appraisal filed with the Court identified the Conservatee's 401k plan from CVS Pharmacy earned by the Conservatee in part during her marriage to her current husband, Jeffrey Hendricks. The value at that time was estimated by telephonic access to be $102,349.28. Subsequent to filing the I&A, Petitioner received a Participant Statement which shows a balance as of 12/31/14 of $104,973.25. Personal oral requests and written requests from counsel to CVS Future Fund requesting a written account balance as of 3/31/15 went unanswered. This Amended First Account will use the financial data set forth in the statement dated 12/31/14 for continuity.

Petitioner states the two vehicles noted in the I&A as owned 50% by the Conservatee are in the possession of Conservatee's husband as the Conservatee does not drive.

Petitioner states the Court has inquired as to several gifts provided by the Conservatee over the past year. *(Prior Examiner Notes requested clarification re approx. $350.00 used for gifts during the account period with reference to Duties of Conservator.)* Petitioner states the gifts were to close family on special days, including a mother's day bouquet. If the court desires the money be returned, she will reimburse the conservatorship.

Petitioner states that additional costs of part-time in-home care has resulted in a monthly negative cash flow scenario, as Teresa's social security disability payments will not completely cover her required care. This negative cash flow has eroded Conservatee's excess liquid cash to the point that only a few more month of excess cash remain to cover her expenses. In light of this fact, Petitioner requests the Court issue an order directing the trustee or custodian of Teresa's CVS Caremark Future Funds 401k Plan to allow Conservator access to the 401k proceeds to care for Conservatee. She believes the 401k Plan funds are community property assets but can and should be used for the care, maintenance and support of Conservatee. Attorney Logoluso's declaration states he does not believe accessing these funds subject's Conservatee to IRS penalties for early withdrawal in light of Conservatee's obvious need for appropriate care. Authority cited.

Petitioner requests that:

1. The Court find that Notice of Hearing of this account, report and petition was given as required by law;
2. The Court make an order approving, allowing and settling the attached account and report of Conservator as filed;
3. The Court authorize Petitioner to pay herself $30,000.00 as compensation for services rendered as Conservator of the estate and person during the accounting period;
4. The Court authorize Petitioner to reimburse herself $9,689.63 for costs and fees associated with the creation of the conservatorship;
5. The Court authorize Petitioner to pay her attorneys $5,063.37 for legal services rendered during the accounting period;
6. The Court issue an order allowing for the use of Conservatee's 401k plan proceeds be authorized by the Court to be utilized for the payment of institutionalized care for Conservatee;
7. The Court order that Conservatee is not able to complete an affidavit of voter registration in accordance with Elections Code §2150, and is not entitled to vote; and
8. The Court make such other relief as it considers proper.

SEE ADDITIONAL PAGES

Status Report and Declaration of Mark A. Blum filed 12/2/15 states he met with the conservator and her son, the conservatee's brother, on 11/30/15. The Conservatee now requires continuous supervision and is estimated to be functioning at the level of a three year old. For example, she no longer knows she will be burned if she touches hot cookpots in the kitchen, and is completely incontinent and requires assistance with all functions including dressing. The need for constant supervision now exceeds the physical stamina of the conservator and her older husband, and they are exhausted. It is now necessary to place Teresa in an appropriate care facility. Attached is a letter from Suzanne Hirata, the conservatee's aunt. Ms. Hirata has also been a caregiver to other members of the family who have suffered from Early Onset Alzheimer's Disease. She believes that placing Teresa in a skilled nursing facility is not in Teresa's best interest. Ms. Hirata intends to attend the hearing and is willing to provide testimony regarding her recommendation for Teresa's care.

The Conservator has visited a number of facilities that could provide the care that Teresa needs and believes that Paintbrush Assisted Living and Memory Care in Fresno with a monthly cost of $4,495 would best serve Teresa and is the most economical. See declaration re other facilities reviewed. For the reasons set forth in Ms. Hirata's letter, the Conservator believes that Paintbrush would be the best facility.

The Conservator again requests that the Court issue an order directing that CVS/Caremark's Future Fund Management to provide access to sufficient funds from Teresa's 401k plan holdings in order to provide for the cost of her care that she now needs.

At the previous hearing there was some discussion of whether the conservator should begin proceedings for a legal separation of Teresa from her husband. When Teresa was still able to express an opinion on this point, she took great pride in her marriage. When conservatorship was established, there was considerable dispute over whether her husband Jeff or the present conservator should become conservator. However, in the past year, Jeff and Teresa's children have had little or no contact with Teresa, and notice of the last hearing was returned undeliverable. Despite the lack of communication, Jeff still carries Teresa on his medical insurance, and the Conservator does not believe it would be beneficial to have that insurance coverage change or disappear, and neither the conservator nor the conservatee's finances could pay for a legal separation of dissolution at this time.

Status Report and Declaration of Mark A. Blum in Support of Amended Petition filed 1/28/16 states at this point, Teresa requires continuous supervision and is presently functioning at the level of a 3-year-old. The need for constant supervision exceeds the physical stamina of the conservator and her husband and it is necessary to place her in a care facility. At the previous hearing, the Court gave permission to place her in an appropriate care facility, but specified that the conservator would be limited to accessing only the funds necessary for two months of care from the retirement savings account. At that time, the court seemed to indicate that the conservator or her attorneys would be responsible if tax penalties were imposed in connection with such withdrawals. Consequently, the conservator has not accessed the account and continues to be cared for in the conservator's home.

Deborah Boyett, attorney for the Conservatee, was able to locate and communicate with Jeff Hendricks, the conservatee's husband. Filed concurrently is a stipulation by Mr. Hendricks in which he consents to the use of her retirement savings, subject to the conditions stated therein, and this Court's approval. Mr. Hendricks consulted with his attorney, Tres Porter, concerning the stipulation.

Subsequent to the last hearing, they were able to obtain an electronic copy of the CVS/Caremark Future Fund Management Plan Summary, which indicates that payments from the conservatee's retirement account are available for withdrawal upon disability, and provides tax information.

SEE ADDITIONAL PAGES

Status Report filed 1/28/16 (Cont'd): Mr. Blum admits that the intricacies of the US Tax Code with respect to disability payments of retirement funds are beyond his expertise. With that in mind, the Court may choose to direct the conservator to obtain more skilled legal counsel on this matter before accessing the retirement account for her necessary care; however, it would appear that the Conservatee is disabled as identified by the IRS. See report for details, authority.

Mr. Blum states neither the conservator nor her attorney is willing to become guarantors of liabilities for taxes or penalties incurred for the purpose of providing what they believe to be the best and appropriate level of care for the Conservatee. The conservator and her attorney request clarification from the Court regarding the potential tax liability.

In light of the limited financial resources and in the interest of moving forward, the Conservator's attorneys are willing to waive any further payment of fees in this matter for work completed to date. As noted, the need for constant supervision exceeds the stamina of the conservator and they are becoming exhausted. With the continuing deterioration of Teresa's condition and increased demands it has become ever more urgent to place her in a care facility. The Conservator therefore requests that the Court rule on her prior requests by approving or modifying the previously proposed order or directing counsel to prepare a new order which may include the provisions of Mr. Hendricks' Stipulation.

