

(1) First and Final Report of Administration of Estate by Wayne A. Fisher as Administrator, and (2) Petition for Its Settlement and (3) Final Distribution on Waiver of Account and (4) for Approval of Statutory Compensation to Personal Representative and Attorneys' Fees for Ordinary Services

DOD: 3/9/2010		WAYNE A. FISHER , Administrator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:	
		Accounting is waived.		
Cont. from		I & A - \$198,318.65		
<input type="checkbox"/>	Aff.Sub.Wit.	POH - \$175,212.97		
<input checked="" type="checkbox"/>	Verified	Administrator (statutory) - \$6,949.56		
<input checked="" type="checkbox"/>	Inventory	Attorney (statutory) - \$6,649.56		
<input checked="" type="checkbox"/>	PTC	Closing - \$5,000.00		
<input checked="" type="checkbox"/>	Not.Cred.	Distribution, pursuant to intestate succession, is to:		
<input checked="" type="checkbox"/>	Notice of Hrg	Bradford Fisher - 1/3 interest in real property located at 347 Coolidge Street, Coalinga and \$24,437.95		
<input checked="" type="checkbox"/>	Aff.Mail	Wayne Fisher – 25% interest in real property located at 434 University Street, Coalinga, 50% interest in 1998 Dodge Pickup, 50% interest in 1988 Scott Trailer, 1/3 interest in real property located at 347 Coolidge Street, Coalinga and \$1,437.96.		
	Aff.Pub.	William Fisher - 1/3 interest in real property located at 347 Coolidge Street, Coalinga and \$24,437.95.		
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
<input checked="" type="checkbox"/>	Letters	8/25/10		
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
<input checked="" type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
<input checked="" type="checkbox"/>	FTB Notice			
				Reviewed by: KT
				Reviewed on: 1/31/12
			Updates: SUBMITTED	
			Recommendation:	
			File 1 - Fisher	

(1) First and Final Report of Administration of Estate by Wayne A. Fisher as Administrator, and (2) Petition for Its Settlement and (3) Final Distribution on Waiver of Account and (4) for Approval of Statutory Compensation to Personal Representative and Attorneys' Fees for Ordinary Services

DOD: 3/9/2010		WAYNE A. FISHER, Administrator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Accounting is waived.	
Cont. from			
	Aff.Sub.Wit.	I & A - \$115,318.62	
		POH - \$175,212.97	
✓	Verified		
✓	Inventory	Administrator (statutory) - \$4,459.55	
✓	PTC		
✓	Not.Cred.	Attorney (statutory) - \$4,459.55	
✓	Notice of Hrg		
✓	Aff.Mail	Closing - \$5,000.00	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters	8/25/2010	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
✓	FTB Notice		
		Distribution, pursuant to intestate succession, is to:	
		Bradford Fisher - \$26,097.96	
		Wayne Fisher – 25% interest in real property located at 434 University Street, Coalinga, 50% interest in 1998 Dodge Pickup, 50% interest in 1988 Scott Trailer and \$3,097.96	
		William Fisher - \$26,097.96	
			Reviewed by: KT
			Reviewed on: 1/31/12
			Updates: SUBMITTED
			Recommendation:
			File 2 - Fisher

First and Final Account and Report of Conservator; Petition for Allowance of Compensation to Conservator and her Attorney; and Distribution (Prob. C. 1860, 2620, 2623, 2630, 2942)

DOD: 9/13/2011	PUBLIC GUARDIAN , Conservator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Account period: 2/1/2010 – 9/13/2011	
	Accounting - \$21,372.64	
Cont. from	Beginning POH - \$ 9,864.00	
Aff.Sub.Wit.	Ending POH - \$15,508.64	
<input checked="" type="checkbox"/> Verified	Subsequent account period: 9/14/2011-10/24/2011	
Inventory	Accounting - \$18,796.64	
PTC	Beginning POH - \$15,508.64	
Not.Cred.	Ending POH - \$14,471.64	
<input checked="" type="checkbox"/> Notice of Hrg	Conservator - \$1,730.00 (15.25 Deputy hours @ \$96/hr and 3.50 Staff hours @ \$76/hr)	
<input checked="" type="checkbox"/> Aff.Mail W/	Attorney - \$2,000.00 (per Local Rule)	
Aff.Pub.	Bond fee - \$85.50 (o.k.)	
Sp.Ntc.	Court fees - \$421.00	
Pers.Serv.	The estate of the deceased conservatee will be administered by the Public Administrator pursuant to Probate Code §7660, which is without court supervision.	
Conf. Screen	Petitioner prays for an Order:	Reviewed by: KT
Letters	1. Approving, allowing and settling the first and final account;	Reviewed on: 2/1/12
Duties/Supp	2. Authorizing the conservator and attorney fees and commissions;	Updates:
Objections	3. Payment of the bond and court fees;	Recommendation:
Video Receipt	4. Distributing the remaining property on hand to the Public Administrator as personal representative of the estate pursuant to Probate Code §7660.	File 3 - Close
CI Report		
9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

(1) Waiver of Accounting and (2) Petition for Final Distribution and (3) for Allowance of Compensation (Prob. C. 16100)

DOD: 12-14-10	LEO E. STEINBOCK , Executor with full IAEA without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Accounting is waived.	<u>Minute Order 11-15-11</u> : Counsel advises the Court that Gary Bethke is the CFO and agent for process of service for the Diocese. The Court continues the matter to 1/17/12. If the document(s) is filed by 1/17/12, the matter may be approved without further hearing.
Cont. from 111511, 011712	I&A: \$83,919.37 POH: \$83,919.37	<u>Minute Order 1-17-12</u> : No appearances. Matter continued to 2-7-12.
Aff.Sub.Wit.		<u>As of 1-31-12, nothing further has been filed. The following issues remain:</u>
✓ Verified	Executor (Statutory): \$3,356.77	1. Need Notice of Hearing and proof of service of Notice of Hearing on Diocese of Fresno at least 15 days prior to the hearing per Probate Code §11000.
✓ Inventory	Attorney (Statutory): <i>Not addressed</i>	<i>Note: The Diocese signed a waiver of account, but did not include waiver of notice of the hearing.</i>
✓ PTC		2. Petitioner does not address attorney's fees. Are attorney's fees waived?
✓ Not.Cred.		3. Need Order.
Notice of Hrg	X	<i>Examiner notes: The petition states that after payment of the \$80,562.60 to the Diocese, the residue shall pass to Petitioner; however, the will appears to specify that <u>all money</u> goes to the Diocese and <u>other residue</u> (no personal effects or property were inventoried) goes to Petitioner. The order should reflect the appropriate language.</i>
Aff.Mail	X	
Aff.Pub.		
Sp.Ntc.	Diocese of Fresno: \$80,562.60	
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
✓ 9202		
Order	X	
Aff. Posting		Reviewed by: skc
Status Rpt		Reviewed on: 1-31-12
UCCJEA		Updates:
Citation		Recommendation:
✓ FTB Notice		File 4 - Steinbock

(1) Waiver of Accounting and Petition for Final Distribution Under Will and (2) for Allowance of Statutory Attorney's Fees (Prob. C. 11640, 10810)

DOD: 12/31/10	PHYLLIS FITZGERALD and SUSAN KISSINGER, Co-Executors, are Petitioners.	NEEDS/PROBLEMS/COMMENTS:
	Accounting is waived.	
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.	I & A - \$79,393.08	
<input checked="" type="checkbox"/> Verified	POH - \$79,393.08	
<input checked="" type="checkbox"/> Inventory	Executors - waived	
<input checked="" type="checkbox"/> PTC	Attorney - \$3,175.72 (statutory)	
<input checked="" type="checkbox"/> Not.Cred.	Closing - \$500.00	
<input checked="" type="checkbox"/> Notice of Hrg	Distribution, pursuant to decedent's will, is to:	
<input checked="" type="checkbox"/> Aff.Mail w/o	Phyllis E. Fitzgerald and Susan R. Kissinger, as Successor Co-Trustees of the Floyd E. Kelley and M. Louise Kelley Revocable Living Trust Agreement, dated August 19, 1996 - \$75,717.36	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters 08/01/11		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
<input checked="" type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
<input checked="" type="checkbox"/> FTB Notice		
		Reviewed by: JF
		Reviewed on: 01/31/12
		Updates:
		Recommendation: SUBMITTED
		File 5 - Kelley

