

Atty **Kruthers, Heather H., of County Counsel's Office (for Petitioner Public Guardian)**

**(1) Second and Final Account and Report of Conservator; (2) Petition for Allowance of Compensation to Conservator and Attorney**

<b>DOD: 10/26/2013</b>	<b>PUBLIC GUARDIAN</b> , Conservator of the Person and Estate, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<b>Account period: 1/10/2008 – 10/26/2013</b>	
	Accounting - <b>\$3,791.01</b>	
	Beginning POH - <b>\$338.80</b>	
	Ending POH - <b>\$1,766.01 (all cash)</b>	
<b>Cont. from</b>		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>		
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b> W/		
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
	<p><b>Subsequent Account period: 10/27/2013 – 12/5/2013</b></p> <p>Accounting - <b>\$2,626.39</b></p> <p>Beginning POH - <b>\$1,766.01</b></p> <p>Ending POH - <b>\$1,309.10 (all cash)</b></p> <p>Conservator - <b>\$2,238.64</b>  <i>(16.59 Deputy hours @ \$96/hr and 8.50 Staff hours @ \$76/hr;)</i></p> <p>Attorney - <b>\$1,250.00</b>  <i>(less than \$7,500.00 per Local Rule--\$1,250.00/year for 6 years;)</i></p> <p>Bond fee - <b>waiver requested</b>  <i>(Conservatee received Social Security Supplemental Income benefits during the account period;)</i></p> <p>Conservator Liens - <b>\$814.30</b>  <i>(existing from the First Account;)</i></p> <p>Attorney Liens - <b>\$1,400.00</b>  <i>(existing from the First Account;)</i></p> <p><b>Petitioner prays for an Order:</b></p> <ol style="list-style-type: none"> <li>1. Approving, allowing and settling the Second and Final Account;</li> <li>2. Authorizing the conservator and attorney fees and commissions;</li> <li>3. Authorizing payment of the bond fee and reimbursement of costs advanced; and</li> <li>4. Authorizing Petitioner to impose a lien on the estate for any unpaid balances of authorized fees and commissions;</li> <li>5. Finding that after payment of fees and commissions, there is no estate to distribute.</li> </ol>	
		<b>Reviewed by:</b> LEG
		<b>Reviewed on:</b> 1/31/14
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 1 – Valenzuela</b>

(1) Final Report and Account and (2) Petition for Discharge of Personal Representative (Insolvent Estate; Independent Administration)

<b>DOD: 01/10/11</b>		<b>PATRICK T. SEARS</b> , Executor, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need Order.	
		Account period: <b>01/10/11 – 01/01/14</b>		
<b>Cont. from</b>		Accounting - <b>\$45,443.84</b>		
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Beginning POH - <b>\$45,443.84</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>	Ending POH - <b>\$523.44</b>		
<input checked="" type="checkbox"/>	<b>Inventory</b>	Executor - <b>waived</b>		
<input checked="" type="checkbox"/>	<b>PTC</b>	Attorney - <b>\$1,200.00</b>		
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>	(less than statutory; \$523.44 to be paid from the estate, and the remainder outside of the estate by Petitioner)		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	Petitioner states that after partial payment of fees, there will be no funds remaining for distribution.		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	w/o		
<input type="checkbox"/>	<b>Aff.Pub.</b>			
<input type="checkbox"/>	<b>Sp.Ntc.</b>			
<input type="checkbox"/>	<b>Pers.Serv.</b>			
<input type="checkbox"/>	<b>Conf. Screen</b>			
<input type="checkbox"/>	<b>Letters</b>	09/29/11		
<input type="checkbox"/>	<b>Duties/Supp</b>			
<input type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input type="checkbox"/>	<b>CI Report</b>			
<input checked="" type="checkbox"/>	<b>9202</b>			
<input type="checkbox"/>	<b>Order</b>	x		
<input type="checkbox"/>	<b>Aff. Posting</b>			
<input type="checkbox"/>	<b>Status Rpt</b>			
<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input checked="" type="checkbox"/>	<b>FTB Notice</b>			
				<b>Reviewed by:</b> JF
				<b>Reviewed on:</b> 01/30/14
			<b>Updates:</b>	
			<b>Recommendation:</b>	
			<b>File 2 – Sears</b>	

**(1) Final Account and Report, Petition for Settlement, and (2) for Ordinary Compensation to Personal Representative, and (3) for Ordinary Compensation to Attorney and (4) for Final Distribution**

<b>DOD: 05/07/11</b>	<b>KENNETH MENDRIN</b> , Executor, is Petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Petitioner proposes various changes to the testamentary Farmland Trust in his Petition; however, his prayer does not specifically request the relief sought and is vague. It is noted that the proposed order submitted sets forth the terms of the testamentary trust with the changes proposed, but not requested in the prayer, by Petitioner.</p>
	Account period: <b>05/07/11 – 09/12/13</b>	
	Accounting - <b>\$3,698,024.63</b>	
	Beginning POH - <b>\$3,683,293.11</b>	
	Ending POH - <b>\$3,692,460.66</b> (\$92,460.66 is cash)	
<b>Cont. from</b>	Executor - <b>waived</b>	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Attorney - <b>\$50,052.80</b> (statutory)	
<input checked="" type="checkbox"/> <b>Verified</b>	<b>Distribution, pursuant to Decedent's Will, is to:</b>	
<input checked="" type="checkbox"/> <b>Inventory</b>	Steven M. Botelho, as Trustee of the Jerri L. Mendrin Farmland Trust - Real property assets of the estate valued at \$3,600,000.00	
<input checked="" type="checkbox"/> <b>PTC</b>	Kimberly Mendrin - \$50,000 (specific bequest) (after payment of unpaid costs of administration the remaining funds on hand (\$42,407.86) shall be distributed to Kimberly Mendrin. The short fall between the distribution and \$50,000 bequest shall bear interest on the unpaid balance from the date of distribution at the rate of 7% per annum until fully paid from any after discovered assets of the decedent	
<input checked="" type="checkbox"/> <b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b> w/		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b> 07/29/11		
<b>Duties/Supp</b>		
<input checked="" type="checkbox"/> <b>Objections</b>		
<input checked="" type="checkbox"/> <b>Response</b>		
<b>CI Report</b>		
<input checked="" type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<input checked="" type="checkbox"/> <b>FTB Notice</b>	<p>Petitioner states that the Farmland Trust contains an ambiguity that must be resolved as follows:</p> <p>1. On 08/09/02, the Decedent entered into a promissory note along with J &amp; J Vineyards, LLC, Judy L. Botelho, Michael A. Botelho, and Kenneth S. Mendrin, all as borrowers.</p>	