Stipulation by Jeff Hendricks filed 1/28/16 states he is the husband of Teresa Hendricks. They were married 6/11/88. During the course of their marriage, both worked when able, and both participated in retirement savings plans offered by their respective employers. In or about 2012, they made withdrawals from retirement savings to cover living and relocation expenses, which resulted in the IRS requiring them to pay more than $10,800 in additional taxes, penalties and interest, and they currently owe approx. $10,000 to the IRS. Mr. Hendricks has entered into a payment plan with the IRS to make monthly payments of $150 on this obligation from his own wages.

Subject to the Court's approval, Mr. Hendricks is willing to stipulate that Teresa's retirement savings with CVS/Caremark may be used for her care and medical needs at a board and care facility subject to the following conditions:

a. That Mr. Hendricks be complete indemnified and held harmless for any tax liabilities or penalties that may arise in connection with future withdrawals for the purposes specified above;
b. That the funds be used only to pay the board and care facility and providers of medical care and similar services, andonly on the payment schedule required by such providers; and
c. That none of the retirement funds are utilized to pay Conservator's requested $30,000 in compensation as requested in the petition.

Mr. Hendricks states two vehicles are listed on the I&A filed by the conservator on 6/24/14. He and Teresa no longer own or operate either of these vehicles and to the best of his knowledge, Teresa's name is no longer shown as owner or operator of any motor vehicle.

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS: The following issues remain noted for reference:

1. **The Court may require proof of titling the Comerica account in the name of the conservatorship estate as noted in the petition.**

2. **Petitioner reimbursed herself for expenses associated with the conservatorship in the amount of $13,264.75 without Court authorization in violation of Probate Code §2640 (noticed petition required) and Cal. Rules of Court 7.751, 7.752, 7.755.**

3. **Attorney requests a total of $15,643.38 in fees and costs, and has already received and accepted payment of $9,689.63 in violation of Probate Code §2640 (noticed petition required) and Cal. Rules of Court 7.751, 7.752, 7.755, etc.**

   Petitioner clarifies that the payment was made by Petitioner personally and not from the conservatorship estate, and Petitioner is now requesting authorization to reimburse herself for that amount; however, this does not negate the fact that the attorney received payment for services in connection with the establishment of the conservatorship without prior Court authorization.

4. **Further, the Court may require clarification with regard to the total amount of attorney's fees requested with reference to Probate Code §2640 as to how this amount is just and reasonable given the value and status of the conservatorship estate. See amount authorized by Local Rule 7.16 for comparison.**

5. **Similarly, the Court may require clarification as to how compensation to Petitioner of $30,000.00 is just and reasonable given the value and status of the conservatorship estate.**

6. **Total Disbursements exceed receipts by over $11,000.00. Petitioner requests to invade the Conservatee's 401k plan to continue to provide the level of care required by the Conservatee; however, given the Conservatee's income level, given the amount available within the 401k account, and given the amount of compensation that is requested by both the Conservator herein, the attorney herein, and future needs, the Court may require further clarification regarding the level of spending for misc. items, clothes, etc., and may require a budget going forward.**

7. **The Court may require further additional information regarding Petitioner's request to invade the Conservatee's 401k account for the cost of the Conservatee's care. The attorney notes that he does not believe there will be tax penalties; however, the petition also states this account may be community property of the Conservatee's marriage, although it was inventoried as hers alone. Specifically, the Court may require clarification as to whether input may be necessary from the Conservatee's spouse of over 25 years, Jeffrey Hendricks.**
   ***Update**: Please see Stipulation filed by Mr. Hendricks on 1/28/16.*

8. **Petitioner explains that the two vehicles owned conservatorship estate assets remain in possession of the Conservatee's husband. The Court may require clarification regarding how the vehicles are titled, and given that they are not in Conservator's possession, may require clarification regarding potential liability to the conservatorship estate.**
   ***Update**: Mr. Hendricks' Stipulation states he and Teresa no longer own the vehicles. Need further information as it does not appear the conservatorship estate was compensated for Teres's share upon sale."*

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS (Cont'd):

9. **Attorney requests reimbursement for costs that are considered by the Court to be costs of doing business and not reimbursable pursuant to Local Rule 7.17, including photocopies, postage, travel costs. The Court may strike $45.38 from the order for the following items:**
   - $22.20 photocopies
   - $11.88 postage
   - $11.30 mileage

10. **Bond: If access to the 401k is granted, bond will need to be increased. Examiner calculates that bond should be increased to at least $168,139.82 or an increase of $106,889.82, calculated based on the value of all assets at the close of the account period plus income including Social Security and dividends as noted in Receipts.**

Note: If granted, the Court will set a status hearing for the filing of the next account as follows:

- Tuesday, June 21, 2016 if a one-year account is required or

- Tuesday, June 20, 2017 if a two-year account is required.

7 Alex Ortiz Jr & Julian Ortiz (GUARD/P) Case No. 14CEPR00066

Petitioner/mother: Selina Gutierrez (pro per)

Petition for Visitation

			SELINA GUTIERREZ, mother, is petitioner. **NORMA LEYVA**, paternal grandmother, was appointed successor guardian on 9/24/14. Father: **ALEX ORTIZ, SR.** **Petitioner states** she would like to be able to be with her boys more. She would like to have unsupervised visits. Petitioner feels she should be raising them and not anyone else. She needs to be informed about every aspect of her kids' lives. **Current Visitation Schedule per minute order dated 3/5/15:** Mother shall have supervised visits on the 2nd and 4th weekend of every month from Friday at 6 p.m. until Sunday at 6 p.m. beginning on 3/13/15. Parties shall meet at the McDonalds on Ashlan and West for exchanges. Visits shall be supervised by one of the following family members: Caress Gutierrez, Melissa Gutierrez, Sarah Gutierrez and Loretta Gutierrez. The Court will allow said individuals to assist in picking up the children. If mother or any of her family members are 15 minutes late picking up the children, said visit will be forfeited. **Court Investigator Report filed on 1/29/16.**	**NEEDS/PROBLEMS/COMMENTS:** **Continued from 11/17/15.**
Cont. from 092115, 100515, 111715			
	Aff.Sub.Wit.		
✓	**Verified**		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	N/A	
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	X	
	Aff. Posting		**Reviewed by:** KT
	Status Rpt		**Reviewed on:** 1/28/16
	UCCJEA		**Updates:**
	Citation		**Recommendation:**
	FTB Notice		**File 7 – Ortiz**

8 In Re: Cheryle Moon (Special Needs Trust) Case No. 14CEPR00410

Attorney: Steven M. Matlak (for Petitioner/Trustee Jeffrey Meyer)

Petition for Settlement of First Account Current and Report of Trustee, and for Approval of Attorney's Fees and Costs

DOD: 8/30/15			**JEFFREY MEYER,** Trustee, is petitioner. Account period: 7/21/14 – 6/15/15	**NEEDS/PROBLEMS/COMMENTS:** **<u>OFF CALENDAR.</u> Order signed on 1/29/16** **<u>Note:</u>** If the petition is granted, status hearings will be set as follows: • **Wednesday, February 24, 2016** at 9:00 a.m. in Department 303, for the filing of the second final account of the special needs trust. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.
Cont. from 101315, 011916				
	Aff.Sub.Wit.			
✓	**Verified**			
	Inventory			
	PTC			
	Not.Cred.			
✓	**Notice of Hrg**			
✓	**Aff.Mail**	W/		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
✓	**2620(c)**			
✓	**Order**			
	Aff. Posting			**Reviewed by:** KT
	Status Rpt			**Reviewed on:** 1/29/16
	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 8 – Moon**

