

(1) Petition for Final Distribution on Waiver of Accounting and (2) for Allowance of Statutory (Prob. C. 10400-10406, 10954, 11600-11642)

DOD: 07/23/10		MICHAEL TARASEVIC , Executor, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><u>Continued to 02/11/13</u></p> <p><u>CONTINUED FROM 11/09/12</u> Minute Order from 11/09/12 states: Counsel informs Court that they will be selling the house and liquidating. In addition, they will be paying the creditor.</p> <p>As of 11/07/12, the following issues remain:</p> <ol style="list-style-type: none"> The Petition states that all debts of the decedent have been paid, however, a Creditor's Claim in the amount of \$52,340.63 was filed by California Business Bureau for Community Medical Center on 11/02/10. The Petition states that no action has been taken on this claim at this time, therefore this debt has not been resolved. An Allowance or Rejection of Creditor's Claim was filed on 06/04/12 allowing the claim in the amount of \$24,689.09. Nothing further has been filed regarding this outstanding debt. <u>Distribution of estate assets cannot be made until all debts of the estate have been resolved.</u>
		I & A - \$135,867.00	
		POH - \$135,867.00	
Cont. from 112811, 022712, 040912, 080712, 100512, 110912		Executor - waives	
Aff.Sub.Wit.		Distribution, pursuant to decedent's Will, is to:	
<input checked="" type="checkbox"/>	Verified	Michael Tarasevic - \$58.50	
<input checked="" type="checkbox"/>	Inventory	cash, plus ½ interest in real property and ½ interest in a 1977 truck	
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Anthony Tarasevic - \$58.50	
<input checked="" type="checkbox"/>	Aff.Mail	cash, plus ½ interest in real property and ½ interest in a 1977 truck	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters	11/30/10	
	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: JF
			Reviewed on: 02/05/13
			Updates:
			Recommendation:
			File 2 - Tarasevic

Age: 8		<p>MARK L. CLARK, Father and Guardian of the Estate, is Petitioner.</p> <p>Account period: 4-21-11 through 4-30-12</p> <p>Accounting: \$63,498.34 Beginning POH: \$62,466.08 Ending POH: \$57,227.20 (\$1,025.20 cash, remaining funds equities and taxable bonds; account blocked)</p> <p>Conservator: Not addressed</p> <p>Attorney: \$2,546.50</p> <p>Costs: \$460.50</p> <p>Petitioner prays for an Order:</p> <ol style="list-style-type: none"> 1. Settling and allowing this account and report and approving and confirming the acts of Petitioner as Guardian; 2. Authorizing payment of the attorney fees and costs; 3. Such other orders as the Court deems proper. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 11-14-12, 12-5-12, 1-23-13</u></p> <p>Minute Order 11-14-12: Counsel requests a continuance.</p> <p>Minute Order 12-5-12: The Court indicates to counsel that it is concerned with whether or not there is an obligation to surcharge Mark Clark. The Court continues the matter to 1/23/13 for further hearing on the First Account. The issue of surcharge to be addressed at the next hearing. Continued to 1-23-13</p> <p>Minute Order 1-23-13: The Court orders that all non-bond assets be liquidated and placed in a blocked. The Court will entertain an order shortening time, If there are any issues regarding fees for liquidation. Ms. Sanoian is directed to submit documentation regarding any losses. The Court on its own motion sets the matter for a two hour hearing on the issue of surcharge for 3/5/13. Continued to 2/8/13; Set on 2/8/13 for: Status Hearing Re: Receipt for the Blocked Account. (See Page 3B.) Additional hearing dates: 3/5/13 @ 10:30A Dept. 303 for: Hearing Re: Surcharge</p> <p>Examiner notes previously noted:</p> <ol style="list-style-type: none"> 1. Guardianship Estate funds are held in a blocked account as ordered; however, Petitioner states the account consists of cash, equities, and taxable bonds. The account incurred a loss in this first account period of \$1,955.14, which was more than the receipts from dividends, etc., during this period. <p>Examiner notes that the Court order does not appear to include authorization of these types of investments.</p> <p>Need clarification with reference to Petitioner's duty to manage the estate in interest-bearing, insured accounts (Probate Code §2453, Duties, etc.).</p> <p>The Court may also require bond, including cost of recovery pursuant to Probate Code §2320(c)(4) and Cal. Rules of Court 7.207, of \$64,085.41 as a blocked account does not protect from losses on investments.</p> <p>Attorney Lisa Horton filed a Declaration on 1-18-13. See Page 2.</p>
Cont. from 111412, 120512, 012313			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail W		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters 4-21-11		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	2620(c)		
<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: skc			
Reviewed on: 2-4-13			
Updates:			
Recommendation:			
File 3 - Clark			