Continued on page 2

2. The funds borrowed were used to finance the planting of ruby red grape vines on the Farmland to be transferred to the Farmland Trust (and an adjoining parcel of farming property owned by the Decedent's sister, Judy Botelho).
3. The note was secured by both parcels of farmland.
4. The note was not an obligation of the Decedent at the time her will was executed.
5. Section 5.04(b) of the Farmland Trust addresses the payment of loans secured by growing crops, property taxes, pro rata share of the Estate taxes, and payment of any liens as a result of Kenneth Mendrin's farming activities, it does not address the note. Thus failing to address how the Note shall be paid.
6. Petitioner acknowledges that the payment of ½ of the Note payment shall be included within paragraph 5.04(b)(iv) as a payment made from the crop proceeds prior to distribution of the remaining proceeds to Petitioner.
7. Petitioner requests this Court make an order reforming the Farmland Trust to confirm ½ of the Note payment is to be paid by the Farmland Trust.

Petitioner, as the Husband specified in paragraph 5.04 of the Decedent's will, consents to the terms of said paragraph and agrees to farm the property of the Farmland Trust in accordance with those terms.

Petitioner states that the Farmland Trust is silent on the division of income and expenses from the property in the year of Petitioner's death. It is in the interest of all parties that this issue be resolved at this time to avoid the uncertainty regarding care and maintenance of the property. Petitioner proposes that in the event of his death before April 15 of any year, the trustee shall reimburse to his estate all post-harvest expenses related to the property and the trust complete the farming of the property for that crop year and receive all income from the crop. In the event of Petitioner's death after April 15 of any year, Petitioner's estate will complete the farming and harvest of the crop for that year and retain the income subject to the remaining provisions of the Farmland Trust.

**Response and Objection to Final Account and Report, etc.** filed 01/28/14 by Steven M. Botelho, nominated trustee of the Jerri L. Mendrin Farmland Trust, states:

1. Respondent acknowledges the ambiguity in the Farmland Trust caused by the existence of the Note described in the Petition and concurs that the reformation proposed by Petitioner is consistent with the intent of the decedent and consents to such modification of the Farmland Trust.
2. Petitioner seeks to have the Court enter an order that addresses what should occur if Petitioner is farming the Farmland in the year he dies. As drafted, if Petitioner dies before the crop is harvested, the remainder beneficiaries of the Farmland Trust would own the farmland and the crop thereon, without any obligation to reimburse the Petitioner for the costs incurred throughout the date of his death with respect to such crop. Petitioner seeks to change this result. If a change is to be made, the issue is whether the Petitioner's estate should be reimbursed for the expenses incurred for such crop year through the date of Petitioner's death – or whether Petitioner's estate should be allowed to continue receiving the benefits of the use of the farmland without compensation to the remainder beneficiaries until such crops are harvested. Petitioner seeks to reform the trust to provide that reimbursement occurs if Petitioner dies before **[after?]** April 15 of a given year, but his estate gets to continue farming the property if he dies thereafter. Such arrangement is unacceptable and, accordingly, Respondent objects.

Continued on Page 3

3. The decedent's intention, as evidenced by her will, was to only allow Petitioner to farm the trust property and receive the net income of such farming "for and during his lifetime". The will goes on to provide that "any accrued and undistributed income at the death of my Husband shall be paid to his estate." The Decedent unambiguously provided that Petitioner's interest in the trust ceased on his death and the farmland immediately vested in the remainder beneficiaries. There was never any intention to benefit anyone other than Petitioner and the remainder beneficiaries. Had the Decedent wanted to provide for the Petitioner's heirs, she would have made provisions to do so; rather, Decedent clearly states that only accrued by undistributed income are to be paid to Petitioner's estate.
4. Petitioner seeks to change the beneficial interests in the Farmland Trust by giving his estate the right to continue farming the property after his death for the benefit of his estate and his heirs at law. Such a request is improper as is fundamentally changes the Decedent's testamentary intent.
5. While termination of Petitioner's rights under the Farmland Trust may seem unfair, it is what Decedent intended and such intent should be honored. But rather than engage in protracted litigation over the proposed reformation of the Farmland Trust in a way that fundamentally alters the Decedent's testamentary intent, if the Court is inclined to make any modification to the Farmland Trust with respect to this issue, Respondent proposes that if Petitioner is farming the property in the year of his death, the Farmland Trust would reimburse Petitioner's estate for all documented out-of-pocket expenses incurred by Petitioner with respect to the then current crop. While this proposal does diverge slightly from Decedent's intent, it also results in a completely equitable result.

**Respondent prays for an Order:**

1. Approving Petitioner's final petition, as prayed, with the exception that the Farmland Trust be reformed to provide that Petitioner is only entitled to accrued, but undistributed, income and reimbursement for his documented out of pocket expenses at his death.