9 **Geno Andrew Nonini (Estate)** **Case No. 14CEPR00970**

Attorney **Simonian, Jeffrey D. (for Christina Nonini Pericas and Martin A. Nonini)**

Probate Status Hearing RE: Filing of the First Account and/or Petition for Final Distribution

DOD: 09/05/13	**CHRISTINA NONINI PERICAS** and **MARTIN A. NONINI,** were appointed Co-Administrators with will annexed on 12/09/14.	**NEEDS/PROBLEMS/COMMENTS:**
		1. Need Account and Petition for Final Distribution and/or current verified status report.
Cont. from	**Minute Order** from 12/09/14 set this hearing for status regarding filing of the First and Final Account and/or Petition for Final Distribution.	
Aff.Sub.Wit.	**Inventory & Appraisal,** Final, filed 08/26/15 - $628,573.00	
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		**Reviewed by:** JF
Status Rpt		**Reviewed on:** 01/28/16
UCCJEA		**Updates:**
Citation		**Recommendation:**
FTB Notice		**File 9- Nonini**

Dept. 303, 9:00 a.m. Tuesday, February 2, 2016

10 **Beatrice Marie Woof (Estate)** **Case No. 15CEPR00094**

Administrator **Melom, Patricia**

Probate Status Hearing RE: Filing of the Inventory and Appraisal

Age:			**NEEDS/PROBLEMS/COMMENTS:**
DOD:			**OFF CALENDAR** **Final Inventory & Appraisal filed 06/25/15**
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		**Reviewed by:** JF
	Status Rpt		**Reviewed on:** 01/28/16
	UCCJEA		**Updates:**
	Citation		**Recommendation:**
	FTB Notice		**File 10- Woof**

Dept. 303, 9:00 a.m. Tuesday, February 2, 2016

11 **Deanna Claudette Molina (Estate)** **Case No. 15CEPR00442**

Attorney **Janian, Paulette (for Debra Molina – Administrator/Petitioner)**

Petition for Final Distribution, for Allowance of Statutory Commissions and Fees to Administrator and Attorney on Waivers of Accounting

DOD: 02/25/15			
Cont. from			
	Aff.Sub.Wit.		
✓	**Verified**		
✓	**Inventory**		
✓	**PTC**		
✓	**Not.Cred.**		
✓	**Notice of Hrg**		
✓	**Aff.Mail**	w/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters	06/02/15	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	**9202**		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
✓	**FTB Notice**		

DEBRA MOLINA, Administrator, is Petitioner.

Accounting is waived.

I & A - **$175,671.61**
POH - **$155,664.18**
($152,464.18 is cash)

Administrator - **$6,270.15** (statutory)

Attorney - **$6,270.15** (statutory)

Closing - **$2,500.00**

Distribution, pursuant to intestate succession and assignments of interest, is to:

Debra Molina - $45,807.96 cash, plus 1995 Toyota Tacoma pickup

Jo Anne Bernal - $45,807.96 cash, plus 1999 Honda Accord

Jill Ramirez - $45,807.96 cash

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: JF

Reviewed on: 01/28/16

Updates:

Recommendation: SUBMITTED

File 11-Molina

Dept. 303, 9:00 a.m. Tuesday, February 2, 2016

12A Jaime N. Ruiz (CONS/P) Case No. 15CEPR00451

Attorney Teixeira, J. Stanley (for Ruiz, Rosa P. –Spouse)
Attorney Guerrero, Danielle R. (for Elizabeth A. Vasquez –Daughter)
Attorney Horton, Lisa (Court Appointed for Proposed Conservatee)

Probate Status Hearing

Age: 78		NEEDS/PROBLEMS/COMMENTS:
	Please see petition for details	12B and 12C are the competing Petitions for Appointment of Conservator.
Cont. from 102715, 110315, 120815		Rosa P. Ruiz was appointed Temporary Conservator of the Person only, EXPIRES 02/02/2016
Aff.Sub.Wit.		PUBLIC GUARDIAN APPOINTED CONSERVATOR OF THE ESTATE PURSUANT TO MINUTE ORDER OF 12/08/2015
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		Minute Order of 12/08/2015: Mr. Flanigan orally motions for the Public Guardian to become the trustee of the Trust, and stipulates to the Public Guardian as permanent Conservator of the Estate. Ms. Kruthers will file an Ex Parte request to allow the Public Guardian to take control of the Trust. No appearance is necessary at the status hearings if the required documents are filed at least two court days prior.
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: LV
Status Rpt		Reviewed on: 01/28/2016
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 12A – Ruiz

12B Jaime N. Ruiz (CONS/P) Case No. 15CEPR00451

Attorney Guerrero, Danielle R. (for Elizabeth A. Vasquez – Petitioner – Daughter)
Attorney Horton, Lisa (Court Appointed for Proposed Conservatee)
Attorney Teixeira, J. Stanley (for Ruiz, Rosa P. – Objector/Competing Petitioner - Spouse)

Petition for Appointment of Probate Conservator of the Person

Age: 78		
Cont. from 061115, 071615, 110315, 120815		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	w/
	Aff.Pub.	
	Sp.Ntc.	
✓	Pers.Serv.	
	Conf. Screen	
	Letters	x
✓	Duties/Supp	
	Objections	
✓	Video Receipt	
✓	CI Report	
	9202	
	Order	x
	Aff. Posting	
	Status Rpt	
	UCCJEA	
✓	Citation	
	FTB Notice	

Rosa P. Ruiz was appointed Temporary Conservator of the Person only, EXPIRES 02/02/2016

PUBLIC GUARDIAN APPOINTED CONSERVATOR OF THE ESTATE PURSUANT TO MINUTE ORDER OF 12/08/2015

ELIZABETH A. VASQUEZ, daughter, is petitioner

Please see petition for details

NEEDS/PROBLEMS/COMMENTS:

12C is the competing petition for Appointment of Probate Conservator of the Person and Estate filed by Rosa P. Ruiz, spouse/objector.

Note: This petition is for appointment of probate conservatorship of the person only.

Minute Order of 12/08/2015: Mr. Flanigan orally motions for the Public Guardian to become the trustee of the Trust, and stipulates to the Public Guardian as permanent Conservator of the Estate. Ms. Kruthers will file an Ex Parte request to allow the Public Guardian to take control of the Trust. No appearance is necessary at the status hearings if the required documents are filed at least two court days prior.

Court Investigator Advised Rights on 05/28/2015.

Reviewed by: LV
Reviewed on: 01/28/2016
Updates:
Recommendation:
File 12B - Ruiz

12C Jaime N. Ruiz (CONS/PE) Case No. 15CEPR00451

Attorney Guerrero, Danielle R. (for Elizabeth A. Vasquez – Competing Petitioner – Daughter)
Attorney Horton, Lisa (Court Appointed for Proposed Conservatee)
Attorney Teixeira, J. Stanley (for Ruiz, Rosa P. – Petitioner - Spouse)

Petition for Appointment of Probate Conservator of the Person and Estate

Age: 78		
Cont. from 110315, 120815		
	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	x
✓	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
✓	Citation	
	FTB Notice	

Rosa P. Ruiz was appointed Temporary Conservator of the Person only, EXPIRES 02/02/2016

PUBLIC GUARDIAN APPOINTED CONSERVATOR OF THE ESTATE PURSUANT TO MINUTE ORDER OF 12/08/2015

ROSA P. RUIZ, spouse, is petitioner

Please see petition for details

NEEDS/PROBLEMS/COMMENTS:

Minute Order of 12/08/2015: Mr. Flanigan orally motions for the Public Guardian to become the trustee of the Trust, and stipulates to the Public Guardian as permanent Conservator of the Estate. Ms. Kruthers will file an Ex Parte request to allow the Public Guardian to take control of the Trust. No appearance is necessary at the status hearings if the required documents are filed at least two court days prior.