Atty Keeler, Jr., William J.; Marsall, Jared; of Dowling Aaron & Keeler (for Petitioner Dennis L. Thomas)

Atty Ivy, Scott J., of Lang Richert & Patch (for Respondent and Contestant Janette Courtney)

Petition to Determine Validity of Trust Instruments; to Determine Title to Property; to Recover Trust Property; to Compel Trustee to Account and Report; Financial Elder Abuse (Prob. C. 17200, 850; W & I C 15657.5)

Ernest DOD: 2003		<p>DENNIS L. THOMAS, son, Beneficiary, and Successor Co-Trustee, is Petitioner.</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> Ernest and Loretta Drummond were married and had no children together, but had seven children total from prior marriages: <ul style="list-style-type: none"> Ernest's children: SANDRA THOMPSON, JOANN DAWSON and [ERNEST] MICHAEL DRUMMOND, JR; Loretta's children: STEVEN THOMAS, DAVID THOMAS, DENNIS L. THOMAS (Petitioner), and JANETTE BURCH COURTNEY; Ernest and Loretta founded a successful hearing aid company called the DRUMMOND COMPANY (Drummond Co.); On 4/23/1992, Ernest and Loretta created the ERNEST L. DRUMMOND FAMILY TRUST ("Ernest Trust") (copy attached as Exhibit A); Schedule A to the Ernest Trust identifies and places into the Trust 2 parcels of real property, 2 bank accounts, 2 vehicles, 2 life insurance policies, an IRA, and 100% of the 30,000 shares of the Drummond Co. as property of the Ernest Trust; many of those assets, however, remained in joint tenancy between Ernest and Loretta until Ernest's death, including the Drummond Co. shares; On 4/30/2003, Ernest and Loretta amended the Ernest Trust (copy of First Amendment attached as Exhibit B), in which both Ernest and Loretta agreed to make specific trust distributions of a 40-acre ranch and a liquor store in Mariposa to STEVEN THOMAS, son, and to provide all of Loretta's and Ernest's shares in the Drummond Co. to Dennis Thomas (Petitioner) free of trust upon the death of the survivor of Loretta and Ernest; <p align="center">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note:</u> Order Granting Ex Parte Application for Temporary Restraining Order was signed on 11/29/2011 ordering that Janette Courtney, Executor, is restrained from transferring, selling, encumbering, leasing or granting any other interest in the real property located in Visalia to Tad Edwards or his assignee, or otherwise committing the acts described in the Notice of Proposed Action dated 10/25/2011 absent the supervision and order of this Court.</p> <p><u>Note:</u> Regarding Respondent Janette Courtney's request for a 180-day continuance of this matter, Probate Code § 852 provides an interested person may request time for filing a response to the petition for discovery proceedings, or for other preparation for the hearing, and the court shall grant a continuance for a reasonable time for any of these purposes.</p> <p>1. Need proposed order.</p>
Loretta DOD: 6/9/2011			
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	091511		
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order	X		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: LEG</p> <p>Reviewed on: 2/3/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 6 - Drummond</p>	

Petitioner states, continued:

- Upon Ernest's death in 2003, the **Ernest Trust** was divided into 2 sub-trusts, the Marital Trust ("**Survivor's Trust**") and Family Trust ("**Decedent's Trust**"); pursuant to the terms of the **Ernest Trust**, 50% of the shares of the Drummond Co. were held in Decedent's **Trust** after Ernest's death;
- Pursuant to the **Ernest Trust**, Petitioner is currently the acting Trustee of both the Survivor's **Trust** and Decedent's **Trust**, with the principal place of administration of both trusts being in Fresno County;
- On 8/11/2005, Loretta created the **LORETTA M. DRUMMOND "S TRUST"** ("**S Trust**") (*copy attached as Exhibit C*); *Schedule A* to the **S Trust** identifies 27,000 shares of the Drummond Co. as property of the **S Trust**, and the terms of this trust permit the subsequent addition of property to the trust;
- At the time of the **S Trust** creation, Loretta and Janette (Respondent) knew and/or through the exercise of reasonable care should have known that up to ½ of the 27,000 shares of the Drummond Co. stock were assets of the irrevocable **Decedent's Trust**;
- On 3/1/2007, Loretta amended the distribution scheme of the **S Trust** to provide for equal shares of the trust estate to be distributed to all seven of the Drummond children (*copy of First Amendment to the S Trust attached as Exhibit D*); *[Examiner's Note: While ¶ 11 of the Petition states the amendment to the S Trust provided for equal shares of the trust estate to be distributed to "all seven" children, it appears from the copy of the First Amendment to the S Trust that distribution of the trust property was to be made to Janette Burch, David A. Thomas, Joann E. Dawson and Sandra L. Thompson only.]*
- Pursuant to the **S Trust**, Janette Burch Courtney is the acting trustee of the **S Trust**, and the principal place of its administration is **Cincinnati, OH**;
- During Ernest's life, Petitioner worked at the Drummond Co. and while doing so acquired a **10% interest** in the company from Ernest and Loretta with the understanding and promise that he would inherit control of the Drummond Co. upon Ernest's death; Petitioner believed he would receive the additional shares of the Drummond Co. necessary for control from a trust established by Ernest;
- Upon Ernest's death, Petitioner was informed by Janette that Ernest had never established the trust he expected and she stated Ernest had attempted to establish a trust but that the trust did not actually exist because it had never been funded;
- Despite repeated requests to both Loretta and Ernest, Petitioner was unable to obtain a copy of the **Ernest Trust** from Janette until after Loretta's death;
- Although Petitioner believed that Ernest and Loretta had intended to leave the Drummond Co. to him upon Ernest's death, Janette indicated that because the shares in the Drummond Co. were held in joint tenancy between Ernest and Loretta, Loretta had become the owner of **90%** of the shares of the Drummond Co. through right of survivorship and was free to place those share into the **S Trust**;
- Janette, as Trustee of the **S Trust**, called a meeting of the shareholders of the Drummond Co. and by voting the shares of the Drummond Co. held in the **S Trust** and by acting as a majority shareholder, Janette removed Petitioner as an officer of the Drummond Co. and installed herself as president of the company;
- Petitioner subsequently left the employ of the Drummond Co., and after his departure, Janette offered to buy Petitioner's **10%** interest in the Drummond Co., demanding that Petitioner waive any interest in the Drummond Co. under both Ernest's and Loretta's estate plans, claiming that such waiver was necessary because there was a possibility she would sell the company and potential buyers might offer a lower price if they believed a conflicting claim to the company existed; in order to ensure Petitioner accepted her offer, Janette also raised a number of potential claims that the Drummond Co. could have against Petitioner and his wife, **MELANIE THOMAS**, at the time related to their tenures as employees of the Drummond Co.;
- A *Settlement Agreement Regarding Disputed Legal Matters* (*attached as Exhibit E*) was entered into by Petitioner, his wife, Janette, Loretta, the Drummond Co. and **SAUNDRA SOUSA**, Loretta's sister and the person who had actually been operating the Drummond Co. during Janette's tenure as president; the *Settlement Agreement* pertained to the various claims held or potentially held by the parties;
- Petitioner believes that as part of the settlement contemplated by that agreement, Petitioner and Janette also executed a stock purchase agreement that transferred Petitioner's **10%** interest in the Drummond Co. to Janette as Trustee of the **S Trust**; in the stock purchase agreement, Janette warranted that "Buyer has full power and right to enter into this Agreement and to purchase Seller's interest in the company;" Loretta signed the agreement as the owner of the Drummond Co. (*copy of stock purchase agreement attached as Exhibit F*);

~Please see additional page~

Petitioner states, continued:

- In June 2011, Petitioner was finally able to obtain copies of the **Ernest Trust** and its *First Amendment*; Petitioner was unaware until that time that the claims set forth in the *Petition* existed or were legally supported;
- After reviewing the **Ernest Trust** and its *First Amendment*, Petitioner first learned that upon the death of Ernest, Petitioner should have become a vested remainder beneficiary in a majority of the shares of the Drummond Co. despite Janette's statements and Loretta's actions to the contrary;
- Petitioner will file contemporaneously with this petition a complaint for damages and rescission in Fresno County Superior Court on the basis of these same facts. [Note: Civil case filed 12/29/2011 in Case #11CECG04320; first amended complaint filed 1/25/2012.]