**Memorandum of Points and Authorities in Response to Objection to Final Account** filed 01/31/14 states:

1. The real property that is subject to the Farmland Trust is a 320 acre vineyard. The petitioner is farming the vineyard in accordance with the terms of the Farmland Trust created in Decedent's will. Each year, this involves various expenses, which are normally the subject of crop financing, but Petitioner has also funded these expenses out of his own pocket or used financing secured by his own separate home place. Harvest expenses are normally borne by the winery, which eventually pays for the harvested fruit. So once the fruit is set, the majority of farming expense has been done, until harvest.
2. The decedent's will is very clear on certain points: the Petitioner only has a life estate. When his life ends, the real property goes to Mr. Botelho. The income accrued, whether distributed or not, belongs to Petitioner, Ken Mendrin's estate.
3. Crop years start in the winter, when work is done pruning and preparing the vineyard. This is when substantial money is spent, work is done, and expense accrues. In April and May, the crop is "set" when buds come out, flowers bloom and fruit appears where the flowers are fertilized. By that time, a substantial part of the work is done and the expenses of that year's crop has been incurred. Respondents position is in opposition to the terms of the will, that is Mr. Mendrin dies before the harvest, that Respondent should somehow be allowed to take the benefit of Mr. Mendrin's work and expense during the last year of his life. The concern of all parties is the effect of Petitioner's death during the middle of a crop year.

Continued on Page 4

4. The relevant language of the Decedent's will is as follows:  
"Section 5.02 Distribution of Income. The net income of the trust estate shall be directed to my Husband, Kenneth S. Mendrin, for and during his lifetime. **Any accrued and undistributed income at the death of my Husband shall be paid to his estate.**" (Emphasis added.)
5. Respondent's claim over-reaches and contradicts this clear statement. Respondent's approach fails to give any meaning to "accrued" income in the language of the will. It does not say as suggested in the Respondent's brief "accrued **but** undistributed income". It says "accrued **and** undistributed income."
6. The general rule in California is that a party is entitled to the income from a crop if it vests before the termination of his interest in the underlying real property. The common law has always provided under the doctrine of right and emblements that annual crops belong to the estate of a life tenant from the time of sowing the crop. There was no similar rule at common law governing fruit grown on trees or vines. In **Blaeholder v. Guthrie** (1911) 17 Cal.App. 297, the court held that the doctrine of emblements should govern an orange and walnut crop grown while the life tenant was alive, but not yet harvested. The principle the court followed was that the tiller of the soil and the person who raises the crop, while in possession of the property, should not lose the benefit of his labor. This is clearly the decedent's intent. Her widower should be allowed to recover the value of his work and investment in the crop during the year of his death, even if it is not yet "distributed" when he dies.
7. The issue raised by Respondent is discussed at length in **Lloyd v. First National T. & S. Bank**(1951) 101 Ca.App. 2<sup>nd</sup> 579. The court emphasized that the first issue to review is the language of the instrument creating the life interest in the property. In that case, the instrument that created the life estate specifically gave the crop and income to the remainderman. The language of the will now before the court has the opposite provision in stating that "any **accrued and undistributed income**" is payable to the estate of Petitioner. Lloyd still states the applicable law; the instrument controls. This instrument plainly gives any income from any crop that has been created through petitioner's work, expense and farming, to him or his estate.
8. For these reasons, Petitioner submits that the Petition property states the rule for the distribution of income in the year of his death. In the event his estate does not complete the harvest, the Trustee would be entitled to reimbursement for any expense incurred in completing the harvest crop.

Age: 20	DEBRA PASLEY, mother/Conservator of the Person and Estate, is Petitioner.		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b><u>CONTINUED FROM 01/15/14</u></b></p> <p>1. The Proof of Service on the <i>Post-Move Notice of Change of Residence of Conservatee or Ward</i> (Judicial Council Form GC-080) filed 01/28/14 is not signed.</p> <p><b>Note:</b> The Court may wish to set a status hearing re: Filing of a Conservatorship (or similar) proceeding in the new state of residence. If so, a hearing will be set as follows:</p> <ul style="list-style-type: none"> <li>• <b>Friday, 03/28/14 @ 9:00am in Dept. 303</b> for proof of establishing conservatorship proceeding in new state of residence</li> </ul>
	<p><b>Petitioner</b> was appointed Conservator of the Person and Estate on 03/05/13 with bond set at \$15,000.00. Letters of Conservatorship were issued on 03/28/13.</p> <p>Father: <b>DAVID HAL JONES</b></p> <p><b>Petitioner states</b> that she has accepted employment out of state and is moving to Moneta, Virginia.</p> <p><b>Petitioner requests</b> permission to fix the residence of the Conservatee outside the state of California to Virginia.</p> <p><b>Petitioner states</b> the duration of the out of state move is expected to be more than four months and a Conservatorship proceeding will be commenced in the place of new residence.</p>		
Cont. from 011514			
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail	w/		
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input type="checkbox"/> Letters			
<input type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
			Reviewed by: JF
			Reviewed on: 01/30/14
			Updates:
			Recommendation:
			File 4 – Pasley





<b>DOD: 4/8/2009</b>		<p><b>SUSAN DINGER</b> is petitioner and requests appointment as Special Administrator without bond.</p> <p>Petitioner states the only asset of the estate consists of real property interest appraised at a total value of \$4,191.78. Based on the value of the real property interest can be transferred under Probate Code § 13200 pursuant to an Affidavit re: Real Property of Small Value.</p> <p>Under the Will of Diane Catanich, her surviving spouse, Peter Catanich, received the residue of the estate and was the successor to Decedent's real property. However, Peter Catanich died on 5/10/2010 approximately a year after the Decedent's death. Based on Peter's death there is no one authorized to sign as successor of the decedent as defined in under Probate Code § 13006 and § 13200.</p> <p>Due to the small value of the estate Petitioner requests that she be appointed as Special Administrator and be authorized to transfer the property interest to Peter Catanich by executing an Affidavit re Real Property of Small Value.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Probate Code allows appointment of a special administrator to perform a specific act however there does not appear to be authority to pass property to the beneficiaries of the estate via a special administration.</p> <p>It would seem to be more appropriate for petitioner to have filed a petition for Special Administration of Peter Catanich's estate for the sole purpose of signing the Affidavit re Real Property of Small Value (Probate Code § 13200) to pass the property from Diane's estate to Peter's estate.</p>
<b>Cont. from 121613</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> W/		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
		<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 1/30/14</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 7 – Catanich</b></p>	