Court Investigator Advised Rights on 07/14/2015.

1. Need Video viewing receipt for each conservator pursuant to Local Rule 7.15.8(A).
2. Need new order as to the Person Only.

Reviewed by: LV
Reviewed on: 01/28/2016
Updates:
Recommendation:
File 12C – Ruiz

12C

Dept. 303, 9:00 a.m. Tuesday, February 2, 2016

13 Bri'leeah Cooks (GUARD/P) Case No. 15CEPR00666

Petitioner **Morson, Areka (pro per – paternal grandmother)**

Petition for Appointment of Guardianship of the Person

Age: 11 mos.			**TEMPORARY EXPIRES 02/02/2016**
			AREKA MORSON, paternal grandmother, is Petitioner.
			Please see petition for details
Cont. from 090815, 102715, 120815			
	Aff.Sub.Wit.		
✓	**Verified**		
	Inventory		
	PTC		
	Not.Cred.		
✓	**Notice of Hrg**		
	Aff.Mail	x	
	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		

NEEDS/PROBLEMS/COMMENTS:

Minute Order of 12/05/2015: The Court again grants permission for Ms. Morson to text Desire Hernandez, mother, for notice and reiterates that the message must include the date, time, place, address department and reason for the hearing.

1. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:
   - Desire Hernandez (Mother) – Unless the Court dispenses with notice.

Note: Declaration of Due Diligence filed 09/02/2015 states petitioner received a text message from the mother stating petitioner would see her in court.

2. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:
   - Deric Cooks (Paternal Grandfather)
   - Maternal Grandfather (Not Listed)
   - Mary Hernandez (Maternal Grandmother)

Reviewed by: LV

Reviewed on: 01/28/2016

Updates:

Recommendation:

File 13 – Cooks

14A Benny Markarian (Estate) Case No. 15CEPR00668

Attorney Harris, Richard A. (for Pamela Milam – Petitioner – Daughter)

Petition for Probate of Will and for Letters Testamentary with IAEA

DOD: 05/15/2015			**PAMELA MILAM**, daughter/named executor without bond is petitioner.	**NEEDS/PROBLEMS/COMMENTS:**
				Page 14B is the Status Hearing for the filing of a Will Contest/Competing Petition.
Cont. from 081815, 092915, 120815			Petitioner is a resident of Miramar Beach, Florida.	1. Proposed personal representative is a resident of Florida. Probate Code 8571 states notwithstanding a waiver of bond, the court in its discretion may require a nonresident personal representative to give a bond in an amount determined by the court.
	Aff.Sub.Wit.		Full IAEA – o.k.	
✓	**Verified**		Will dated: 02/20/2008	
	Inventory			
	PTC		Residence: Fresno	
	Not.Cred.		Publication: The Business Journal	
✓	**Notice of Hrg**		**Estimated Value of the Estate:**	**Note: If the petition is granted status hearings will be set as follows:**
✓	**Aff.Mail**	w/	Personal property - $129,300.00 Real Property - $160,000.00 **Total - $289,300.00**	• **Tuesday, 03/01/2016 at 9:00a.m. in Dept. 303** for the filing of the Bond if required **and**
✓	**Aff.Pub.**			• **Tuesday, 06/07/2016 at 9:00a.m. in Dept. 303** for the filing of the inventory and appraisal **and**
	Sp.Ntc.		Probate Referee: Steven Diebert	
	Pers.Serv.			
	Conf. Screen			
✓	**Letters**			• **Tuesday, 04/04/2017 at 9:00a.m. in Dept. 303** for the filing of the first account and final distribution.
✓	**Duties/Supp**			
	Objections			Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
	Video Receipt			
	CI Report			
	9202			
✓	**Order**			
	Aff. Posting			**Reviewed by:** LV
	Status Rpt			**Reviewed on:** 01/28/2016
	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 14A – Markarian**

Dept. 303, 9:00 a.m. Tuesday, February 2, 2016

14B Benny Markarian (Estate) Case No. 15CEPR00668

Attorney Harris, Richard A. (for Pamela Milam – Petitioner – Daughter)
Attorney Nahigian, Eliot (for Ronald Markarian - Son)

Probate Status Hearing RE: Filing of a Will Contest/Competing Petition

	PAMELA MILAM, daughter, filed a Petition for Probate of Will and for Letters Testamentary with IAEA on 08/18/2015. Minute Order of 09/29/2015 set this Status Hearing for the filing of a Will Contest/Competing Petition.	**NEEDS/PROBLEMS/COMMENTS:** **As of 12/02/2015 no Will Contest/ Competing Petition have been filed.**
Cont. from 120815		
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		**Reviewed by:** LV
Status Rpt		**Reviewed on:** 01/28/2016
UCCJEA		**Updates:**
Citation		**Recommendation:**
FTB Notice		**File 14B – Markarian**

14B

15 John A. Kochergen (Estate) Case No. 15CEPR00779
Attorney Matlak, Steven M.

Petition for Instruction and for Order Approving the Payment of Extraordinary Attorneys Fees to Dowling Aaron Incorporated for Representation of the Estate in Litigation, and for Payment of Said Extraordinary Fees by the Kochergen Family Trust Dated September 28, 2007, as Amended and Its Sub-Trusts, without Court Approval

DOD: 6/20/15		
	Aff.Sub.Wit.	
✔	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✔	Notice of Hrg	
✔	Aff.Mail	w
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✔	Letters	9/28/15
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✔	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

MIKE J. KOCHERGEN and ANN J. SHUKEN, Co-Executors, are Petitioners.

Petitioners state there are currently no known assets in the probate estate. The probate was filed to establish standing in certain ongoing litigation. Petitioners believe all of the decedent's assets are held in the Kochergen Family Trust dated 9/28/07 as amended, or its sub-trusts thereunder established after the death of Vera M. Kochergan on 10/10/07. The trust is also the sole beneficiary of the probate estate under the decedent's will.

At the time of the decedent's death, there was ongoing litigation under Britz, Inc., et al. v. John A. Kochergen, et al., Fifth District Court of Appeals for the State of California, Case No. F068982, on appeal from Fresno Superior Court Case No. 13CECG02782 and 12CECG03966. The decedent is named individually and the litigation is still ongoing. Petitioners are represented by Dowling Aaron Incorporated in the litigation.

The estate has no assets, liquid or otherwise, to pay for the extraordinary attorney's fees and costs it will incur in the litigation. Mike J. Kochergen, the trustee of the trust, has agreed to pay the extraordinary attorney's fees and costs pertaining to the litigation and satisfy the current debt and assume liability for the payment of all extraordinary attorney's fees and costs pertaining to the litigation. See Assumption of Personal Liability filed concurrently.