Petition requests the Court determine the validity of the Ernest Trust on the following additional bases:

- Petitioner believes Ernest and Loretta executed the **Ernest Trust** and its *First Amendment* so as to ensure that all of their shares in the Drummond Co. distributed to Petitioner upon the death of the survivor of the two;
- Petitioner further believes that despite the fact that the shares were held in joint tenancy between Ernest and Loretta until Ernest's death, the declaration contained in the **Ernest Trust** that Ernest and Loretta "hereby transfer and deliver to the Trustees and their successors the property listed in Schedule A" was sufficient to fund the **Ernest Trust** pursuant to Heggstad because **100%** of the Trustors' shares of the Drummond Co. were listed in *Schedule A*;
- Petitioner asserts that the **Ernest Trust** and the *First Amendment* thereto are valid, binding, and enforceable trust instruments.

Petition requests the Court determine the [in]validity of the S Trust on the following additional bases:

- Petitioner believes the **S Trust** was executed in August 2005, after Ernest's death;
- **Improper funding:** Petitioner believes that due to the operation of the **Ernest Trust** and its *First Amendment*, Loretta did not have possession of or legal title to the 27,000 shares listed in *Schedule A* of the **S Trust**;
 - Petitioner believes that due to the operation of the **Ernest Trust** and its *First Amendment*, 100% of the shares of the Drummond Co. were set aside to be distributed to Petitioner free of trust upon the death of Loretta;
 - Ernest had often told Petitioner and his siblings, including Janette, that Petitioner would receive control of the Drummond Co. upon his death;
 - Because Loretta did not have possession of or legal title to the 27,000 shares listed in *Schedule A* to the **S Trust**, the **S Trust** and/or Janette as Trustee of the **S Trust** never acquired possession of or legal title to any of the Drummond Co. shares owned by the **Ernest Trust**; because the **S Trust** was never funded with shares in the Drummond Co., the **S Trust** is invalid insofar as it purports to control the distribution of any shares in the Drummond Co.;
- **Undue Influence:** Petitioner believes that the entirety of the **S Trust** is invalid because Loretta executed the **S Trust** as a result of undue influence on the part of Janette;
 - Petitioner believes that Janette and Loretta were in a confidential relationship because they were mother and daughter, because Janette principally handled her mother's affairs, and because Janette had a durable power of attorney over Loretta at that time;
 - Petitioner believes that Loretta was susceptible to undue influence because she suffered from acute alcoholism and was frequently intoxicated or suffering from the effects of alcohol withdrawal;
 - Petitioner believes Janette was active in the procuring of the **S Trust** because Janette was principally in charge of Loretta's affairs, and because, due to Loretta's intoxication or other illness, Loretta could not have driven herself to an attorney's office, secured her own transportation, or otherwise interacted with an attorney without Janette's assistance;
 - Petitioner believes Janette unduly benefitted under the terms of the **S Trust** because the **S Trust** allowed for Janette to vote Petitioner off of the board of the Drummond Co. and to install herself as president of the company, reaping the benefits of that position; in addition, had the **S Trust** never been executed, the shares of the Drummond Co. would have been distributed to Petitioner pursuant to the intent of both Loretta and Ernest.

~Please see additional page~

Petition for Relief under Probate Code § 850 Against Janette Burch Courtney as Trustee of the S Trust:

- Petitioner believes that Janette is in possession of either shares of the Drummond Co., proceeds from the sale of shares of the Drummond Co., or some combination thereof;
- Petitioner believes that those shares or the proceeds from the sale thereof are properly the property of the **Ernest Trust** and/or Petitioner acting as Trustee of the **Ernest Trust**;
- Petitioner seeks an order of the Court that Janette Burch Courtney transfer to Petitioner or otherwise hold in constructive trust for Petitioner any shares of the Drummond Co. and/or any funds derived from the sale of any and all funds and assets Janette has wrongfully removed from the Drummond Co.

Petition to Compel Trustee to Account and Report Against Janette Burch Courtney as Trustee of the S Trust:

- Petitioner alleges there is sufficient basis to compel Janette to render a complete account and report of her administration of the **S Trust** for the period of 8/11/2005 to the present, including the activities of the Drummond Co.;
- Petitioner requests the Court order Janette to include in her account and report her administration of any shares in the Drummond Co.

Petition for Financial Elder Abuse Against Janette Burch Courtney, individually and as Trustee of the S Trust:

- At all times relevant to this action, Loretta was aged 65 or older;
- Loretta created the **S Trust** with Janette's assistance and at Janette's direction; absent Janette's conduct, Loretta would not have so acted;
- Petitioner alleges that through Janette's assistance and by Janette's direction, 27,000 shares in the Drummond Co. were effectively put at Janette's disposal; Janette knew or should have known that her assistance in taking, secreting, misappropriating, obtaining, and/or retention of Loretta's property was likely to be harmful to Loretta, and that, by depriving Loretta of her shares, her conduct did in fact cause Loretta harm;
- Petitioner alleges that Janette's conduct constituted financial abuse under Welfare & Institutions Code § 15657.5 as defined in Welfare & Institutions Code § 15610.30.

Petitioner prays for an Order from the Court finding that:

1. The **Ernest Trust** is a valid and enforceable declaration of trust;
2. The *First Amendment* to the **Ernest Trust** is a valid and enforceable amendment to the **Ernest Trust**;
3. Any provision of the **S Trust** that relates to or that purports to control the distribution of any shares of the Drummond Co. is invalid;
4. The entirety of the **S Trust** is invalid due to undue influence;
5. That Janette Burch Courtney, as Trustee of the **S Trust**, holds any shares of the Drummond Co. or any proceeds from the sale thereof in constructive trust for the benefit of Petitioner Dennis L. Thomas;
6. That Janette Burch Courtney, as Trustee of the **S Trust**, is ordered to immediately transfer any shares of the Drummond Co. or any proceeds from the sale thereof to Petitioner Dennis L. Thomas;
7. That Janette Burch Courtney, as Trustee of the **S Trust**, is ordered to file and serve a complete account and report of her administration of the **S Trust** for the period of 8/11/2005 to the present and return all funds and assets taken from the Trust and/or the Drummond Co.;
8. That Petitioner is awarded general damages in an amount according to proof;
9. That Petitioner is awarded special damages in an amount according to proof;
10. That Petitioner is awarded punitive damages in an amount sufficient to punish and deter similar conduct; and
11. That Petitioner is awarded costs and reasonable attorneys' fees.