<b>DOD: 08/23/12</b>		<b>RICHARD BENNETT</b> , creditor and co-tenant, is Petitioner, and request appointment as Administrator without bond.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note: Status hearings will be set as follows:</b></p> <ul style="list-style-type: none"> <li>• <b>Friday, 06/27/2014 at 9:00a.m. in Dept. 303</b> for the filing of the inventory and appraisal <b>and</b></li> <li>• <b>Friday, 03/27/2015 at 9:00a.m. in Dept. 303</b> for the filing of the first account and final distribution.</li> </ul> <p>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.</p>
		Limited IAEA – OK	
<b>Cont. from</b>		Decedent died intestate	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Residence: Plantation, FL	
<input checked="" type="checkbox"/>	<b>Verified</b>	Publication: The Business Journal	
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	<b>Estimated Value of the Estate:</b>	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	Real property - \$150,000.00	
<input checked="" type="checkbox"/>	<b>Aff.Pub.</b>	Probate Referee: <b>STEVEN DIEBERT</b>	
<input type="checkbox"/>	<b>Sp.Ntc.</b>	Petitioner states that Decedent's estate was administered in Florida; however, decedent has a 50% interest in real property in Tollhouse, CA that has not been probated. Petitioner is a creditor and co-tenant with the decedent on the real property. Petitioner states that there are no personal property assets of the Estate that he is aware of and requests appointment without bond because he is requesting only limited IAEA authority.	
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>	Petitioner states that he contacted decedent's son, Joshua Clendenning (who was the personal representative of Decedent's estate in Florida) regarding the necessity of administering the estate in California. Mr. Clendenning indicated that he would initiate probate proceedings, but has failed to do so, therefore as a creditor and co-tenant on the real property, Petitioner is requesting appointment as Administrator of the Estate to protect his interest as a creditor and co-tenant on the property.	
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		

<b>Reviewed by:</b> JF
<b>Reviewed on:</b> 01/31/14
<b>Updates:</b>
<b>Recommendation:</b> SUBMITTED
<b>File 8 – Clendenning</b>

**Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)**

<b>DOD: 12/30/12</b>		<p><b>TODD S. OSBORNE</b>, non-relative, is Petitioner and requests appointment as Administrator without bond.</p> <p>Full IAEA – OK</p> <p>Decedent died intestate</p> <p>Residence: Fresno Publication: The Fresno Bee</p> <p><b>Estimated Value of the Estate:</b> Personal property - \$250,000.00</p> <p>Probate Referee: <b>STEVEN DIEBERT</b></p> <p>Petitioner requests that no bond be required as there are no known heirs and no known assets other than a possible malpractice insurance.</p> <p>Petitioner states that he is a personal injury attorney representing a client that was injured by the decedent and filed a petition for damages in Kern County. After a thorough search, it was determined that Mr. Drake was deceased and no known heirs were located. Petitioner believes that the decedent carried liability insurance at the time of the alleged injury. Petitioner needs Letters of Administration to locate the liability policy and the company that issued the policy. If a malpractice liability policy is located, petitioner will resign as administrator and the court will be asked to approve the appointment of a professional administrator for the estate to avoid any conflicts of interest.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. The Petition states that the decedent had a predeceased spouse. Need name and date of death of pre-deceased spouse pursuant to Local Rule 7.1.1D.</p> <p><b>Note: If the Petition is granted, status hearings will be set as follows:</b></p> <ul style="list-style-type: none"> <li>• <b>Friday, 06/27/2014 at 9:00a.m. in Dept. 303</b> for the filing of the inventory and appraisal <b>and</b></li> <li>• <b>Friday, 03/27/2015 at 9:00a.m. in Dept. 303</b> for the filing of the first account and final distribution.</li> </ul> <p>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.</p>
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> w/		
<input checked="" type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
<b>Reviewed by:</b> JF			
<b>Reviewed on:</b> 01/31/14			
<b>Updates:</b>			
<b>Recommendation:</b>			
<b>File 9 – Drake</b>			

Probate Status Hearing for Failure to File a First Account or Petition for Final Distribution

<b>DOD: 5/1/2004</b>	<b>KIMBERLY HOLLABAUGH</b> was appointed as Administrator with full IAEA and without bond on 7/13/2004.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>OFF CALENDAR.</b> Petition to close the estate was filed and is set for hearing on 2/27/14.</p> <hr/> <p><b>Reviewed by:</b> KT</p> <p><b>Reviewed on:</b> 1/30/14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 10 – Hollabaugh</b></p>
	Letters issued on 7/13/2004.	
<b>Cont. from 092013, 011514</b>	Inventory and Appraisal filed on 9/29/2004 showing an estate valued at \$218,062.16.	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Attorney Richard Hemb was originally the attorney of record for Kimberly Hollabaugh. Mr. Hemb filed a Motion to be Relieved as Counsel. The Motion was granted on 7/17/2008.	
<input type="checkbox"/> <b>Verified</b>	Minute Order dated 8/28/2008 removed Kimberly Hollabaugh as the Administrator and appointed the Public Administrator. The minute order ordered Kimberly Hollabaugh to turn over all documents the Public Administrator.	
<input type="checkbox"/> <b>Inventory</b>	Copy of the 8/28/2008 minute order was mailed Kimberly Hollabaugh but was NOT mailed to the Public Administrator.	
<input type="checkbox"/> <b>PTC</b>	<b>Status Report of the Public Administrator filed on 9/17/2013</b> states at the time the Public Administrator was appointed neither the Public Administrator nor County Counsel was notified of the appointment. Therefore, neither was aware of the appointment until a Notice of Status Hearing was mailed to County Counsel on 7/19/13.	
<input type="checkbox"/> <b>Not.Cred.</b>	Senior Probate Assistant Susan Banuelos was assigned to investigate the matter. She located an address for the former administrator in Pennsylvania. She has attempted to make contact without success.	
<input type="checkbox"/> <b>Notice of Hrg</b>	Ms. Banuelos intends to attempt to contact the other two heirs.	
<input type="checkbox"/> <b>Aff.Mail</b>	In order to allow time to complete the investigation and prepare the final report, the Public Administrator respectfully requests that the next status hearing be set no sooner than 90 days from the date of this status hearing.	
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		