Petitioners are in doubt as to the appropriate procedure in light of the foregoing facts and circumstances and request Court approve the hire of Dowling Aaron Incorporated by the estate to represent it in the litigation and approve the payment of extraordinary attorney's fees and costs pertaining to the litigation by the trust without Court approval. ***SEE PAGE 2***

NEEDS/PROBLEMS/ COMMENTS:

SEE PAGE 2

Reviewed by: skc
Reviewed on: 1/28/16
Updates:
Recommendation:
File 15- Kochergen

Petitioners pray for an order as follows:

1. Instructing Petitioners to hire Dowling Aaron Incorporated to represent the estate in the litigation;
2. Approving the payment of extraordinary attorney's fees and costs to Dowling Aaron Incorporated pertaining to the litigation by the trust without the need for Court approval;
3. Providing any and all further instruction, or awarding such relief, as the Court may deem just and proper.

NEEDS/PROBLEMS/COMMENTS:

1. The Court does not have jurisdiction within this estate to authorize payment from the trust. The trust is not currently before the Court. Petitioners may wish to consider whether opening a trust action under Probate Code §17200 may be a more appropriate vehicle to obtain Court authorization for expenditures from the trust.

2. The Court, *within this estate*, can only authorize extraordinary compensation to be paid *from this estate*. Petitioners state that the estate *currently* has no assets as all of the decedent's assets were/are held in trust; however, Petitioners do not indicate whether the estate expects to recover or benefit from the litigation. Examiner notes that there have been numerous creditor's claims filed in the estate totaling in excess of $500,000.00 (not including the claim filed by Britz, Inc., in an amount "TBD"). When considering petitions for extraordinary compensation, the Court must consider whether such compensation is just and reasonable (Probate Code §10811), and to do so, requires the information set forth in Cal. Rules of Court 7.702, 7.703 re benefit to the estate, etc.

16 **Kiana Price, Samantha Price (GUARD/P)** **Case No. 15CEPR00963**

Petitioner **Williams, Lareasa Darnell (Pro Per – Paternal Aunt – Petitioner)**

Petition for Appointment of Guardian of the Person

			See petition for details.
Cont. from 120815			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	X	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/ COMMENTS:

Minute Order 12/8/15: Petitioner reports that only Kiana is with her. Matter is continued for personal service as to Tyson Price, father. The Court grants permission for Petitioner to text Tyson Price with the date, time, place, address, department, and reason of the next hearing.

Note: On 1/25/16, Petitioner filed Notice of Hearing reflecting personal service on "Brenda Price-Wife" on 12/21/15.

The following issue remains noted:

1. **If diligence is not found, need service to father and maternal grandfather per Probate Code §1511.**

Reviewed by: skc

Reviewed on: 1/27/16

Updates:

Recommendation:

File 16 – Price

Dept. 303, 9:00 a.m. Tuesday, February 2, 2016

17A Marjorie Johnson (Estate) Case No. 15CEPR01077

Petitioner **Dawn Mafana (Pro Per)**
Attorney **Gary G. Bagdasarian (for Competing Petitioner Louise Parks)**

Petition for Letters of Administration with IAEA

DOD: 6/30/2015			**DAWN MAFANA**, granddaughter, is Petitioner and requests appointment as Administrator without bond *(All heirs waive bond)*.
Cont. from 121015			
	Aff.Sub.Wit.		Full IAEA — OK
✓	**Verified**		
	Inventory		Decedent died intestate.
	PTC		
	Not.Cred.		
✓	**Notice of Hrg**		Residence — Kerman Publication — The Kerman News
✓	**Aff.Mail**	W/	
✓	**Aff.Pub.**		**Estimated value of the Estate:** Personal property - **$60,000.00**
	Sp.Ntc.		**Total** - **$60,000.00**
	Pers.Serv.		
	Conf. Screen		Probate Referee: **Rick Smith**
✓	**Letters**		
✓	**Duties/Supp**		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

Page 17B is the competition Petition for Probate filed by **LOUISE PARKS.**

Continued from 12/10/2015. *Minute Order* states a competing petition was filed by Mr. Bagdasarian and is set for 2/2/2016; Mr. [*Joseph*] Boyd represents an interested party.

The following issue from the last hearing remains:

1. Item 5(a) of the *Petition* is incomplete as to (3) or (4) re: registered domestic partner.

Note: If *Petition* is granted, Court will set status hearings as follows:

- **Tuesday, July 5, 2016 at 9:00 a.m. in Dept. 303** for filing of inventory and appraisal; and
- **Tuesday, April 4, 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.

Reviewed by: LEG
Reviewed on: 1/28/16
Updates:
Recommendation:
File 17A - Johnson

Dept. 303, 9:00 a.m. Tuesday, February 2, 2016

17B Marjorie Johnson (Estate) Case No. 15CEPR01077

Attorney **Gary G. Bagdasarian (for Competing Petitioner Louise Parks)**

Petition for Probate Will and for Letters Testamentary; Authorization to Administer Under the Independent Administration of Estates Act

DOD: 6/30/2015			**LOUISE PARKS**, Beneficiary/friend and named Executor, is Petitioner, and requests appointment without Bond.
Cont. from			Full IAEA: **Need publication**
	Proof Hol.	X	
✓	**Verified**		Holographic Will Dated: 4/27/2011
	Inventory		
	PTC		
	Not.Cred.		Residence: Kerman
✓	**Notice of Hrg**		Publication: **Need**
✓	**Aff.Mail**	W/	
	Aff.Pub.	X	
	Sp.Ntc.		**Estimated value of the Estate:**
	Pers.Serv.		Personal property - **$40,000.00**
	Conf. Screen		**Total - $40,000.00**
	Letters	X	
✓	**Duties/Supp**		**Probate Referee: Rick Smith**
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

1. Petitioner requests no bond be required despite that she is a resident of Warner, Oklahoma, because (1) she is the sole heir pursuant to the terms of the Will dated [4/27/2011]; and (2) the only asset of which Petitioner is aware is a Promissory Note dated 6/3/2015 in the face amount of **$40,000.00**, which was payable at a **7%** interest rate with interest-only payments made monthly and all principal due and payable 7/1/2018. Court may require bond pursuant to Probate Code § 8480 et seq., or waivers of bond pursuant to Probate Code § 8481(a)(1) due to the competing petitions, unless the Will is proved and admitted to probate.

2. Need *Proof of Holographic Instrument* for the Will pursuant to Probate Code §§ 8222, 6111(a), and 6110(c)(2).

~Please see additional page~

Reviewed by: LEG
Reviewed on: 1/28/16
Updates:
Recommendation:
File 17B- Johnson

Dept. 303, 9:00 a.m. Tuesday, February 2, 2016

NEEDS/PROBLEMS/COMMENTS, continued:

3. Need *Affidavit of Publication* pursuant to Probate Code §§ 8120 – 8124, and Local Rule 7.9.

4. Need proposed order pursuant to Local Rule 7.1.1(F).

5. Need proposed letters.

Note: If *Petition* is granted, Court will set status hearings as follows:

- **Tuesday, July 5, 2016 at 9:00 a.m. in Dept. 303** for filing of inventory and appraisal; and

- **Tuesday, April 4, 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.

18 Nathina Rios, Brandon Esqueda (GUARD/P) Case No. 15CEPR01157

Petitioner Mary Perez (Pro Per – Cousin – Petitioner)

Petition for Appointment of Guardian of the Person

			See petition for details.
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	x	
	Aff.Mail	x	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	x	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/ COMMENTS:

Note: This petition is for Brandon only. A separate petition for guardianship of Nathina filed by Adrianne Martinez was continued to 2/29/16.