~Please see additional page~

Response to Petition to Determine Validity of Trust Instruments; to Determine Title to Property; to Recover Trust Property; to Compel Trustee to Account and Report; for Financial Elder Abuse; and Request for Abatement per Probate Code § 854 filed on 1/30/2012 by Contestant Janette Courtney, in her individual capacity, and in her capacity as Executor, and as Trustee of the Loretta M. Drummond “S” Trust, states:

- The *Petition* asserts various and serious allegations against her, most of which, if not all, are based upon allegations asserted on “information and belief” that are not sufficient evidence to support the relief granted in the *Petition*;
- Moreover, the *Petition* admits that Petitioner has also filed a civil action in Fresno County Superior Court (Case No. 11CECG04320) “on the basis of these same facts” as alleged in the *Petition*;
- Contestant cites the following: Pursuant to Probate Code § 854, the Probate Court, “upon request of any party to the civil action **shall abate the petition** until the conclusion of the civil action.” Pursuant to Probate Code § 856.5, the Court “may not grant a petition under this chapter if the court determines the matter should be determined by a civil action.” Pursuant to Probate Code § 852, any interested party may request a continuance to conduct discovery proceedings, or for other preparation for the hearing.
- The nature and complexity of the allegations set forth in the *Petition*, and the fact that almost all of the allegations are based upon “information and belief” not sufficient to support the granting of the *Petition* in any event, make it clear that these factual issues will be the subject of [extensive] and time-consuming discovery in the pending civil action;
- **Accordingly, Contestant requests that the Court deny the *Petition* pursuant to Probate Code § 856.5;**
- Given that the *Petition* admits Petitioner is seeking relief “on the basis of the same facts” as those alleged in the pending civil action, **Contestant requests that this Court abate this action and this *Petition* until the conclusion of the civil action pursuant to Probate Code § 854;**
- If the Court declines to abate or deny the *Petition* as requested above, **Contestant requests that the Court continue the hearing on the *Petition* for a minimum of 180 days pursuant to Probate Code § 852 to allow Contestant to conduct sufficient discovery to defend against the numerous and very serious claims that are currently all asserted simply upon “information and [belief].”**

Contestant requests:

1. The Court deny the *Petition* pursuant to Probate Code § 856.[5] on the grounds that the matter should be determined in the currently pending civil action;
2. Alternatively, and only if the Court declines to dismiss the *Petition* pursuant to Probate Code § 856.5, the Court issue an order pursuant to Probate Code § 854 abating the *Petition* until the conclusion of the civil court action;
3. Alternatively, and only if the Court declines to dismiss and/or stay the *Petition* pursuant to Probate Code §§ 856.[5] and 854 as prayed, the hearing on the *Petition* be **continued for a minimum of 180 days** [pursuant to Probate Code § 852] to allow Contestant to conduct discovery and otherwise prepare for the hearing.

Atty Walters, Jennifer L. (for Ronald Markarian – spouse)
Atty Harris, Richard A. (for Pamela Milam – daughter/Petitioner)
Atty Sanoian, Joanne (court appointed for Conservatee)

Petition for Enforcement of Support of Conservatee Spouse from Community Property

Age: 78	PAMELA S. MILAM , daughter and Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
DOB: 07/17/33		
	Petitioner filed petitions for appointment of Temporary and General Conservator of the Person and Estate of Benny Markarian on 09/02/11.	<p>1. Notice of Hearing lists the hearing date as 02/09/12 instead of 02/07/12. Need revised Notice of Hearing with proof of service by mail reflecting the correct hearing date of 02/07/12.</p> <p>Note: A new Petition for Division of Community Property and for Enforcement of Support of Conservatee Spouse from Community Property was filed by Petitioner on 01/19/12 and is set for hearing on 03/08/12.</p>
Cont. from	Ronald Markarian, the conservatee’s husband, filed petitions for appointment of Temporary and General Conservator of the Person and Estate of Benny Markarian on 09/01/11.	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory	Petitioner was appointed Temporary Conservator of the Person Ex Parte on 09/07/11 and was appointed as permanent conservator of the Person on 11/10/11.	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Petitioner states that the Conservatee and her spouse, Ronald Markarian, have community property consisting of \$300,000.00 in liquid assets that is currently managed by Ronald Markarian.	
<input checked="" type="checkbox"/> Aff.Mail	w/	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.	Petitioner previously obtained an order for support relating to the care of the Conservatee; however, she has not sought an order for reimbursement of fees paid to her attorneys. Currently, the fees total \$16,916.75 through October 31, 2011. The fees have been paid from a joint account held in the name of the Petitioner and the Conservatee. On 11/29/11, Petitioner requested reimbursement from Ronald Markarian from community funds for the attorney’s fees and costs, but has received no response from Mr. Markarian.	
<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	Petitioner alleges that Ronald Markarian has paid his own legal fees from community assets and asserts that it would be incongruous and inequitable to allow Ronald Markarian to use community assets to oppose activities of the conservator, but not allow those same funds to establish the conservatorship or pursue associated legal activity.	
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order	Should Ronald Markarian refuse to comply with any orders made pursuant to this petition or Probate Code §§ 3080 – 3092, Petitioner requests that the community property be divided and the portion found to belong to the Conservatee be turned over to the conservator of her estate, as provided for by Probate Code § 3089.	
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice	<p>Petitioner prays for an order:</p> <ol style="list-style-type: none"> 1) Requiring Ronald Markarian to reimburse to the Conservatee fees paid to Wild, Carter & Tipton of \$16,916.75; and 2) For other relief the court deems proper, including an order dividing the community property and turning over the Conservatee’s community interest to the Conservator of the Estate, should Ronald Markarian refuse to comply with any order made pursuant to Probate Code §§ 3080 – 3092. 	
		Reviewed by: JF
		Reviewed on: 01/31/12
		Updates:
		Recommendation:
		File 7 - Markarian

Petition for Appointment of Probate Conservator of the Person and Estate (Prob. C.1820, 1821, 2680-2682)

Age: 86 years	<u>TEMPORARY LETTERS EXPIRE 1/3/12</u>	NEEDS/PROBLEMS/COMMENTS:									
DOD: 8/14/25	<p>PUBLIC GUARDIAN is Petitioner and requests appointment as Conservator of the Person and Estate without bond. Temporary Conservatorship of the person and estate was granted <i>ex parte</i> on 11/17/11 and at the hearing on the Temporary Petition on 11/30/11.</p> <p><u>Note: On 11/28/11, the Court appointed Janet Wright as attorney for the Conservatee.</u></p> <p><u>Estimated Value of the Estate:</u></p> <table style="width: 100%;"> <tr> <td>Personal property</td> <td style="text-align: right;">-</td> <td style="text-align: right;">\$ 129.24</td> </tr> <tr> <td>Annual income</td> <td style="text-align: right;">-</td> <td style="text-align: right;">\$5,736.00</td> </tr> <tr> <td>Total</td> <td></td> <td style="text-align: right;">\$5,865.24</td> </tr> </table> <p>Declaration of Sue Yie, M.D., was filed on 11/16/11.</p> <p>Voting Rights Affected</p> <p>PROBATE REFEREE: STEVEN DIEBERT</p> <p style="text-align: center;"><u>*Please see attached pages</u></p>	Personal property	-	\$ 129.24	Annual income	-	\$5,736.00	Total		\$5,865.24	<p><u>Court Investigator Advised Rights on 11/17/11.</u></p> <p><u>Voting Rights Affected Need Minute Order</u></p> <p><u>Minute Order dated 11/30/11 states: Ruth Hill informs the Court that she is objecting to the petition, and is in the process of hiring an attorney. The Court orders that any power of attorney previously given to any party regarding health care and finances be suspended. The Court extends the temporary to 1/3/12. Ms. Kruthers is directed to prepare the order. The General Hearing remains set for 1/3/12.</u></p> <p><i>Proposed Conservatee Selina Pasillas filed an Objection on 12-28-11.</i></p> <p><u>Minute Order dated 1/3/12 states: Mr. Neilson informs the Court that he is representing Ruth Hill. Ms. Garcia informs the Court that the mortgage is six months behind. Matter continued to 2/7/12 and Temporary Letters extended.</u></p> <p><u>As of 2-1-12, nothing further has been filed.</u></p> <p style="text-align: center;"><i>*See attached pages</i></p>
Personal property		-	\$ 129.24								
Annual income		-	\$5,736.00								
Total			\$5,865.24								
Cont. from 010312											
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	x										
9202											
✓ Order											
Aff. Posting											
Status Rpt											
UCCJEA											
✓ Citation											
FTB Notice											
		<p>Reviewed by: NRN / skc</p> <p>Reviewed on: 2-1-12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 8 - Pasillas</p>									