Page 2**Declaration of Lisa Horton in Support of the First Account and Report of Guardian states:**

- The Court asked how the investments complied with the requirements of §2574, and why there was a loss if the assets were ordered to be deposited in a blocked, interest-bearing, insured account per §2453.
- Ms. Horton had previously informed Eric Stine, Vice President of Wedbush, via email on 11-8-12 and telephone on 11-13-12 that the court has several issues with the guardianship estate assets and the loss of value on those assets. She asked Mr. Stine to draft a letter explaining the nature of the account and investments and address the loss to provide an explanation to the Court at the next hearing on 12-5-12. However, a letter was never received.
- At the 12-5-12 hearing date, the matter was continued to 1-23-13 for further explanation and the possibility of surcharge against the guardian.
- Attorney Horton states that on or about 6-7-11, she provided Wedbush a copy of the guardianship order and stated that the account must be in compliance with Probate Code §2574. The receipt for blocked account was signed by the sales office supervisor at Wedbush on 9-1-11. Wedbush was aware that the guardianship assets were to be deposited and invested pursuant to both Probate Code §§ 2453 and 2574. Attorney Horton personally spoke with Eric Stine on 4-6-11 and he told her that he has six guardianship accounts with Wedbush and was familiar with the Probate Code and requirements. However, it was subsequently discovered that guardianship account does not comply with both sections.
- Despite her attempts, Eric Stine will not discuss the account with Attorney Horton any longer and did not provide his counsel's information as requested.
- An analysis of the account shows \$29,000.00 in taxable bonds. §2574 authorizes investments in direct obligations of the United States maturing no later than five years from the investment. According to bank statements, the bonds in the account mature in 2016, 2017, and 2018. As the initial date of investment was 2011, there are two sets of bonds that do not mature within five years of the investment.
- The other portion of the account is made up of various equities. The fact that the account is subject to a blocking order does not completely negate §2574. If an account is blocked, then there are no withdrawals or deposits without court order. §2453 requires interest-bearing, insured account. This does not prevent a guardian from investing pursuant to §2574.
- Attorney Horton believes any assets not invested in bonds per §2574 must be placed into an interest-bearing, insured account. Although §2574 allows for investment in "securities listed on an established stock or bond exchange", without the ability to buy, sale, trade or liquidate pursuant to the blocking order, securities could not effectively be managed.
- Attorney Horton believes the best way to bring this guardianship account into compliance is to liquidate the equities and deposit the proceeds into a blocked CD with an insured financial institution. The taxable bonds should be kept as is to prevent unnecessary losses, and as they mature, the proceeds should be deposited into the blocked account with the other funds.
- The guardian relied in good faith on the representations of Eric Stine and Wedbush. Attorney Horton believes that a surcharge order against the guardian is not necessary as Wedbush did not comply with the court's order.

Status Report filed 2-5-13 states on 1-30-13, a letter was sent via mail and email to Eric Stine at Wedbush. An email response was received the same day stating that court order or power of attorney is required for trading authorization from the attorney. On 1-31-13, Guardian Mark Clark communicated that he is informed and believes there will be no fees associated with liquidation of non bond assets, but that Wedbush requires court order. **Therefore, an Order After Hearing for the 1-23-13 hearing (containing the orders made on that date) is in the file for signature.**

Age: 8	<p>MARK L. CLARK, Father and Guardian of the Estate, filed his First Account for Account period: 4-21-11 through 4-30-12.</p> <p>At continued hearing on 1-23-13, the Court ordered that all non-bond assets be liquidated and placed in a blocked account and set this status hearing re Receipt.</p> <p>Minute Order 1-23-13: The Court orders that all non-bond assets be liquidated and placed in a blocked. The Court will entertain an order shortening time, If there are any issues regarding fees for liquidation. Ms. Sanoian is directed to submit documentation regarding any losses. The Court on its own motion sets the matter for a two hour hearing on the issue of surcharge for 3/5/13. Continued to 2/8/13; Set on 2/8/13 for: Status Hearing Re: Receipt for the Blocked Account. Additional hearing dates: 3/5/13 @ 10:30A Dept. 303 for: Hearing Re: Surcharge</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need receipt for blocked account per minute order 1-23-13.</p>
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		
2620(c)		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 2-4-13
		Updates:
		Recommendation:
		File 3 - Clark