## Page 2

**Background:** In May 2013, Brooke filed petitions for both temporary and permanent conservatorship. Patty signed a nomination of Brooke as her conservator. Temporary conservatorship was granted; however, due to Jim's objection at the temporary hearing, the parties participated in a settlement conference with the Court. Patty was present and she advised the Court that she wished for Brooke to be her conservator. The parties agreed that Brooke would have access to and sole control over Patty's estate and trust assets in order to meet Patty's ongoing financial obligations. Attorney Natalie Nuttall states she drafted the agreement; however, Jim refused to sign, indicating that he wished to maintain control over the trust assets. The only issue resolved at the status hearing was Brooke's appointment as conservator.

Later, in an effort to resolve the issues, Attorney Curtis Rindlisbacher, Patty's court appointed attorney, drafted and circulated a stipulation which in part provided for routine payments from the trust to Brooke for Patty's ongoing expenses and bills, specifically, \$15,000.00/month, as this amount had always been provided by Jim prior to the conservatorship petitions. Unfortunately, no formal agreement has been reached because Jim refuses to come to any agreement regarding the issues resolved at the settlement conference.

**Obviously, Brooke needs to pay Patty's bills and expenses.** While refusing to reach any kind of agreement, all the while having been provided, through his attorney Paul Franco, a list of the expenses, Jim continues to withhold funds from Brooke.

Attorney Nuttall states her multiple efforts to resolve the issue regarding the transfer of funds through Jim's attorney have proved fruitless, even though Brooke agreed to accept a lesser amount than what was previously provided (\$10,000.00/month).

**Petitioner seeks an order directing Jim Stott to direct funds to Conservator Brooke A. Castle on a monthly basis in an amount necessary to ensure a monthly beginning balance of \$10,000.00 in the conservatorship estate for the payment of the Conservatee's bills and expenses.**

**Petitioner's declaration states she is also owed reimbursement for personal funds paid for her grandmother's expenditures totaling \$1,151.40 in April, May, and June 2013 per list attached.**

**Supplemental Brief filed 1-27-14 provides authority under Probate Code and states Petitioner has tried, through her attorney, to seek the necessary funding to pay Patty's monthly bills and expenses from Jim – even after his refusal to come to any sort of settlement agreement. There has been no effort to work with Petitioner's counsel on this issue. Petitioner is simply asking for the ability to do her job, which means paying Patty's expenses.**

**Ex Parte Application for Order Limiting Powers of Conservator**

<b>Age:</b> 91	<p><b>CLAYTON JAMES (JIM) STOTT</b>, Trustee of the Don Claypool Stott and Patricia Stoll Gregory Stott 1986 Family Trust, is Petitioner.</p> <p>This Petition was filed <i>ex parte</i> and was set for hearing pursuant to Order dated 1-15-14.</p> <p><b>Petitioner states</b> he is the trustee of the Don Claypool Stott and Patricia Stoll Gregory Stott 1986 Family Trust, of which Patty Stott is the beneficiary. Patty is Jim's step-mother. As the Court may recall, Jim opposed the conservatorship and a settlement conference was held to resolve issues of Patty's care between Brooke as conservator and Jim as trustee of the trust. After the parties were unable to come to agreement, Brooke was appointed as conservator.</p> <p>Petitioner states that prior to conservatorship, Jim had regular communication and occasional visits with Patty. In addition to her financial matters, Jim has always been involved with Patty's health, including communications with physicians and care home staff. Jim is the attorney in fact under Patty's Advance Health Care Directive. However, since her appointment as conservator, Brooke has taken actions to restrain Jim from communicating with Patty, her caretakers, and her physicians. She instructed Kaiser Permanente and Green Gables not to speak with him. Consequently, Jim has been unable to speak with Patty in over six weeks, nor find out any information about her health. Ms. Castle refuses to respond to Jim's inquiries about her health conditions.</p> <p>Jim states he has no idea if Patty's wishes as stated in her Advance Health Care Directive are or will be followed. Jim has effectively been cut off from all communication with Patty and information about her well-being. He has had to learn of hospital visits after the fact, and vague information about Patty being released to hospice care. Petitioner fears he will not even be informed of her death in light of the lack of contact and information.</p> <p style="text-align: center;"><b>SEE ADDITIONAL PAGES</b></p>	<p><b>NEEDS/PROBLEMS/ COMMENTS:</b></p> <p><b>A: Conservator's Application for Order Compelling Trustee to Provide Funds for Conservatee's Living Expenses and Bills</b></p> <p><b>B: Trustee's Ex Parte Application for Order Limiting Powers of Conservator</b></p> <p><b>Note:</b> Both applications at Pages 11A and 11B were filed <i>ex parte</i>. However, because both are petitions requiring noticed hearing, <u>filing fees of \$435 are due from both petitioners.</u> See Fee Schedule Line 146.</p> <ol style="list-style-type: none"> <li>1. Need Notice of Hearing.</li> <li>2. Need proof of service of Notice of Hearing at least 15 days prior to the hearing on all persons entitled to notice pursuant to Probate Code §1460.</li> </ol> <p><b>Note:</b> In addition, the Court may require notice on all relatives in addition to just those required under §1460 because this petition seeks to limit the powers of the conservator, and on Attorney Curtis Rindlisbacher, since the petition seeks his reappointment.</p>
<b>DOB:</b> 10-11-22		
<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b> X		
<b>Aff.Mail</b> X		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
<b>Reviewed by:</b> skc		
<b>Reviewed on:</b> 1-31-14		
<b>Updates:</b>		
<b>Recommendation:</b>		
File 11B – Stott		

Page 2

**Petitioner states Ms. Castle has abused her authority as conservator by preventing Jim Stott from communicating with Patty.**

Petitioner references Probate Code §2351 (a) (conservator may not restrict conservatee's personal rights to visitors, telephone calls, or mail). Ms. Castle has gone out of her way to cut off all communication between Jim and Patty. This is a violation of Patty's rights under §2351 and jeopardizes her well-being.