1. **If diligence is not found, need notice per Probate Code §1511 to:**
   - Antonio Murillo (Paternal Grandfather)
   - Jessie Esqueda (Maternal Grandfather)

Reviewed by: skc

Reviewed on: 1/28/16

Updates:

Recommendation:

File 18-Rios & Esqueda

19 Ismael Romo, JR, Israel Romo, Sariah Romo, Samad Walton, JR, Samaria Walton (GUARD/P) Case No. 15CEPR01162

Petitioner: Darlene Jones (pro per)

Petition for Appointment of Guardian of the Person

Cont. from			
	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		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		

THERE IS NO TEMPORARY. No temporary was requested.

DARLENE ELAINE JONES, maternal grandmother is petitioner.

Objections of father, Ismael Romo, filed on 1/25/16.

Court Investigator Report filed on 1/27/16.

NEEDS/PROBLEMS/COMMENTS:

<u>Note:</u> A competing Petition for Guardianship has been filed by Marin Romo and Sylvia Romo (paternal grandparents) for Ismael Romo, Israel Romo and Sariah Romo. The hearing on the Romo's petition is set for 3/30/16.

1. Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice on:
   a. Samaria Walton (minor) age 16
   b. Samad Walton (minor) age 14
2. UCCJEA does not provide the residence information for Sariah Romo and Israel Romo.

Reviewed by: KT

Reviewed on: 1/28/16

Updates:

Recommendation:

File 19-Romo & Walton

Dept. 303, 9:00 a.m. Tuesday, February 2, 2016

20 **De'andre Johnson, JR (GUARD/P)** **Case No. 15CEPR01166**

Petitioner **Washington, Sandra Yvonne (Pro Per – Cousin – Petitioner)**

Petition for Appointment of Guardian of the Person

			See petition for details.
	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		

NEEDS/PROBLEMS/ COMMENTS:

Minute Order 12/10/15: The Court orders supervised visits only to either parents, as mutually agreed.

Note: On 1/27/16, Petitioner Sandra Washington filed a separate Petition to Modify Visitation that was given a hearing date of 3/7/16.

Reviewed by: skc

Reviewed on: 1/28/16

Updates:

Recommendation:

File 20-Johnson

Dept. 303, 9:00 a.m. Tuesday, February 2, 2016

21 The Thomas J. Zumwalt and Mary Diane Zumwalt Revocable Family Trust Dated October 26, 2001 Case No. 15CEPR01175

Attorney: Gary G. Bagdasarian (for Petitioner Mary Diane Zumwalt)

Petition to Terminate Trust

Cont. from 011916		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	W/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

MARY DIANE ZUMWALT, sole Trustee of the Thomas J. Zumwalt and Mary Diane Zumwalt Revocable Family Trust, is Petitioner.

Petitioner states THOMAS J. ZUMWALT and MARY DIANE ZUMWALT, husband and wife, entered into that certain Thomas J. Zumwalt and Mary Diane Zumwalt Revocable Family Trust dated October 26, 2001.

Thomas J. Zumwalt died on 8/6/15. Thereinafter Mary Diane Zumwalt became the sole Trustee.

Section 303 of the Trust provides that "The Trustee shall hold, administer and distribute all Trust assets for the benefit of the surviving spouse, both as to income and principal unless otherwise herein provided." Consequently, no Irrevocable Trust was directed to be created and the Trust remained Revocable as reflected in its name.

The Trust provides that upon the death of the surviving Trustor, Petitioner herein, the Trust shall terminate and the assets divide in four equal shares to the following beneficiaries: Thomas Zumwalt, Timothy Zumwalt, Robert Zumwalt and Daniel H. Zumwalt.

Although the Trust does not provide specifically that the surviving spouse, Petitioner herein, Mary Zumwalt, retains the power to revoke, the title of the Trust is the Revocable Family Trust and there is no specific language requiring the creation of an Irrevocable Trust.

Please see additional page

NEEDS/PROBLEMS/COMMENTS:

Continued from 1/19/16. Minute order states examiner notes given in open court.

1. Probate Code §15401(b)(1) states "Unless otherwise provided in the instrument, if a trust is created by more than one settlor, each settlor may revoke the trust as to the portion of the trust contributed by that settlor, except as provided in Section 761 of the Family Code." Section 761 of the Family Code gives either settlor acting alone the power to revoke as to community property. – **See Declaration of Gary Bagdasarian filed on 1/28/16 on the next page.**

Reviewed by:	KT
Reviewed on:	1/28/16
Updates:	1/29/16
Recommendation:	
File 21- Zumwalt	

21 The Thomas J. Zumwalt and Mary Diane Zumwalt Revocable Family Trust Dated October 26, 2001 Case No. 15CEPR01175

Wherefore, Mary Diane Zumwalt, prays for a Court Order as follows:

1. The Thomas J. Zumwalt and Mary Diane Zumwalt Revocable Family Trust dated October 26, 2001 is terminated in its entirety;

2. All assets of the Thomas J. Zumwalt and Mary Diane Zumwalt Revocable Family Trust dated October 26, 2001 be distributed to Mary Diane Zumwalt.

Declaration of Gary Bagdasarian filed on 1/28/16 states all of the assets of the Trust were the community property of the Settlors, Thomas J. Zumwalt and Mary Diane Zumwalt.

All of the assets were community property, pursuant to Family Code §761 Mary Diane Zumwalt, the sole surviving settlor, acting alone, has the power to revoke the Trust as to community property.

Note: Under the commentary for Probate Code §15401 it states "A husband and wife created a trust with community property with expressly allowed revocation "at any time during the lifetime of *either* Trustor." After the wife died, the husband revoked the trust. This was effective only as to his half of the trust corpus because upon the wife's death the community interests were converted into separate property, one half of which belongs to the wife. *In re: Estate of Powell, 83 Cal.App.4th 1434, 100 Cal.Rptr.2d 501 (3d Dist. 2000)*

Probate Code §100 provides: "Upon the death of a married person, one-half of the community property belongs to the surviving spouse and the other half belongs to the decedent.

Dept. 303, 9:00 a.m. Tuesday, February 2, 2016

22 Dennis P. Baron (Spousal) Case No. 15CEPR01181

Attorney **Susan L. Pascuzzi (for Petitioner Josefina M. Baron)**

Spousal Property Petition

DOD: 10/8/2015			JOSEFINA M. BARON, surviving spouse, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
			No other proceedings.	
Cont. from				
	Aff.Sub.Wit.			
✓	Verified		Decedent died intestate.	
	Inventory			
	PTC			
	Not.Cred.		**Petitioner states** she and Decedent were married on 2/19/1984, prior to the acquisition of the real property during their marriage on 10/17/1985. Petitioner states during their marriage, the real property was titled only in Decedent's name for financing purposes, but community funds were used to acquire the property, make all mortgage payments, and all contributions since the acquisition of the property were made with community funds. Petitioner states at all times the Petitioner and Decedent considered the property to be community property despite the fact that the vesting shows in Decedent's name alone.	
✓	Notice of Hrg			
✓	Aff.Mail	W/		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report		**Petitioner requests:**	
	9202			
✓	Order		1. Court determination that ½ interest in real property located at on M Street in Huron passes to her; and 2. Court confirmation that ½ interest in the real property located at on M Street in Huron belongs to her.	
	Aff. Posting			**Reviewed by:** LEG
	Status Rpt			**Reviewed on:** 1/28/16
	UCCJEA			**Updates:**
	Citation			**Recommendation: SUBMITTED**
	FTB Notice			**File 22-Baron**

Dept. 303, 9:00 a.m. Tuesday, February 2, 2016

23 **Dostinich Family Living Trust of 2011 Case No. 15CEPR01183**

Attorney **Armas, J. Todd (for Petitioner Harvey A. Armas)**

Petition for an Order to Confirm Validity of Trust; Confirm Trustee; and Confirm Assets to Revocable Trust

Donald Dostinich
DOD: 5/27/15

	Aff.Sub.Wit.	
✔	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

HARVEY A. ARMAS, Successor Trustee, is Petitioner.