Atty Jambeck, Jay T., of Leigh Law Group, San Francisco (for Patricia A. Crable, Trustee)

Status Hearing Re: Proof of Bond

Age: 15 years	<p>PATRICIA A. CRABLE, mother, was appointed Trustee of the EDWARD JAMES CRABLE SPECIAL NEEDS TRUST established by this Court following hearing on 9/19/2012, by the <i>Order Approving Amended Verified Ex Parte Petition to Exclude Funds from Estate and Directing Proceeds to a Special Needs Trust and a Blocked Account</i> signed on 9/25/2012.</p> <p>Order to Deposit Money into Blocked Account signed 9/25/2012 finds that \$9,250.00 will be deposited into a blocked account for the minor.</p> <p>Minute Order dated 9/19/2012 from the hearing on the petition states the Court approves the petition and sets the bond at \$11,000.00. Counsel is directed to submit an order.</p> <p>Minute Order dated 10/19/2012 states Mr. Jambeck is appearing via conference call. Counsel advises the Court that his clients have the bond papers and he has yet to receive them. He further advises that the check(s) have not been received from the District so there is no money in the blocked account. Matter continued to 12/7/2012. The Court directs Counsel to file the bond and receipt by 12/7/2012.</p> <p>Qualifying Bond of Trustee was filed 12/3/2012 showing bond was posted by Patricia Crable in the amount of \$11,000.00. (Copy of the <i>Edward James Crable Special Needs Trust</i> executed by Trustee Patricia A. Crable was also filed 12/3/2012.)</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 12/7/2012.</u> Minute Order states Ms. [Marlene] Hubbell informs the Court they will be filing proof of bond. Matter continued to 2/8/2013.</p> <p>The following issue remains:</p> <ol style="list-style-type: none"> 1. Need Receipt and Acknowledgment of Order for the Deposit of Money into Blocked Account (mandatory-use Judicial Council form MC-356) for the sum of \$9,250.00.
Cont. from 101912, 120712		
Aff.Sub.Wit.		
Verified		
Inventory		
✓ Proof of Bond		
Blocked Recpt. X		
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: LEG</p> <p>Reviewed on: 2/4/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4 - Crable</p>		

Amended Petition for Probate of Will and for Letters Testamentary (Prob. C. 8002, 10450)

DOD: 09/24/2012	MARTIN MATA RODRIGUES, friend/named executor without bond, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> The Will attached to the petition is for Johnnie Avis Bedrosian however the petition lists the decedent's name as John A. Bedrosian. Please clarify. Need original will to be deposited with the Court pursuant to Probate Code §8200(a)(1). #3g of the Petition was not answered regarding whether the proposed personal representative is a resident of California. Former Petition listed the estimated value of the estate at \$183,800.00 and the amended petition lists the estimated value at \$0. The Court may require clarification. Need Notice of Petition to Administer Estate for the Amended Petition. Need Proof of service of Notice of Petition to Administer Estate on the following: <ul style="list-style-type: none"> Patrice Nagel Karen Spencer Mary Perch Nevart Antaramian George Bedrosian <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> Friday, 07/12/2013 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and Friday, 04/11/2014 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <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>
Cont. from 011713	Full IAEA – o.k.	
Aff.Sub.Wit.	s/p	
<input checked="" type="checkbox"/> Verified		
	Will dated: 03/15/2012	
Inventory		
PTC		
Not.Cred.	Residence: Fresno	
Notice of Hrg	Publication: The Business Journal	
Aff.Mail	x	
Aff.Pub.		
Sp.Ntc.	Estimated value of the Estate:	
Pers.Serv.	Total: \$0	
Conf. Screen	Probate Referee: Rick Smith	
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
Reviewed by: LV		
Reviewed on: 02/05/2013		
Updates:		
Recommendation:		
File 5A - Bedrosian		