Cont'd:

Petitioner states conservatee resides at Nazareth House, and was reportedly diagnosed with dementia in December 2010 (*Capacity Declaration* indicates the dementia diagnosis was made by the hospice physician on 3/5/11). Petitioner learned of conservatee through Hinds Hospice in June 2011, as there was concern about her failing health and her daughter RuthAnn's management of the finances and interference with her care (conservatee's husband also resided at Nazareth House prior to his death on 7/8/11). Petitioner also received a referral from APS on 8/2/11; Petitioner's subsequent investigation determined that although conservatee was healthy and safe, it was only because she was in a facility that was meeting her needs. Through its investigation, Petitioner has determined that conservatee's money had been moved or withdrawn from several bank accounts just before and after her husband's death, and that conservatee's daughter RuthAnn had access to all those accounts. Furthermore, RuthAnn attempted to have her mother sign a power of attorney while at Nazareth House; despite being advised that her mother did not have the capacity to sign such documents, RuthAnn provided Cititbank with a power of attorney executed 8/20/11. RuthAnn currently lives in the conservatee's home and claims all of the furniture belongs to her. Conservatee also has a son who lives out of state.

Petitioner seeks:

- **Appointment as conservator over conservatee's person and estate**, in order to make medical decisions and ensure conservatee's continued proper care, and to also marshal conservatee's assets and use them for her care, including an overdue bill from the Nazareth House (RuthAnn has not been paying for proposed conservatee's care);
- **Appointment as successor trustee of the Manuel and Selina Pasillas Revocable Trust**, dated 8/23/10;
- **A Court order revoking any and all powers of attorney**, whether for healthcare or for finances.the authority to sell conservatee's personal residence as well as her personal property, and finally,
- **Court authorization to retain the services of a licensed real estate broker** to assist in the sale of the residence.

Court Investigator Jennifer Young filed a report on 12/22/11.

Declaration of Janet Wright, filed 11/29/11, states she met with the Conservatee, who likes where she is currently residing and hopes to remain there (Nazareth House); Conservatee stated she will not object to the temporary guardianship with the Public Guardian as temporary conservator of both person and estate (Conservatee realizes that there are some problems with her financial affairs). If after the financial issues have been resolved, and the Court determines that a Conservatorship is required, Conservatee will request the appointment of her son and daughter as co-conservators.

Objection to Establishment of Conservatorship, filed 12/28/11 by Proposed Conservatee Selina Pasillas, states she does not need a conservator at this time because she is capable of managing her own affairs. If the Court determines conservatorship is required, the appropriate person to serve is her son, Joe Pasillas, as he is very level-headed. Mrs. Pasillas understands that there are concerns regarding the state of her financial affairs, including the source and amount of her monthly income. She is comfortable with her current placement at Nazareth House, but if it is determined that sufficient funds are available to secure her personal residence and care, she would like to return home. If the Court deems it necessary to continue the temporary conservatorship with the Public Guardian acting as Temporary Conservator to further investigate the issue, Mrs. Pasillas will agree to the continuation of the temporary conservatorship at this time. Mrs. Pasillas remains confident that the funds are available and the Public Guardian will no longer be needed.

Cont'd:

NEEDS/PROBLEMS/COMMENTS Cont'd:

- 1. Petitioner requests court authority to sell Decedent's residence and all furniture and furnishings within the residence pursuant to PrC §2540; need supporting declaration, pursuant to §2540(b).**
- 2. In addition to conservator, Petitioner requests appointment as successor trustee of the Manuel and Selina Pasillas Revocable Trust dated 8/23/10 so as to protect the trust assets; however, the Trust matter is not before this Court – need separate petition (and a new trust case file opened) for appointment of a successor trustee.**
- 3. The submitted order includes dementia medication and placement powers, but this is not supported by the Capacity Declaration. The Court may require clarification.**

Petition for Settlement of First and Final Account of Trustee; (2) Petition to Terminate Trust and for Order of Distribution of Trust Assets; and (3) Approval of Trustee and Attorney's Fees and Costs [Prob. C. §§ 16063, 17200, & 17200(5), CRC. Rule 7.902]

Leta Jane Lewis DOD: 12-31-10	<p>RONALD DEE EBNER, Trustee of the LETA JANE LEWIS TRUST, dated 10-20-89, as amended and restated on 3-31-09, is Petitioner.</p> <p>Petitioner requests Court review of the first and final account and of the acts of the trustee pursuant to Probate Code §17200.</p> <p>Account period: 12-31-10 through 9-30-11</p> <p>Accounting: \$1,124,478.48 Beginning POH: \$1,085,217.68 Ending POH: \$1,037,703.73 (\$572,610.83 cash, remainder in bonds)</p> <p>Trustee: \$9,792.00 (itemized) Attorney: \$2,247.70</p> <p>Petitioner states the real property was sold and the attorney fees, appraisal fees, and tax fees were paid during the course of trust administration.</p> <p>Reserve: \$15,500.00 (for any unpaid income taxes, accountant fees, attorney fees and costs, trustee's fees, and any other expenses incurred prior to final distribution)</p> <p>The sole trust beneficiary is the Vedanta Society of Sacramento pursuant to certain terms. Petitioner proposed to distribute the balance of the trust as follows:</p> <p>Vedanta Society of Sacramento (for general use): \$83,566.63 in cash plus \$69,763.93 in bonds (total \$153,330.56 or 15%)</p> <p>Vedanta Society of Sacramento (for use in India): Residue (85%) consisting of \$473,544.21 in cash and \$395,328.96 in bonds.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> The final distribution amounts do not appear to include payment of the trustee fees. The Court may require clarification or recalculation. Need order.
Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
Inventory		
PTC		
Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> 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		
		Reviewed by: skc
		Reviewed on: 1-31-12
		Updates:
		Recommendation:
		File 9 - Lewis

Verified Petition for Order Instructing Trustee and Approving Final Distribution from Trust [Prob. C. 17200(b)(4), (5) & (6)]

Age:		NEEDS/PROBLEMS/COMMENTS: <u>Continued to 2/28/2012</u> at the request of the attorney.
DOD:		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 1/31/12
		Updates:
		Recommendation:
		File 10 - Speegle

DOD: 09/20/11		<p>ROBERT E. TOLER, friend, is Petitioner.</p> <p>40 days since DOD.</p> <p>No other proceedings.</p> <p>I & A - \$72,143.31 Plus \$52.30 additional funds received as a refund to decedent's Bank of America account.</p> <p>Will dated 08/31/09 devises entire estate to Robert E. Toler.</p> <p>Petitioner requests Court confirmation that decedent's 100% interest in real property identified as Tulare County APN: 001-130-013-000, and a Smith & Wesson Revolver, Colt Challenger Hand Gun, Ideal RV Trailer, and Bank of America Account #XXXX-X6757 pass to him pursuant to decedent's Will.</p>	NEEDS/PROBLEMS/COMMENTS:
Cont. from			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	w/o		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: JF	
		Reviewed on: 01/31/12	
		Updates: 02/02/12	
		Recommendation: SUBMITTED	
		File 11 - Fraga	

Atty Barrus, John E., of Barrus & Roberts (for Jesus Torres, Executor)

Status Hearing Re: Filing of the First Account or Petition for Final Distribution