Petitioner states on 5/22/98, Donald Dostinich and his wife Gloria Dostinich acquired certain real property on S. Cornelia in Fresno. On 2/28/11, Donald and Gloria were the owners of a certain account at Wells Fargo Bank. All real and personal property remains titled in the names of the settlors.

On 9/29/11, Donald "Don" Dostinich and Gloria Dostinich (Settlors) created the trust and listed "all real and personal property" owned within "Schedule A" of the trust.

On the above date, Settlors did not execute a "grant deed" and did not execute any other documents stating that any real or personal property was transferred to the trust. There has been no transfer of the real or personal property after creation of the trust.

Donald Dostinich died 5/27/15. On 11/2/15, Gloria Dostinich declined to act as trustee. The trust names Petitioner Harvey A. Armas as successor trustee and Petitioner has agreed to act in that capacity.

At the time of Donald Dostinich's death, and Gloria Dostinich's declination, the real and personal property remained titled in their individual names. Notwithstanding this titling, all real and personal property was and is a proper asset of the trust.

Petitioner now petitions this Court to confirm Settlors' real and personal property as a trust asset to be held and administered pursuant to the terms of the trust, with reference to Probate Code §§ 850(a)(3)(B), 15200(a), and *Estate of Heggstad*.

SEE PAGE 2

NEEDS/PROBLEMS/ COMMENTS:

1. **Need Notice of Hearing.**

2. **Need proof of service of Notice of Hearing with a copy of the petition at least 30 days prior to the hearing pursuant to Probate Code §§ 851, 17203 on:**
   - **Gloria Dostinich (Settlor)**
   - **Larry Dostinich**
   - **Janet Dostinich-Melon**
   - **Eleanor Ripley**
   - **Barbara Ripley**
   - **Betty Thompson**
   - **Mildred Courtway**
   - **Lee Boyd**
   - **Donna Dufor-Day**
   - **Stephen Dufor**
   - **Brian Castadio**

3. **Need Order. Local Rule 7.1.1.F.**

Reviewed by: skc
Reviewed on: 1/28/16
Updates:
Recommendation:
File 23- Dostinich

Petitioner prays for an order:

1. Determining that the Dostinich Family Living Trust of 2011, dated September 29, 2011, is valid;

2. Confirming that Harvey A. Armas is the successor trustee of the Dostinich Family Living Trust of 2011, dated September 29, 2011;

3. Confirming that all of the Settlors' right, title and interest in and to the real property in Fresno is an asset of the trust to be held, administered, and distributed by Harvey A. Armas as successor trustee under the terms of said trust;

4. Confirming that all of the Settlors' right, title and interest in the Wells Fargo account is an asset of the trust to be held, administered, and distributed by Harvey A. Armas as successor trustee under the terms of said trust

24 Willard E. Smith Trust Agreement Case No. 15CEPR01186

Attorney **Andrew A. Magwood (for Petitioner Joshua Smith)**

Verified Petition to Suspend and Remove Trustee and Appointment of Successor Trustee; for Other Relief for Breach of Trust; for an Accounting

DOD: 4/21/2014		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

JOSHUA SMITH, sole beneficiary, is Petitioner.

Petitioner states:

- Settlor **WILLARD E. SMITH** executed the **WILLARD E. SMITH TRUST AGREEMENT** on 10/18/2012, which was amended on 4/16/2014 *(copy of Trust and Amendment attached as Exhibit A);*
- **SHERRI RENE' FINN** (Respondent) is a relative of Petitioner and Decedent and was named successor trustee of the Trust in the original and amended documents;
- Trust terms provide *[in sum, that upon the death of the Settlor, the Trustee shall distribute the Trust estate to Petitioner after he attains age 30]*;
- Petitioner is 30 years old or older and thus entitled to complete and outright distribution of all Trust property; nevertheless, Respondent has attempted to, and in fact does, exercise control over the Trust assets;
- At the time of Decedent's death he owned two parcels of real property, various personal property, and **~$50,000.00** in cash, all of which was Trust property;
- Petitioner has been given possession of one of the real properties, and from time to time, he has been given money from the cash by Respondent;

~Please see additional page~

NEEDS/PROBLEMS/COMMENTS:

1. Need *Notice of Hearing* and proof of mailed service of 30 days' notice pursuant to Probate Code §§ 851(b) and 17203 for all of the following persons:
   - **SHERRI RENE' FINN**, Trustee;
   - **ROGER SMITH**, son.

2. *Petition* states in paragraph 8 that the Trust provides the distribution of Trust assets may be held in trust in a separate share for the benefit of a beneficiary who is under age **30**, and states in paragraph 9 that Petitioner is **30** years old or older and thus entitled to complete and outright distribution of all Trust property. However, the *First Amendment* to the Trust appears to have changed the term to provide that when the beneficiary attains the age of **35** the beneficiary's Trust share shall be distributed to him free of trust. It is unclear from the statement in the *Petition* whether Petitioner has attained the age of **35** which would allow him to receive distribution of Trust property.

~Please see additional page~

Reviewed by: LEG

Reviewed on: 1/29/16

Updates:

Recommendation:

File 24-Smith

<u>Petitioner states, continued</u>:

- Petitioner has orally requested status of the cash balance, but Respondent has failed to provide an accounting based on the oral request, except to say that when the cash runs out she will sell the other house;
- Petitioner has sought to rent the second house to generate income, but it is in need of repairs and Respondent refuses to rent the house; if rented, the second house would generate about **$800.00** per month net in Trust income;
- Respondent has failed to pay income taxes and property taxes on the real property, failed to pay loans which encumber the real property, placing these Trust assets at risk *(copies of IRS notices for past due taxes and copies of Assessor notices for unpaid property taxes are attached as Exhibits B and C);*
- Respondent has allowed the second house to fall into disrepair such that it has now become subject to anti-blight ordinances from the City and/or County of Fresno *(copies of notices attached as Exhibit D);*
- Respondent has sought to force Petitioner to enter into a rental agreement for possession of the first house (*copy of purported lease attached as Exhibit E);* the purported least provides Respondent is the "owner" of the real property owned by the Trust and acknowledges receipt of **$42,000.00** as "rent;"
- The amount acknowledged as received is similar to an amount received by Respondent in Trust property;
- On 6/11/2015, Petitioner's attorney mailed a letter to Respondent demanding an accounting, but Respondent has made no response (*copy of letter to Respondent attached as Exhibit F*);
- Respondent has failed to pay taxes and loans which impair the property rights of the Trust *(copies of Bank of America notices for unpaid loans attached as Exhibit G);*
- Respondent has asserted personal control and ownership of Trust assets as if she is the owner of Trust assets;
- As the Trust assets are required to be distributed to Petitioner outright, and Respondent has failed and refused to relinquish control of said assets, Respondent has misappropriated Trust assets'
- Pursuant to Probate Code § 15642, the Court may remove the trustee if it is shown the trustee has committed a breach of trust; where the trustee is insolvent or otherwise unfit to administer the trust; where the trustee fails or declines to act; or for other good cause;
- Respondent should be removed because of her various acts and omissions as they relate to the Trust;
- **Removal is warranted because Petitioner is thirty years old and entitled to outright distribution at this time:** The Trust provides for outright distribution to Petitioner when he has attained age 30; he has attained age 30 and is now entitled to outright distribution; *[Please refer to issue re age 35]*;
- **Removal is warranted because Respondent has failed to protect Trust assets:** Trust assets consist of cash in an account controlled by Respondent and real property consisting to 2 houses on Second Street in Fresno (hereafter 5255 and 5237); Petitioner has lived in the house at 5255 since prior to Decedent's death and has continued to reside there at the present time; the house at 5237 has sat vacant since Decedent's death, and the property taxes have not been paid by Respondent, the house has fallen into disrepair and is subject to the blighted vacant building ordinance; there is one or more loans encumbering both of the houses, and one or more payments have not been made by respondent, and Respondent has not made required payments of unpaid federal taxes on the estate which may impair other Trust property;