DOD: 3-16-08	NANCY VARELA was appointed Executor with Full IAEA without bond and Letters issued on 6-3-08.	NEEDS/PROBLEMS/COMMENTS: Note: Executor Nancy Varela is the wife of the Decedent's son Reuben T. Varela. Note: California Dept. of Health Care Services filed a Creditor's Claim on 9-15-08 for \$105,727.59, along with Request for Special Notice. Executor filed an Allowance on 8-20-09.
Cont. from 121412	Notice of Pendency of Action filed 10-19-12 by California Attorney General states that on 10-5-12, an action entitled "Toby Douglas, Director of the Department of Health Care Services, vs. Nancy Varela, as Personal Representative of the Estate of Elvira Robles Betts aka Elvira Betts, Decedent; and Does 1 through 20, inclusive," Case No. 12CECG0334. The nature of the action is a Complaint to Enforce and Collect Money Due on Medi-Cal Creditor's Claim for \$105,727.59 pursuant to W&I Code § 14009.5.	
<input type="checkbox"/> Aff.Sub.Wit.	Therefore, on 10-19-12, the Court set this status hearing for failure to file a first account or petition for final distribution.	
<input checked="" type="checkbox"/> Verified	I&A filed 12-4-12 indicates a total estate value of \$130,075.00 as of the date of death, including residential real property located at 1724 North West in Fresno and various personal property items.	
<input type="checkbox"/> Inventory	Status Report filed 12-4-12 states the claim cannot be paid until the real property is sold. Executor has been in the process of maintaining and repairing the property in preparation for sale and it is now listed for sale. The asking price was originally \$119,000.00, but the price has now been lowered to \$109,000.00. Accordingly, Executor now considers the estate insolvent. It is anticipated that the proceeds will be insufficient to pay all administrative expenses and still cover the full amount of the DHS claim.	
<input type="checkbox"/> PTC	Status Report filed 1-14-13 states there are virtually no assets subject to administration and therefore, the DHS claim cannot be paid until the real property is sold. The property was rented for a brief time period in order to raise case for repairs for sale. The property is now listed, and the price has been lowered to \$109,000. It is anticipated that the net proceeds will be insufficient to pay administrative expenses and cover the full amount of the DHS claim. Accordingly, Declarant considers the estate to be insolvent. Until the property is sold, Declarant is unable to proceed with completing administration of the estate.	
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail <small>W</small>		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input checked="" type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
	Reviewed by: skc	
	Reviewed on: 2-4-13	
	Updates:	
	Recommendation:	
	File 6 - Betts	

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution (Prob. C. 12200, et seq)

DOD: 09/03/07	<p>ROSARIO GUIZAR, sister, was appointed Administrator with full IAEA and bond set at \$70,000.00 on 04/15/10. Bond was filed on 10/15/10 and Letters were issued on 10/15/10.</p> <p>Inventory & Appraisal filed 11/03/10 shows an estate value of \$70,327.73.</p> <p>Notice of Status Hearing filed 10/19/12 set this matter for status. Clerk's certificate of mailing states that the Notice of Status Hearing was mailed to Edward L. Fanucchi on 10/19/12.</p> <p>Minute order dated 12/14/12 states Counsel informs the Court that there may be a step-son whom they've been unable to find. The Court indicates to counsel that an accounting will be to be filed by the next hearing as well as a declaration as to what is being done to locate the heir and bring this matter to closure.</p> <p>Status Report filed on 2/6/13 states the Administrator Rosario Guizar is currently having a skip trace performed by First Legal Network in an attempt to locate the step-son. The family has had no contact with him in years past. The paralegal is hopeful to have additional information by the end of February 2013.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Account and Petition for Final Distribution</p>
Cont. from 121412		
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 on: 2/5/13
		Updates:
		Recommendation:
		File 7 - Garcia

DOD: 06/24/10	ROGER ROWELL and DAVID E. ROWELL , were appointed as Co-Administrators with Full IAEA without bond on 02/17/11. Letters were issued on 02/17/11.	NEEDS/PROBLEMS/COMMENTS:
		<u>CONTINUED FROM 12/14/12</u>
		Minute Order from 12/14/12 states: Mr. Rowell informs the Court that he will be retaining new counsel.
Cont. from 121412	On 10/21/11, David E. Rowell resigned as Co-Administrator. New Letters were issued to Roger Rowell as the sole Administrator on 11/01/11.	As of 02/05/13, no additional documents have been filed and the following remains outstanding:
Aff.Sub.Wit.		1. Need Accounting and/or Petition for Final Distribution.
Verified	Inventory & Appraisal filed 11/29/11 shows an estate value of \$289,000.00 (1/7 th of a 40% interest in real property).	
Inventory		
PTC		
Not.Cred.	On 10/17/12, Thomas Markeson, filed a Motion to be Relieved as Counsel stating that there was a conflict regarding the administration of the estate which has made it impossible for him to continue representing Mr. Rowell in this matter.	
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp	Order granting Attorney's Motion to be Relieved as Counsel filed 11/26/12 relieved Mr. Markeson as counsel for Roger Rowell and set this matter for status re filing of the Accounting and Petition for Final Distribution. The Court also directed counsel to provide notice to Mr. Rowell regarding the filing of the account and/or petition for final distribution.	
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation	Notice of Entry of Order Granting Attorney's Motion to be Relieved as Counsel filed 11/27/12 states that the Notice with a copy of the Order relieving Mr. Markeson as counsel was mailed to Roger Rowell and David Rowell on 11/27/12.	
FTB Notice		
		Reviewed by: JF
		Reviewed on: 02/05/13
		Updates:
		Recommendation:
		File 8 - Rowell