Petitioner states the Court should limit Ms. Castle's powers to prohibit her from preventing Patty from communicating with Jim Stott and prohibit her from directing Green Gables and Kaiser Permanente from communicating with Jim Stott about her medical concerns and health care. Petitioner states Probate Code §2351 (b) gives the Court the discretion to limit the conservator's powers.

**Petitioner states the May 2013 Revocation of Advanced Health Care Directive should be revoked.** Jim Stott is the named and appointed attorney in fact in Patty's Advanced Health Care Directive (AHCD). The AHCD was prepared when Patty was in better health and appointed her son Tim (Ms. Castle's father) as first agent. Jim is the second named agent after Tim. It has come to Jim Stott's attention that on 5-21-13, Ms. Castle had Patty sign a revocation of the AHCD (attached). This was clearly done when Ms. Castle was trying to wrestle control of Patty's financial affairs from Mr. Stott. The Court has not otherwise revoked or suspended this appointment or powers. Ms. Castle, however, has informed Green Gables and Kaiser Permanente that it has been revoked, and has used that as a basis to instruct them not to communicate with Jim Stott.

Petitioner has become increasingly frustrated over Ms. Castle's lack of communication about Patty's health and medical issues. He has learned after the fact on at least two occasions about medical emergencies. Petitioner contends that the revocation is invalid, and itself should be revoked, and he should therefore have a say in her health care decisions pursuant to his attorney in fact. Petitioner refers to Probate Code §4685.

**Petitioner states Curtis Rindlisbacher should be reinstated as Patty's attorney.** Mr. Rindlisbacher's representation concluded when the Court granted the conservatorship. In light of the continued conflict, good cause exists for his reappointment to advocate for Patty and protect her interests.

**Petitioner prays for an order:**

1. Limiting the powers of Brooke A. Castle by ordering her to refrain from any actions that prevent Jim Stott from free and open communication and visit with Patty Stott, and to direct Green Gables and Kaiser Permanente to communicate with Jim Stott regarding Patty Stott's health and care;
2. That the May 2013 revocation of Patty Stott's Advanced Health Care Directive is revoked and Jim Stott shall have priority over Brooke A. Castle for all of Patty Stott's health care decisions pursuant to his powers as attorney in fact under Patty Stott's Durable Power of Attorney for Health Care Decisions dated January 3, 2008;
3. That Curtis Rindlisbacher be reinstated as attorney for Patty Stott;
4. Such further relief as the Court deems appropriate and suitable.

**Petition for Termination of Guardianship**

<b>Age:</b> 4	<b>ANGEL JONES</b> , mother is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. 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: <ul style="list-style-type: none"> <li>• Anthony Simas (Co-Guardian)</li> <li>• Maria Simas (Co-Guardian)</li> <li>• Michael Catuiza, Sr (Father)</li> <li>• Arthur Catuiza (Paternal Grandfather)</li> <li>• Jimmie Jones (Maternal Grandmother)</li> </ul>
	<b>ANTHONY SIMAS</b> , paternal step-grandfather, & <b>MARIA SIMAS</b> , paternal grandmother, were appointed guardians on 01/05/2012.	
<b>Cont. from</b>	Father: <b>MICHAEL CATUIZA, SR.</b>	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Paternal Grandfather: Arthur Catuiza	
<input checked="" type="checkbox"/> <b>Verified</b>	Maternal Grandfather: Jimmie Jones	
<input type="checkbox"/> <b>Inventory</b>	Maternal Grandmother: Mary Jones – Deceased	
<input type="checkbox"/> <b>PTC</b>	<b>Petitioner states:</b> Mental, emotional and physical growth may continue living with her mother, brother and sister. Cieanna will also come to understand family structure better. Petitioner states that she has for two years complied with all court orders.	
<input type="checkbox"/> <b>Not.Cred.</b>	<b>Objections and Response to Mother’s request to Terminate Guardianship filed by Anthony Simas and Maria Simas, guardians, on 01/21/2014</b> states the they do not believe that it is in the best interest of the child to terminate the guardianship. The guardians state that since the Court ordered that the mother have supervised visits outside of an agency that the child has reverted back to wetting her pants. Guardians state that the mother allows the child to go to the bathroom in her pants because the mother is too lazy to take the child.	
<input type="checkbox"/> <b>Notice of Hrg</b>	Guardians allege that the mother does not properly supervise the child. It is stated that the child’s 7 and 12 year old siblings are left to supervise the child when the mother sleeps or is entertaining her boyfriend. Guardians also state that the child is not fed on the visits with the mother. The child often returns hungry, dirty and tired.	
<input type="checkbox"/> <b>Aff.Mail</b>		
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input checked="" type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		

**Reviewed by:** LV  
**Reviewed on:** 01/31/2014  
**Updates:**  
**Recommendation:**  
**File 12 – Catuiza**

There are recent reports of sexual abuse/molestation and information provided to the guardians about being inappropriately touched by her sibling. Guardians believe it is in the child's best interest to have supervised visitation at CYS. Guardians fear that neither the mother nor Meshelle (Angel Jones' step-mother), are properly supervising the child. The mother has an extensive history of carelessness and negligence in regards to the safety and supervision necessary to care for the child. The mother recently gave birth to her sixth child. Guardians fear that if guardianship is terminated and the child returns to the mother's care; that the child will be lost in the shuffle of all of the mother's other children and that she will become responsible to care for the new baby, as the mother requires her children to care for her.