DOD: 10/25/2006	<p>JESUS TORRES, son, was appointed Executor with Full IAEA without bond and <i>Letters</i> issued on 2/20/2007.</p> <p><i>Final Inventory & Appraisal</i> filed on 4/11/2007 shows an estate value of \$618,100.00.</p> <p><i>Notice of Status Hearing</i> filed 5/20/2010 set a status hearing on 7/6/2010 for failure to file a first account or petition for final distribution. The status hearing had been continued several times for resolution of pending matters in the estate, with the <i>Minute Order</i> dated 1/10/2011 from the last status hearing setting a status hearing on 7/11/2011.</p> <p><i>Order Confirming Sale of Real Property</i> filed on 7/8/2011 confirmed sale of the estate real property for \$40,000.00.</p> <p><i>Minute Order</i> dated 7/11/2011 from the continued status hearing states no appearances were made. The Court indicates for the record that Mr. Barrus is the attorney of record. The Court orders that no one other than Mr. Barrus is to file any documents on behalf of Mr. Torres. The Court sets the matter for an Order to Show Cause on 8/22/2011 and orders John Barrus and Jesus Torres to be present at that hearing.</p> <p><i>Minute Order</i> dated 8/22/2011 from the Order to Show Cause states counsel requests a continuance. Counsel advises the Court that he will continue to assist Mr. Torres. Matter continued to 11/22/2011 for status hearing.</p>	NEEDS/PROBLEMS/COMMENTS:	
			<u>Continued from 11/22/2011.</u> <i>Minute Order</i> [Judge Hamlin] states John Barrus appears by CourtCall. Continued at the request of Mr. Barrus. Matter set on 2/7/2012 for filing of the first account.
Cont. from 112211			
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		X	
UCCJEA			
Citation			
FTB Notice			
			1. Need first account, petition for final distribution, or current status report pursuant to Local Rule 7.5(B).
		Reviewed by: LEG	
		Reviewed on: 1/31/12	
		Updates:	
		Recommendation:	
		File 12 - Arteaga	

Probate Status Hearing Re: Filing of the Next Account

Age: 18	<p>DIANE STEVENS was appointed Guardian of the Person and Estate of JONATHAN A. STEVENS on 3-24-08 without bond with all funds and property to be placed in blocked accounts.</p> <p>Final Inventory and Appraisal filed 7-21-08 reflected a total estate value of \$55,400.02, of which \$400.02 was cash and the remainder was the value of a mobile home and personal property located in a mini storage.</p> <p>The second account settled on 10-5-10 reflected \$1,864.05 cash and the items referenced above.</p> <p>On that date, the Court set this status hearing for the filing of the next account.</p> <p>The minor turned 18 on 2-28-11.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need final account pursuant to Probate Code §2630.</p>
DOB: 2-28-1993		
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		
	<p>Reviewed by: skc</p> <p>Reviewed on: 1-31-12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 13 - Stevens</p>	

Age: 15	<p>TEMPORARY DENIED 12-14-11</p> <p>ALICIA NICOLE VASQUEZ, Sister, is Petitioner.</p> <p>LETICIA MAGALLANES is the current (Successor) Guardian. Guardianship was originally established 5-29-03. Ms. Magallanes was appointed Successor Guardian on 7-22-10. - <i>Personally served 1-18-12</i></p> <p>Father: WILLIAM JOSEPH VASQUEZ - <i>Consent and Waiver of Notice filed 12-2-11</i></p> <p>Mother: GRACIELA BELDA RAMIREZ - <i>Deceased</i></p> <p>Paternal Grandfather: William Joseph Vasquez - <i>Consent and Waiver of Notice filed 12-2-11</i></p> <p>Paternal Grandmother: Barbara Vasquez - <i>Consent and Waiver of Notice filed 12-2-11</i></p> <p>Maternal Grandfather: Bernardo Ramirez - <i>Deceased</i></p> <p>Maternal Grandmother: Elvira Gonzalez Ramirez - <i>Consent and Waiver of Notice filed 12-2-11</i></p> <p>Siblings: Rosalee Marie Holguin, Anthony James - <i>Consent and Waiver of Notice filed 12-2-11</i></p> <p><i>Minor consents and waives notice.</i></p> <p>Petitioner states the current guardian is not properly caring for the minor physically, emotionally and financially, as stated by the minor. Petitioner states there are various incidents that support this statement. Petitioner is the minor’s sister and she believes it is in the minor’s best interest to reside with her.</p> <p>Court Investigator Samantha Henson filed a report on 1-31-12. The report also attaches a Supplemental Report from Sacramento County Court Investigator James A. Brozek.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note:</u> There is currently no vacancy. Page 14B is a Petition for Termination of the current Guardianship filed by this Petitioner on 12-2-11.</p> <p><u>Note:</u> The Petition for Termination of the current guardianship alleges that the current guardian is not properly caring for the minor. Examiner notes that all relatives consent to appointment of this Petitioner; <u>however, Notice of Hearing has not been served on the current guardian.</u></p> <p><u>Note:</u> The minor and the current Guardian currently reside in Sacramento.</p> <p><u>Note:</u> Petitioner states there are various incidents to support her statements, but there is no further information provided.</p> <ol style="list-style-type: none"> 1. Petitioner filed a civil proof of personal service of the guardianship petition on the current Guardian; however, it does not indicate service of the mandatory “Notice of Hearing” form, so there is no indication that the Guardian is aware of this hearing date or of the petition for termination (Page 14B). 2. Need proof of service of Notice of Hearing with a copy of the Petition on the Guardian Leticia Magallanes at least 15 days prior to the hearing. 	
DOB: 4-17-96			
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			
✓ Clearances			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
Reviewed by: skc			
Reviewed on: 1-31-12			
Updates:			
Recommendation:			
File 14A – Vasquez			

Atty Vasquez, Alicia Nicole (Pro Per – Sister – Petitioner)

Atty Magallanes, Leticia (Pro Per – Non-relative – Current (Successor) Guardian)

Petition for Termination of Guardianship

Age: 15	ALICIA NICOLE VASQUEZ , Sister, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note:</u> The minor and the current Guardian currently reside in Sacramento.</p> <p><u>Note:</u> Petitioner states there are various incidents to support her statements, but there is no further information provided.</p> <p>3. Petitioner filed a civil proof of personal service of the guardianship petition (Page 14A) on the current Guardian; however, it does not indicate service of the mandatory "Notice of Hearing" form, so there is no indication that the Guardian is aware of this hearing date, or of this petition for termination (Page 14B).</p> <p>4. Need proof of service of Notice of Hearing with a copy of the Petition for Termination on Guardian Leticia Magallanes at least 15 days prior to the hearing.</p>
DOB: 4-17-96	LETICIA MAGALLANES is the current (Successor) Guardian. Guardianship was originally established 5-29-03. Ms. Magallanes was appointed Successor Guardian on 7-22-10.	
Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	Father: WILLIAM JOSEPH VASQUEZ - <i>Consents and Waives Notice</i>	
Inventory		
PTC	Mother: GRACIELA BELDA RAMIREZ - <i>Deceased</i>	
Not.Cred.		
Notice of Hrg	Paternal Grandfather: William Joseph Vasquez - <i>Consents and Waives Notice</i>	
Aff.Mail		
Aff.Pub.	Paternal Grandmother: Barbara Vasquez - <i>Consents and Waives Notice</i>	
Sp.Ntc.		
Pers.Serv.		
Conf. Screen	Maternal Grandfather: Bernardo Ramirez - <i>Deceased</i>	
Letters		
Duties/Supp	Maternal Grandmother: Elvira Gonzalez Ramirez - <i>Consents and Waives Notice</i>	
Objections		
Video Receipt	Siblings: Rosalee Marie Holguin, Anthony James - <i>Consents and Waives Notice</i>	
<input checked="" type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> Clearances	<i>Minor consents and waives notice.</i>	
<input checked="" type="checkbox"/> Order		
Aff. Posting	Petitioner states the current guardian is not properly caring for the minor physically, emotionally and financially, as stated by the minor. Petitioner states there are various incidents that support this statement. Petitioner is the minor's sister and she believes it is in the minor's best interest to reside with her.	
Status Rpt		
UCCJEA		
Citation		
FTB Notice	Court Investigator Samantha Henson filed a report on 1-31-12. The report also attaches a Supplemental Report from Sacramento County Court Investigator James A. Brozek.	
		Reviewed by: skc
		Reviewed on: 1-31-12
		Updates: 2-1-12
		Recommendation:
		File 14B - Vasquez