DOD: 01/09/09	CHERIE L. MEDINA , daughter, was appointed Administrator with limited IAEA without bond on 10/20/11. Letters were issued on 10/20/11.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 12/14/12 Minute Order from 12/14/12 states: Counsel advises the Court that Bank of America will not allow them to place the funds in a blocked account however, Chase Bank is willing to accommodate them. Matter continued to 02/08/13. Counsel is directed to submit an order for Chase Bank.</p> <p>1. Need Receipt & Acknowledgment of Order for the Deposit of Money into Blocked Account.</p> <p>Note: Petitioner submitted an incomplete and unsigned Receipt & Acknowledgment, however, the Receipt needs to be completed and signed by a representative of the financial institution where the sale proceeds are deposited before being filed with the court.</p> <p>A hearing on First & Final Account and for Distribution is on calendar for 02/11/13.</p> <p>Reviewed by: JF Reviewed on: 02/05/13 Updates: Recommendation: File 9 - Conway</p>
Cont. from 121412	Report of Sale and Petition for Order Confirming Sale or Real Property was filed 10/01/12 and set for hearing on 11/06/12.	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.	Order Confirming Sale of Real Property was filed 11/06/12 states that proceeds from the sale to be deposited into blocked account.	
Notice of Hrg		
Aff.Mail		
Aff.Pub.	Order to Deposit Money into Blocked Account filed 11/06/12.	
Sp.Ntc.		
Pers.Serv.		
Conf. Screen	Status Report on Blocked Account filed 01/25/13 states: on 12/17/12, the personal representative deposited the proceeds of the sale of real property in the amount of \$22,050.00 at Chase Bank in Clovis, CA. The bank would not provide a signed Receipt and Acknowledgment to the personal represented and stated that the bank would file the document with the Court. The Bank has not filed the receipt as of yet. The Personal Representative did obtain a Customer Account Maintenance Form for the Account and the business card of the bank employee who opened the account. She also has a receipt verifying that the amount placed in the account was \$22,050.00. The Personal Representative asks that the receipt and other documents provided constitute sufficient evidence that the proceeds were placed in the required blocked account.	
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Probate Status Hearing Re: Failure to File the Inventory & Appraisal

Age: 5	<p>JULIETA GUERRERO, Mother, was appointed Guardian of the Estate of Gabriela Guerrero on 5-11-12 in anticipation of the minor receiving distribution of real property from her deceased father's estate via summary proceeding.</p> <p>Letters have not issued.</p> <p>On 10-17-12, the Court set this status hearing for failure to file inventory and appraisal.</p> <p>On 11-7-12, A Request for Dismissal of the petition was filed; however, dismissal could not be entered because an order was entered appointing a guardian. Therefore, dismissal of the petition is inappropriate.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><u>OFF CALENDAR</u></p> <p>Petition for Termination of Guardianship filed 1-25-13 is set for hearing on 2-27-13.</p>
Cont. from 121412		
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: 2-4-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 10 - Guerrero</p>	

Status Hearing Re: Settlement Agreement

DOD: 3/5/11	<p>MINDY CASTILLO, daughter, filed a Petition to Determine Succession requesting Court determination that decedent's 100% interest in real property located at 760 E. Valley Street in Coalinga, 50% interest in real property located at 360 E. Houston Street in Coalinga, 100% interest in a 2005 Chevy pick-up and a 1992 Chevy pick-up and an investment account pass to her pursuant to intestate succession.</p> <p>Carol Ackerman filed objections to the Petition alleging she has filed a Petition under Probate Code §850 (see page 19 of this calendar), seeking to have the court determine that the Decedent was holding title to the real property located at 360 E. Houston in Coalinga as a constructive trustee for the objecting party.</p> <p>Minute Order from the settlement conference dated 11/16/12 states the court is informed that a resolution has been reached in case #12CEPR00631 as fully set forth by Mr. Gin. Parties also agree to dismiss case no. 12CEPR00808 with prejudice upon the entry of the order in this case. Upon inquiry by the Court, each party individually agrees to the terms and conditions of the settlement. Counsel is directed to prepare necessary documents. Matter set for status hearing on 1/4/13, if all the necessary documents are filed by 1/4/13, no appearance will be necessary.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 1/4/13. As of 2/5/13 the following issues remain:</p> <ol style="list-style-type: none"> 1. An Order Determining Succession to the real property located at 760 E. Valley Street has been signed. The issue of the property located at 360 E. Houston was reserved. Petitioner has submitted a proposed order which would pass the decedent's ½ interest in the real property located at 360 E. Houston to Mindy Castillo subject to a life estate in favor of Carol Ackerman. The order further states that upon the death of Carol Ackerman the property shall be sold and the net proceed distributed equally to Mindy Castillo and Sara Lynn Orozco (it is unclear if this is just as to the decedent's ½ interest in the real property or if it is for 100% of the property). This court has no authority make any orders regarding the ½ interest in the property that is not subject to these proceedings. 2. Minute order states that an agreement was reached. Need stipulation signed by all parties to the agreement.
Cont. from 010413		
Aff.Sub.Wit.		
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Citation		
FTB Notice		
<p>Reviewed by: KT</p> <p>Reviewed on: 2/5/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11 - Castillo</p>		