The minor is a healthy 4 ½ year old while in the guardians care. She has had no significant issues regarding attachments and bonding and does not ask about either one of her parents. She is well adjusted and stable in the home of the guardians. She has a routine and normalcy. The minor is provided excellent care and ensured that she is only in a wholesome and safe environment and not subject to the domestic violence, sexual abuse/molestation and neglectful care she has been exposed to with her mother.

The minor confides in the guardians because she is comfortable and loved while in their care. Guardians state that the minor is scared of the mother and begs and pleads that they will not discuss the things she shares with them because she will get in trouble.

It has now been discovered that the minor is possibly a victim of sexual abuse/molestation while in the care of the mother and under the supervision of Meshelle. Therefore, the guardians are requesting that the Court order that the mother have supervised visitation at CYS. The mother is often leaving the child in the care of either Meshelle or the child's siblings. The guardians believe it is in the best interest and for the child's protection that the mother have an agency supervised visitation as it is believed that neither the mother nor Meschelle are providing the supervision that a four year old child needs and requires.

**Court Investigator Julie Negrete's report filed 01/28/2014.**

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

		<b>TEMP EXPIRES 2-5-14</b>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Need Notice of Hearing.</li> <li>2. Need proof of personal service of Notice of Hearing at least 15 days prior to the hearing per Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: <ul style="list-style-type: none"> <li>- Matthew Hardy (Father)</li> <li>- Joanna Sisco (Mother)</li> <li>- Donald Lee Hardy (Minor)</li> </ul> </li> <li>3. Need proof of service of Notice of Hearing at least 15 days prior to the hearing per Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: <ul style="list-style-type: none"> <li>- Paternal Grandmother W. Hardy (name not legible)</li> <li>- Brandon Williams (sibling)</li> <li>- Savannah Dungan (sibling, if age 12 or older)</li> </ul> </li> </ol>
		<b>JUDY SISCO</b> , Maternal Grandmother, is Petitioner.	
		Father: <b>MATTHEW HARDY</b>	
		Mother: <b>JOANNA SISCO</b>	
		- Appeared and objected at temp hearing on 12-18-13	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.	Paternal Grandfather: Bob Hardy - Deceased	
	Notice of Hrg	X Paternal Grandmother: W. Hardy	
	Aff.Mail	X	
	Aff.Pub.	Maternal Grandfather: Donald Sisco - Deceased	
	Sp.Ntc.		
	Pers.Serv.	X Siblings: Brandon Williams, Savannah Dungan	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp	<b>Petitioner states</b> the mother was deemed a threat to the child. CPS will put the child in foster care if guardianship is not granted.	
	Objections		
	Video Receipt	<b>Court Investigator Jennifer Daniel filed a report on 1-30-14.</b>	
✓	CI Report		
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 1-31-14
			Updates:
			Recommendation:
			File 13 – Hardy

Pro Per Shakarian, Hasmik (Pro Per Petitioner, maternal grandmother)

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

Kinar Age: 11 yrs		<p style="text-align: center;"><b>TEMPORARY GRANTED EX PARTE EXPIRES 2/5/2014</b></p> <p style="text-align: center;"><u>General Hearing set for 3/25/2014</u></p> <p><b>HASMIK SHAKARIAN</b>, maternal grandmother, is Petitioner.</p> <p>Father of Kinar: <b>UNKNOWN</b></p> <p>Father of Katia: <b>ARTIN QAHWAJIAN</b></p> <p>Mother: <b>NAYRI BOGHOS SHAKARIAN</b></p> <p>Paternal grandparents of Kinar: <b>UNKNOWN</b></p> <p>Paternal grandfather of Katia: <b>Unknown</b> Paternal grandmother of Katia: <b>Ani Verkin Mardoian Krikorian</b></p> <p>Maternal grandfather: <b>Boghos Shakarian</b>; <i>deceased</i>.</p> <p><b>Petitioner states</b> a temporary guardianship is necessary as the father of Katia has made it known over social media that he is now wanting Katia with him (possibly to take her out of state where the paternal grandmother lives), and he says he will do anything to get her (printouts of Facebook posts attached.) Petitioner states the mother left the children with Petitioner and she has not had any contact with either of the children in the last year, and the father of Katia has not had any contact with the child in over 2 years. Petitioner states both parents have criminal histories and have known to be drug users, neither of them have been willing or able to care for the children, and the children have resided with her for more than 6 years as the parents left them without care or concern for their well-being.</p> <p><b>Petitioner requests</b> to be excused from giving notice to (1) the mother, as her whereabouts are unknown and she has not had any contact with Petitioner or the children in more than a year; (2) the father of Kinar, as there is no father listed on the child's birth certificate and no father is known to the Petitioner or the child; and (3) the father of Katia, as he has no known address and he is believed to be either homeless or living house to house with friends, and Petitioner does not know how to contact him.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need Notice of Hearing and proof of five (5) court days' notice by personal service of the Notice of Hearing with a copy of the Petition for Appointment of Temporary Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence for:</p> <ul style="list-style-type: none"> <li>Nayri Boghos Shakarian, mother, if Court does not excuse notice as Petitioner requests;</li> <li>Artin Qahwajian, father, if Court does not excuse notice as Petitioner requests.</li> </ul>	
Katia Age: 9 yrs				
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			X
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			X
✓	Conf. Screen			
	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 1/31/14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 14 – Shakarian &amp; Qahwajian</b></p>		