Atty Guerrero, Victoria (pro per – maternal aunt/competing Petitioner)

Atty Almeras, Irene (pro per – paternal grandmother/Petitioner)

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

Naveah, 3 DOB: 08/30/08	<u>TEMPORARY EXPIRES 02/07/12</u>	NEEDS/PROBLEMS/COMMENTS:
Jahnessa, 2 DOB: 02/06/10	IRENE ALMERAS, paternal grandmother, is Petitioner.	<p><u>SEE PAGE 15B FOR COMPETING PETITION.</u></p> <ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i>. 2. Declaration of Due Diligence filed 12/13/11 states that the mother's whereabouts are unknown. If diligence is not found, need proof of personal service at least 15 days before the hearing of <i>Notice of Hearing</i> along with a copy of the <i>Petition for Guardianship or Consent and Waiver of Notice</i> for: <ul style="list-style-type: none"> - Maria Guerrero (mother) 3. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> along with a copy of the <i>Petition for Guardianship or Consent and Waiver of Notice or Declaration of Due Diligence</i> for: <ul style="list-style-type: none"> - Jesus Guerrero (maternal grandfather)
Cont. from	Father: FELICIANO JIMENEZ – <i>currently incarcerated; consent and waiver of notice filed 12/27/11</i>	
<input type="checkbox"/> Aff.Sub.Wit.	Mother: MARIA GUERRERO – <i>declaration of due diligence filed 12/13/11</i>	
<input checked="" type="checkbox"/> Verified	Paternal grandfather: APOLINAR JIMENEZ – <i>consent and waiver of notice filed 12/27/11</i>	
<input type="checkbox"/> Inventory	Maternal grandfather: JESUS GUERRERO Maternal grandmother: MONICA SIFUENTES – <i>served by mail on 12/20/11</i>	
<input type="checkbox"/> PTC	Petitioner states that the father is currently incarcerated and mother has a drug problem and does not have a stable home. Mother was kicked out of her last home after a drug bust. Petitioner states that the mother drops the children off wherever she can find a place. Petitioner believes that the mother is unfit to care for the children as she needs extensive counseling and drug rehab.	
<input type="checkbox"/> Not.Cred.	Court Investigator JoAnn Morris' report was filed 01/30/12.	
<input type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: JF
		Reviewed on: 02/01/12
		Updates:
		Recommendation:
		File 15A - Jimenez

Atty Guerrero, Victoria (pro per – maternal aunt/Petitioner)

Atty Almeras, Irene (pro per – paternal grandmother/competing Petitioner)

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

Naveah, 3 DOB: 08/30/08		<p align="center"><u>NO TEMPORARY REQUESTED</u></p> <p>VICTORIA GUERRERO, maternal aunt, is Petitioner.</p> <p>Father: FELICIANO JIMENEZ – <i>currently incarcerated</i></p> <p>Mother: MARIA GUERRERO</p> <p>Paternal grandfather: APOLINAR JIMENEZ</p> <p>Paternal grandmother: IRENE ALMERAS</p> <p>Maternal grandfather: JESUS GUERRERO</p> <p>Maternal grandmother: MONICA SIFUENTES</p> <p>Petitioner states that the father is currently incarcerated and mother is unfit to care for the children. Mother has no stable home and is currently bouncing from house to house. Petitioner also states that she believes the mother is doing drugs.</p> <p>Court Investigator JoAnn Morris’ report was filed 01/30/12.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>SEE PAGE 15A FOR COMPETING PETITION.</u></p> <p>4. <i>Need Notice of Hearing.</i></p> <p>5. Need proof of personal service at least 15 days before the hearing of <i>Notice of Hearing</i> along with a copy of the <i>Petition for Guardianship or Consent and Waiver of Notice or Declaration of Due Diligence</i> for:</p> <ul style="list-style-type: none"> - Maria Guerrero (mother) - Feliciano Jimenez (father) <p>6. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> along with a copy of the <i>Petition for Guardianship or Consent and Waiver of Notice or Declaration of Due Diligence</i> for:</p> <ul style="list-style-type: none"> - Jesus Guerrero (maternal grandfather) - Monica Sifuentes (maternal grandmother) - Apolinar Jimenez (paternal grandfather) - Irene Almeras (paternal grandmother) 	
Jahnessa, 2 DOB: 02/06/10				
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			x
<input type="checkbox"/>	Aff.Mail			x
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			x
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		Reviewed by: JF		
		Reviewed on: 02/01/12		
		Updates:		
		Recommendation:		
		File 15B - Jimenez		

Various Petitions

Age:		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Examiner Review not be provided for the Maxwell Family Trust cases.</u></p>
DOD:		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by:
		Reviewed on:
		Updates:
		Recommendation:
		File 16A - Maxwell

16A-F

Age: 88 years DOB: 9/26/22	<p>MARGUERITE S. HUGHES was appointed as conservator of the person and estate on 5/17/10 with bond set at \$412,500.00</p> <p>Bond of \$412.500 was filed on 8/12/10 and Letters issued on 9/15/10.</p> <p>Inventory and appraisal was due 12/15/10.</p> <p>First account is now due.</p> <p>A status hearing was set for the filing of the inventory and appraisal and for the filing of the first account.</p> <p>Minute Order dated 9/6/11 states Dennis Watson appeared by Court Call and stated a personal emergency had occurred. He is close to filing an accounting, pending a life insurance letter. The status hearing was continued to 10/11/11.</p> <p>At the Status Hearing on 10/11/11 there were no appearances and this Order to Show Cause Hearing was set.</p> <p>A copy of the Minute Order was mailed to Mr. Watson on 10/14/11.</p>	NEEDS/PROBLEMS/COMMENTS: Continued from 12/13/11.
Cont. from 121311		
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: KT
		Reviewed on: 1/31/12
		Updates:
		Recommendation:
		File 17 - Peters

First and Final Report of Executor; and Petition for Final Distribution without an Accounting (Probate Code 11640, 10954)

DOD: 8-13-10	LONNIE F. PETTY , Spouse, was appointed Executor with Full IAEA without bond and Letters issued on 5-12-11.	NEEDS/PROBLEMS/COMMENTS:
	Accounting is waived.	
<input type="checkbox"/> Aff.Sub.Wit.	I&A: \$1,296,260.00	
<input checked="" type="checkbox"/> Verified	POH: \$1,298,827.91 consisting of \$2,567.91 cash plus Decedent's 50% community property interest in the following:	
<input checked="" type="checkbox"/> Inventory	<ul style="list-style-type: none"> • a 73% interest in a business known as Strategic Mechanical Inc.; 	
<input checked="" type="checkbox"/> PTC	<ul style="list-style-type: none"> • a 20% interest in a limited liability company known as Mechanical Properties, LLC; and 	
<input checked="" type="checkbox"/> Not.Cred.	<ul style="list-style-type: none"> • various personal property, furnishings and personal effects) 	
<input checked="" type="checkbox"/> Notice of Hrg	Executor: Waived	
<input checked="" type="checkbox"/> Aff.Mail	Attorney: Waived	
	Distribution pursuant to Decedent's Will:	
<input type="checkbox"/> Aff.Pub.	Lonnie F. Petty: Personal property	
<input type="checkbox"/> Sp.Ntc.	Lonnie F. Petty, Trustee of the Jane E. Petty Bypass Trust (testamentary trust): Business interests	
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters	5-12-11	
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input checked="" type="checkbox"/> FTB Notice		
	Reviewed by: skc	
	Reviewed on: 2-1-12	
	Updates:	
	Recommendation: SUBMITTED	
	File 18 - Petty	