Age: 87	<p>IRENE SANTOS, daughter, was appointed Conservator of the Person & Estate on 11/08/12.</p> <p>Minute Order from 11/08/12 set this matter for status re the filing of the Inventory & Appraisal.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Inventory & Appraisal.</p>
Cont. from 101012, 110812		
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Inventory <input checked="" type="checkbox"/>		
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FTB Notice		
		Reviewed by: JF
		Reviewed on: 02/05/13
		Updates:
		Recommendation:
		File 12 - Murillo

Atty Boyett, Deborah K., OF Walter & Wilhem (for Jesusita T. Gonzalez, Executor)

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 8/23/2012		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR</p> <p><i>Final Inventory and Appraisal was filed on 1/30/2013.</i></p>
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		Reviewed by: LEG
		Reviewed on: 2/4/13
		Updates:
		Recommendation:
		File 13 - Gonzalez

Status Hearing Re: Settlement Agreement

DOD: 3/5/11	<p>CAROL ACKERMAN filed an Petition under Probate Code §850 alleging the right and title to the real property located at 360 E. Houston Street in Coalinga, CA.</p> <p>Petitioner's claims were based upon the fact that Petitioner, acting under erroneous information, believed that she would lose her Medicare eligibility because she owned property located at 360 E. Houston. As a result of this misinformation, Petitioner executed a deed for the property transferring title to Sara Lynn Orozco and to the decedent.</p> <p>Petitioner alleged had known the truth, that she would have still been eligible for Medicare benefits while retaining title to the property, she never would have transferred the property to Sara Lynn Orozco and the decedent.</p> <p>Minute order from the settlement conference held on 11/16/12 states the court is informed that a resolution has been reached in case no. 12CEPR00631 (page 17 of this calendar) ad fully set forth by Mr. Gin. Parties also agree to dismiss the petition in this case with prejudice upon the entry of the order in case no. 12CEPR00631 (page 17). Upon inquiry by the Court, each party individually agrees to the terms and conditions of the settlement. Counsel is directed to prepare the necessary documents. Matter set for Status Hearing on 1/4/13. If all necessary documents are filed by 1/4/13, no appearance will be necessary.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 1/4/13.</p> <p>Related case on page 11 of this calendar.</p>
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	<p>Reviewed by: KT</p> <p>Reviewed on: 2/5/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 14 – Castillo</p>	

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 7/13/12	<p>SUSIE S. VERDUZCO-SAMANC was appointed Executor, without bond and will Full IAEA authority on 10/24/12.</p> <p>Letters issued 10/24/12.</p> <p>Inventory and Appraisal, partial #1 was filed on 12/28/12 showing a value of \$455,800.00</p> <p>Minute Order dated 10/24/12 set this status hearing for the filing of the inventory and appraisal.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR. Declaration correcting Inventory and Appraisal filed 2/7/13 indicating the Inventory filed was a final inventory and appraisal.</p> <p>1. Need final inventory and appraisal or current written status report pursuant to Local Rule 7.5.</p>		
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			Reviewed by: KT	
			Reviewed on: 2/5/13	
			Updates: 2/7/13	
			Recommendation:	
		File 15 - Verduzco		

Atty Aaron, Richard M.; Matlak, Steven M., of Dowling Aaron Inc. (for Alisha Sacca and Gynifer De Aro, Co-Administrators)