<b>Ava (6)</b>	<b>TEMP GRANTED EX PARTE EXPRIES 2-3-14</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Jack (2)</b>	<b>AMENDED GENERAL PETITION SET FOR 3-24-14</b>	
	<b>ANDREA GUMM</b> , cousin, and <b>ANNA VANDERPOEL</b> , Ms. Gumm's mother-in-law, are Petitioners.	<b>NOTE: THIS MATTER WILL BE HEARD IN DEPT. 71 AT 8:30 AM.</b>
<b>Cont. from 121613</b>	<b>Note:</b> On 1-24-14, Andrea Gumm filed a Request to be Relieved as Joint Guardian and Anna Vanderpoel remain as Sole Guardian, since the children reside with her and have established a close bond.	<b>Continued from 12-16-13</b>
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	<b>Father: JEFF JENKINS</b> - Nominates, consents, and waives notice (original petition)	<b>Minute Order 12-16-13: Counsel requests continuance. Matter continued to 2-5-14. Temporary is extended. The general hearing remains set for 2-5-14.</b>
<input checked="" type="checkbox"/> <b>Verified</b>	<b>Mother: RACHEL FARLEY</b> Paternal Grandfather: David Jenkins Paternal Grandmother: Sue Schulte - Nominates, consents, and waives notice (original petition)	<b>Note:</b> Pursuant to the Amended Petition filed 1-24-14, Ms. Gumm requests to be relieved as joint guardian because the minors have bonded with Ms. Vanderpoel, and Ms. Vanderpoel is now petitioning alone. The Amended Petition is set for hearing on 3-24-14.
<input type="checkbox"/> <b>Inventory</b>	Maternal Grandfather: Mr. Farley Maternal Grandmother: Eva Farley	<b>Therefore, the general hearing date of 2-5-14 has been taken off calendar in favor of the amended petition and hearing scheduled for 3-24-14.</b>
<input type="checkbox"/> <b>PTC</b>	Siblings: Hailey Jenkins (age not provided)	<b>SEE ADDITIONAL PAGE FOR NEEDS/PROBLEMS/COMMENTS</b>
<input type="checkbox"/> <b>Not.Cred.</b>	<b>Petitioners state</b> the minors currently live with Anna VanderPoel. Temporary guardianship is necessary because the minors are regularly exposed to drugs and possibly prostitution lifestyle and left unattended while the parents are high or passed out. Petitioners wish to protect them from this environment and place Ava in school and seek medical treatment for Jack, who is not up to date with his vaccinations.	<b>Reviewed by:</b> skc
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Petitioners state the children had been living with the parents in a vehicle on the streets for two months. When Andrea picked up the children from the parents at a gas station, they didn't have any diapers, clothes, toothbrushes, or any necessities, and the mother was slumped in the truck incoherent. On 11-22-13, it was discussed and decided that Anna would take in the children because she had the room and was capable of caring for them financially and emotionally.	<b>Reviewed on:</b> 2-3-14
<input checked="" type="checkbox"/> <b>Aff.Mail</b> W	Petitioners state that in 2011 when Jack was born, the children were placed in foster care in Texas for approx. one year. The children were eventually returned to the father with an order that the mother not be present around the children. The father returned to Madera; however, the mother followed, and they are back abusing drugs, etc. Petitioners fear the children are again at risk of being placed in foster care if temporary guardianship is not granted.	<b>Updates:</b>
<input type="checkbox"/> <b>Aff.Pub.</b>		<b>Recommendation:</b>
<input type="checkbox"/> <b>Sp.Ntc.</b>		<b>File 1A – Jenkins</b>
<input type="checkbox"/> <b>Pers.Serv.</b> X		
<input checked="" type="checkbox"/> <b>Conf. Screen</b>		
<input checked="" type="checkbox"/> <b>Letters</b>		
<input checked="" type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input checked="" type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		

Page 2

## NEEDS/PROBLEMS/COMMENTS:

1. The father and paternal grandmother signed nomination, consent, and waiver of notice for guardianship of the minors by the two petitioners together. The Court may require confirmation that the consent still stands with Ms. Vanderpoel as the sole petitioner, or may require proof of notice of hearing, along with Ms. Gumm's withdrawal on all parties.
2. Petitioners request the Court excuse notice to the mother because she may take them and run to an unknown location.

If notice is not excused, 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) or consent and waiver of notice or declaration of due diligence on:

- Rachel Farley (Mother)

Note: Notice of Hearing filed 12-9-13 indicates mailed service to two last known addresses for the mother; however, personal service on the mother is required for this temp hearing pursuant to Probate Code §2250(e) and for the general hearing on 2-5-14 pursuant to Probate Code §1511.

Ava (6)	<p><b>TEMP EXPIRES 2-5-14</b></p> <p><b>ANNA VANDERPOEL</b>, mother in law of Andrea Gumm, cousin of the minors, is Petitioner. (See Amended Petition filed 1-21-14.)</p> <p>Father: <b>JEFF JENKINS</b>          - Nominates, consents, and waives notice (original petition)</p> <p>Mother: <b>RACHEL FARLEY</b></p> <p>Paternal Grandfather: David Jenkins          Paternal Grandmother: Sue Schulte          - Nominates, consents, and waives notice (original petition)</p> <p>Maternal Grandfather: Mr. Farley          Maternal Grandmother: Eva Farley</p> <p>Siblings: Hailey Jenkins (age not provided)</p> <p><b>Note: Amended Petition is set for hearing on 3-24-14. Therefore, Examiner Notes are not prepared for this petition, and the Court Investigator's Report has not yet been completed.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p style="text-align: center;"><b><u>OFF CALENDAR</u></b></p> <p><i>Note: Andrea Gumm, cousin, and Anna Vanderpoel, her mother in law, originally filed together; however, pursuant to the Amended Petition filed 1-24-14, Ms. Gumm requests to be relieved as joint guardian because the minors have bonded with Ms. Vanderpoel, and Ms. Vanderpoel is now petitioning alone. Therefore, Examiner Notes are not prepared for this petition.</i></p> <p><i>Note: The Amended Petition filed 1-21-14 is set for hearing 3-24-14. The Court Investigator's Report will be completed for that hearing, and Examiner Notes will also be prepared.</i></p>
Jack (2)		
Aff.Sub.Wit.		
✓ Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	Reviewed by: skc	
	Reviewed on: 2-3-14	
	Updates:	
	Recommendation:	
	File 1B – Jenkins	