~Please see additional page~

Petitioner states, continued:

- **Removal is warranted because Respondent has wasted Trust assets and property:** the house at 5237 has a fair rental value of at least **$800.00** monthly and would be added to the Trust and benefit Petitioner, who has had several opportunities to rent the house and has made requests to Respondent to rent the house and she has failed and refused to do so, which constitutes a waste of Trust assets and deprives the Trust of rental income;
- **Removal is warranted because Respondent has mismanaged or misdirected Trust assets for her own personal gain:** Petitioner resides at 5255 and Respondent received cash from the Trust and converted it for her own personal use, labeling it as "rent" for the house;
- **Petitioner is entitled to an accounting of Trust assets** pursuant to Probate Code § 16063; Petitioner has orally and in writing requested an accounting, and to date, Respondent has never provided Petitioner with an account of the Trust; Petitioner requests the Court order Respondent to file an accounting with the Court detailing *[her acts as Trustee]*;
- **The Court should surcharge Respondent** as Petitioner is the sole beneficiary of the Trust entitled to the benefits of the Trust, and under the circumstances described in the Petition, the Court should surcharge Respondent for loss and depreciation in value of the Trust estate, plus interest, caused by Respondent's breach of fiduciary duty;
- **Respondent should be immediately suspended as Trustee:** The Trust instrument does not appoint a successor trustee other than Respondent; Petitioner requests the Court appoint either Petitioner **JOSHUA SMITH**, or **DANIEL WADE**, *[a family friend who knew Decedent and has known Petitioner his entire life and lives down the street from Petitioner in Fresno]*, as successor trustee, without bond required for either of them *(consent to serve of Daniel Wade is attached as Exhibit H);*

Petitioner prays for an Order of the Court:

1. Removing **SHERRI RENE' FINN** as Trustee of the Trust, and appoint either Petitioner **JOSHUA SMITH**, or **DANIEL WADE** as successor trustee without bond;
2. Ordering **SHERRI RENE' FINN** to file an accounting with the Court detailing her acts as Trustee;
3. For Court filing fees for this petition, for attorney fees, and for costs incurred by Petitioner.

NEEDS/PROBLEMS/COMMENTS, continued:

3. Prayer of the *Petition* is inconsistent with the requested relief in the *Petition*, as the prayer does not include surcharge of Respondent **SHERRI RENE' FINN** for loss and depreciation in value of the Trust estate, plus interest, caused by breach of fiduciary duty.

4. Need proposed order pursuant to Local Rule 7.1 which provides a proposed order shall be submitted with all pleadings that request relief.

25 Reginald D. Mehling (Estate) Case No. 15CEPR01242

Attorney Bagdasarian, Gary G. (for Karen Lynn Sims – Petitioner)

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

DOD: 11/30/15				
			KAREN LYNN SIMS, Daughter and Named Alternate Executor without bond, is Petitioner.	**NEEDS/PROBLEMS/COMMENTS:**
			Named Executor Geoffrey Sims declines to act.	**1. Need publication per Probate Code §8120.**
	Aff.Sub.Wit.	S/P		**2. Need date of death of deceased spouse per Local Rule 7.1.1.D.**
✓	**Verified**		Full IAEA – need publication	
	Inventory		Will dated 9/30/08	
	PTC			
	Not.Cred.		Residence: Fresno	**<u>Note</u>: If granted, the Court will set status hearings as follows:**
✓	**Notice of Hrg**		Publication: Need publication	
✓	**Aff.Mail**		Estimated value of estate:	**• Tuesday July 5, 2016 for filing the Inventory and Appraisal**
	Aff.Pub.	x	Personal property: $5,000.00	
	Sp.Ntc.		Real property: $218,600.00	**• Tuesday, April 4, 2017 for filing the first account or petition for final distribution**
	Pers.Serv.		Total: $223,600.00	
	Conf. Screen		Probate Referee: Steven Dlebert	**If the proper items are on file pursuant to Local Rule 7.5, the status hearings may come off calendar.**
✓	**Letters**			
✓	**Duties/Supp**			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	**Order**			
	Aff. Posting			**Reviewed by:** skc
	Status Rpt			**Reviewed on:** 1/28/16
	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 25-Mehling**

Dept. 303, 9:00 a.m. Tuesday, February 2, 2016

26 **Lucille F. Zumstein (Estate)** **Case No. 15CEPR01251**

Attorney **French, G Dana (for Petitioner Shirley Emrick)**

Petition for Letters of Administration; Authorization to Administer Under the IAEA

DOD: 11/3/15			**SHIRLEY EMRICK**, Daughter, is Petitioner and request appointment as Administrator with Full IAEA without bond. Petitioner is the sole heir and waives bond. Full IAEA – ok Decedent died intestate Residence: Fresno Publication: Business Journal Estimated value of estate: Personal property: $158,000.00 Probate Referee: Rick Smith	**NEEDS/PROBLEMS/COMMENTS:** **<u>Note</u>: If granted, the Court will set status hearings as follows:** • **Tuesday July 5, 2016 for filing the Inventory and Appraisal** • **Tuesday, April 4, 2017 for filing the first account or petition for final distribution** **If the proper items are on file pursuant to Local Rule 7.5, the status hearings may come off calendar.**
	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			**Reviewed by:** skc
	Status Rpt			**Reviewed on:** 1/28/16
	UCCJEA			**Updates:**
	Citation			**Recommendation: SUBMITTED**
	FTB Notice			**File 26-Zumstein**

27 **Jacob Gonzales-Tovar (GUARD/P)** **Case No. 16CEPR00061**

Petitioner **Quiroz, Gloria Castro (Pro Per – Maternal Grandmother – Petitioner)**

Petition for Appointment of Temporary Guardian of the Person

			See petition for details.
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	x	
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	x	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

1. **Need Notice of Hearing.**
2. **Need proof of personal service of Notice of Hearing with a copy of the temp petition at least five court days prior to the hearing per Probate Code §2250(e) on:**
   - Charisma Gonzales Tovar (Mother)

Reviewed by: skc

Reviewed on: 1/28/16

Updates:

Recommendation:

File 27- Gonzales-Tovar

Dept. 303, 9:00 a.m. Tuesday, February 2, 2016