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 8/25/2012	<p>ALISHA SACCA and GYNIFER L. DE ARO, daughters, were appointed Co-Administrators with Full IAEA without bond on 10/23/2012.</p> <p>Minute Order dated 10/23/2012 from the hearing on the appointment set this status hearing on 2/8/2013 for filing of the inventory and appraisal.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR</p> <p><i>Final Inventory and Appraisal</i> was filed 2/5/2013.</p>		
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			Reviewed by: LEG	
			Reviewed on: 2/5/13	
			Updates: 2/6/13	
		Recommendation:		
		File 16 - Cardwell		

Status Hearing Re: Proof of Conservatorship in Michigan

Age: 24 years	<p>DONNA PALMER, non-relative, was appointed as conservator of the person on 2/1/08.</p> <p>On 5/27/11 Conservator filed a Petition to Fix the Residence of the Conservatee Outside the State of California to Detroit Michigan.</p> <p>In her petition, Conservator stated the move was necessary because the Conservator needed to help care for her elderly parents and that she needed to alleviate economic hardship.</p> <p>On 8/4/11 the Court granted the petition and ordered a conservatorship or its equivalent to be commenced in the State of the new residence within four months.</p> <p>A status hearing was set for the status of commencing a conservatorship in Michigan.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Please see related cases on pages 18 and 19.</p> <p>Continued from 12/7/12.</p> <p>Declaration of Donna Palmer filed on 12/10/12 includes Letters of Guardianship showing Donna Palmer has been appointed as Guardian in the State of Michigan.</p>
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FTB Notice		
	Reviewed by: KT	
	Reviewed on: 2/5/13	
	Updates:	
	Recommendation:	
	File 17 - Garrido	

Age: 22 years	<p>DONNA PALMER and EMANUEL PALMER, non-relatives, were appointed as conservator of the person on 9/22/09.</p> <p>On 5/27/11 Conservator filed a Petition to Fix the Residence of the Conservatee Outside the State of California to Detroit Michigan.</p> <p>In her petition, Conservator stated the move was necessary because the Conservator needed to help care for her elderly parents and that she needed to alleviate economic hardship.</p> <p>On 8/4/11 the Court granted the petition and ordered a conservatorship or its equivalent to be commenced in the State of the new residence within four months.</p> <p>A status hearing was set for the status of commencing a conservatorship in Michigan.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Please see related cases on pages 17 and 19.</p> <p>Continued from 12/7/12.</p> <p>Declaration of Donna Palmer filed on 2/4/13 includes Letters of Guardianship showing Donna Palmer has been appointed as Guardian in the State of Michigan.</p>
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	Reviewed by: KT	
	Reviewed on: 2/5/13	
	Updates:	
	Recommendation:	
	File 18 - Johnson	

Status Hearing Re: Proof of Conservatorship in Michigan

Age: 20 years	<p>DONNA PALMER and EMANUEL PALMER, non-relatives, were appointed as conservator of the person on 10/14/10.</p> <p>On 5/27/11 Conservator filed a Petition to Fix the Residence of the Conservatee Outside the State of California to Detroit Michigan.</p> <p>In her petition, Conservator stated the move was necessary because the Conservator needed to help care for her elderly parents and that she needed to alleviate economic hardship.</p> <p>On 8/4/11 the Court granted the petition and ordered a conservatorship or its equivalent to be commenced in the State of the new residence within four months.</p> <p>A status hearing was set for the status of commencing a conservatorship in Michigan.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Please see related cases on pages 17 and 18.</p> <p>Continued from 12/7/12.</p> <p>Declaration of Donna Palmer filed on 12/10/12 includes Letters of Guardianship showing Donna Palmer has been appointed as Guardian in the State of Michigan.</p>
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FTB Notice		
	Reviewed by: KT	
	Reviewed on: 2/5/13	
	Updates:	
	Recommendation:	
	File 19 – Snowden	

DOD: 11/20/11		<p>MARTINA McKENZIE, daughter, was appointed Administrator without Bond on 06/13/12. Letters of Administration were issued on 06/25/12.</p> <p>Minute Order dated 10/19/12 states: No appearances. The Court continues the matter to 12/07/12 and directs that a copy of today's minute Order as well as the one from 06/13/12 be sent to Martina McKenzie. The Court orders Martina McKenzie to be personally present on 12/07/12.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><u>OFF CALENDAR</u> Inventory & Appraisal filed 01/28/13</p>
Cont. from 101912, 120712			
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<p>Reviewed by: JF</p> <p>Reviewed on: 02/05/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 20 - Kelly</p>			

Pro Per Lee, Blia (Pro Per Guardian of the Estate)