Age: 89	TEMPORARY EXPIRES 2-7-12	NEEDS/PROBLEMS/COMMENTS: <u>This matter will be heard at 11:00 a.m.</u> <u>Court Investigator advised rights on 1-23-12.</u> <u>Voting rights affected – need minute order</u> <u>Note:</u> Page 20 is a related petition for Faye M. Johansen (Robert J. Johansen’s wife). <u>Note:</u> Sharon is Robert’s daughter and Joyce and Linda are Faye’s daughters. <u>Note:</u> Temporary conservatorship of the person only was granted ex parte on 12-27-11 and extended at the hearing on 1-5-12. The orders restricted Mr. Johansen from driving, but did not authorize moving the couple from their home during the temporary conservatorship. At the hearing on 1-5-12, the Court informed Mr. Johansen that there will be help several times a week. <u>The following issues exist:</u> <u>SEE PAGE 2</u>
DOB: 11-5-22	SHARON SHIELDS , Daughter, and JOYCE F. BIGLIONE , Step-Daughter, are Petitioners and request SHARON SHIELDS be appointed Conservator of the Person with medical consent powers and dementia medication and placement powers.	
	Petitioners also request appointment of LINDA K. BABCOCK , Step-Daughter, as Conservator of the Estate with bond set at \$75,000.00.	
<input type="checkbox"/> Aff.Sub.Wit.	Voting Rights Affected	
<input checked="" type="checkbox"/> Verified	A Capacity Declaration was filed on 12-23-11.	
<input type="checkbox"/> Inventory	Estimated Value of Estate:	
<input type="checkbox"/> PTC	Personal Property: \$10,000.00	
<input type="checkbox"/> Not.Cred.	Annual income: \$36,000.00	
<input type="checkbox"/> Notice of Hrg X	Total: \$46,000.00	
<input type="checkbox"/> Aff.Mail X	Petitioners state Mr. Johansen has been diagnosed with dementia and is unable to manage his daily needs. Petitioners are also seeking conservatorship for his wife (<i>Page 20</i>).	
<input type="checkbox"/> Aff.Pub.	Petitioners state Mrs. Johansen was hospitalized in September 2011 and when she was discharged the couple moved into an assisted living facility (the Windham), but had difficulty adjusting. Mrs. Johansen became aggressive and hostile, and Mr. Johansen’s health was deteriorating, but he continued to drive. The couple moved back into their home against the advice of family, refused most assistance, and Mr. Johansen continued to drive, despite repeated requests to stop. Mr. Johansen has trouble navigating back home and obtaining assistance when lost.	
<input type="checkbox"/> Sp.Ntc.	Mr. and Mrs. Johansen previously informally delegated responsibility for payment of their bills to Mrs. Johansen’s daughter Linda K. Babcock, who has power of attorney for Mrs. Johansen. Mr. Johansen’s assets consist of savings and pension income, but he is unable to balance the account without assistance. Petitioners request that Linda be appointed Conservator of Mr. Johansen’s estate.	
<input type="checkbox"/> Pers.Serv. X	Court Investigator Jennifer L. Daniel filed a report on 1-31-12.	
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp X		
<input type="checkbox"/> Objections		
<input checked="" type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation X		
<input type="checkbox"/> FTB Notice		

NEEDS/PROBLEMS/COMMENTS (Continued):

1. Need “Duties of Conservator” form signed by Sharon Shields.
2. Need Notice of Hearing for this hearing date. (*Notice of Hearing was filed for the 1-5-12 temporary hearing only.*)
3. Need proof of service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1822 on:
 - Sandy Caudle (daughter)
 - Susanna Caudle (granddaughter)
 - Sarah Norris (granddaughter)
 - Jennifer Jones (granddaughter)
 - Corinne Chitwood (granddaughter)
 - Nina Bennie (sister) (If notice is not excused – Petitioners request notice to Nina Bennie be excused because she has not been in touch with the family for many years.)
4. Need Citation.
5. Need proof of personal service of Citation with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1824 on Proposed Conservatee Robert J. Johansen.
Examiner notes that a civil “Proof of Service” filed 1-3-12 reflects service of Notice of Hearing and Petition; however, the Citation was not included. Further, the Notice of Hearing is a mandatory Judicial Council form for filing in connection with probate conservatorship matters.
6. Petitioners request bond for the Conservator of the Estate be set at \$75,000.00; however, the Court Investigator’s report indicates a higher value of assets than originally listed in the Petition. Need verified declaration regarding assets with estimated values in order to apply the correct bond amount.

Petition for Appointment of Probate Conservator of the Person and Estate (Prob. C. 1820, 1821, 2680-2682)

Age: 92	TEMPORARY EXPIRES 2-7-12	NEEDS/PROBLEMS/COMMENTS:
DOB: 6-29-19	SHARON SHIELDS , Daughter, and JOYCE F. BIGLIONE , Step-Daughter, are Petitioners and request appointment of JOYCE F. BIGLIONE be appointed Conservator of the Person with medical consent powers and dementia medication and placement powers.	<u>This matter will be heard at 11:00 a.m.</u>
Aff.Sub.Wit.	Voting Rights NOT Affected	<u>Court Investigator advised rights on 1-24-12.</u>
✓ Verified	A Capacity Declaration was filed on 12-23-11.	<u>Note:</u> Page 19 is a related petition for Robert J. Johansen (Faye M. Johansen’s husband).
Inventory	Petitioners state Mrs. Johansen has been diagnosed with dementia and is unable to manage her daily needs. Petitioners are also seeking conservatorship for her husband (<i>Page 19</i>).	<u>Note:</u> Sharon is Robert’s daughter and Joyce and Linda are Faye’s daughters.
PTC	Petitioners state Mrs. Johansen was hospitalized in September 2011 and when she was discharged the couple moved into an assisted living facility (the Windham), but had difficulty adjusting. Mrs. Johansen became aggressive and hostile, and Mr. Johansen’s health was deteriorating, but he continued to drive. The couple moved back into their home against the advice of family and refused most assistance.	<u>Note:</u> Temporary conservatorship of the person only was granted ex parte on 12-27-11 and extended at the hearing on 1-5-12. The orders restricted Mr. Johansen from driving, but did not authorize moving the couple from their home during the temporary conservatorship.
Not.Cred.	Petitioners state their sister LINDA BABCOCK has had power of attorney for Mrs. Johansen for several years. (The related Petition for Mr. Johansen requests that Linda be appointed Conservator of his estate.)	At the hearing on 1-5-12, the Court informed Mrs. Johansen that there will be help several times a week.
Notice of Hrg X	Court Investigator Jo Ann Morris filed a report on 1-27-12.	<u>The following issues exist:</u>
Aff.Mail X		<u>SEE PAGE 2</u>
Aff.Pub.		Reviewed by:
Sp.Ntc.		Reviewed on:
Pers.Serv. X		Updates:
✓ Conf. Screen		Recommendation:
✓ Letters		File 20 - Johansen
✓ Duties/Supp X		
Objections		
✓ Video Receipt		
CI Report		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation X		
FTB Notice		

Atty Amador, Catherine A. (for Joyce F. Biglione and Sharon Shields – Petitioners)
Atty Helon, Marvin T. (Court-appointed for Conservatee Faye M. Johansen)

NEEDS/PROBLEMS/COMMENTS (Continued):

7. Need Notice of Hearing for this hearing date. (*Notice of Hearing was filed for the 1-5-12 temporary hearing only.*)
8. Need proof of service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1822 on:
 - Linda K. Babcock (daughter)
 - Marge Tinkler (sister)
 - Mozelle Cate (sister)
 - Betty Mason (sister) (If notice is not excused – Petitioners request notice to Betty Mason be excused.)
 - Terri R. Sharpton (granddaughter)
 - Randall S. Biglione (grandson)
 - Christian Babcock (grandson)
 - Brandi Babcock (granddaughter)

9. Need Citation.

10. Need proof of personal service of Citation with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1824 on Proposed Conservatee Faye M. Johansen.

Examiner notes that a civil "Proof of Service" filed 1-3-12 reflects service of Notice of Hearing and Petition; however, the Citation was not included. Further, the Notice of Hearing is a mandatory Judicial Council form for filing in connection with probate conservatorship matters.