Status Hearing Re: Filing of the Inventory and Appraisal

Age: 17 years	<p>BLIA LEE, mother, was appointed Guardian of the Estate on 10/10/2012, for the purpose of receiving assets on behalf of the minor, who is the beneficiary of his deceased father's life insurance policy valued at \$25,000.00.</p> <p>Minute Order dated 10/10/2012 from the hearing on the appointment ordered the money to be placed in a blocked account, and set this status hearing on 2/8/2013 for filing of the inventory and appraisal.</p> <p>Receipt and Acknowledgment of Order for the Deposit of Money into Blocked Account filed 11/19/2012 shows an account balance of \$25,106.07.</p> <p><i>Final Inventory and Appraisal</i> filed 1/23/2013 shows an estate value of \$0.00.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. <i>Final Inventory and Appraisal</i> filed on 1/23/2013 is incomplete, as no assets are stated on <i>Attachment 1</i> or <i>Attachment 2</i> of the appraisal form, and Item 1 on Page 1 of the form indicates an estate value of zero. Need corrected <i>Final Inventory and Appraisal</i> including a completed <i>Attachment 1</i> pursuant to Probate Code § 2610.</p>
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		<p>Reviewed by: LEG</p> <p>Reviewed on: 2/5/2013</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 21 - Vang</p>

DOD: 10/22/11	<p>MICHELLE SCOTT, daughter, was appointed Administrator with Will Annexed on 02/02/12.</p> <p>Will Contest filed 05/14/12 by Will Scott, Jr., son was set for trial on 10/19/12.</p> <p>At a Settlement Conference on 08/21/12, the trial date of 10/19/12 was vacated and the Settlement Conference was continued to 11/13/12 and later continued to 01/29/13.</p> <p>Minute Order from 01/29/13 states: Parties reach a settlement agreement as fully set forth by Mr. Fanucchi. Upon inquiry by the Court, each party individually agrees to the terms and conditions of the agreement. The Court directs Mr. Fanucchi to prepare the agreement. The Petition scheduled for hearing on 03/05/13 is off calendar, said Petition to be dismissed by stipulation of the Parties.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>As of 02/05/13, nothing further has been filed in this matter.</p> <p>1. Need update re Settlement Agreement.</p>
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	<p>Reviewed by: JF</p> <p>Reviewed on: 02/05/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2 - Scott</p>	

Blake, age 7	TEMPORARY EXPIRES 1-31-13	NEEDS/PROBLEMS/COMMENTS:
Cameron, age 3	JAMES KENT MCAVOY and PATRICIA ANNE MCAVOY , Paternal Grandparents, are Petitioners.	<u>Continued from 1-3-13, 1-31-13</u>
	Father: BRIAN MICHAEL WEAVER	<u>As of 2-6-13, nothing further has been filed in this case or in the Family Law case.</u>
Cont. from 010313, 013113	- Nominates, consents and waives notice	<u>If this guardianship goes forward, need CI Report with clearances and/or DSS report per §1513(c).</u>
Aff.Sub.Wit.	Mother: KIANNA MARIE ENCINIAS	
✓ Verified	- Personally served 10-30-12	
Inventory	Maternal Grandfather: Reynaldo Encinias	SEE ADDITIONAL PAGES
PTC	- Mailed service 10-30-12	Minute Order 1-3-13: The Court is informed that nothing has been resolved in Family Court as of yet. The Court on its own motion grants a temporary guardianship in favor of James Mcavoy and Patricia Mcavoy. The temporary expires 1-31-13 unless terminated sooner by a family court.
Not.Cred.	Maternal Grandmother: Gail Pixley-Ericson	
✓ Notice of Hrg	- Mailed service 10-30-12	
✓ Aff.Mail	Petitioners state the minor children are believed to reside with the mother; however, their current address is not known to Petitioners. Petitioners have serious concerns with regard to the safety and well-being of the children if they remain in the care of their mother and, due to allegations of domestic violence made by the mother against Petitioners' son (the father), Petitioners believe that taking immediate custody of the children is in their best interest and necessary to protect their health, safety and well-being.	Minute Order 1-31-13: Mother objects to the petition. Counsel advises the Court that there are no restraining orders of any kind with respect to Brian Weaver. Counsel further advises that there are no current Family Law cases or custody orders. The Court notes for the minute order that it is anticipated that a further action will be initiated in the preexisting inactive Family Law case #11CEFL06715. Said case will be acted upon by way of ex parte action. Matter continued to 2/8/13. The temporary is extended to 2/8/13 unless a Family Law Court puts in place a separate order regarding guardianship. The Court notes for the minute order that it is this Court's intent to maintain the status quo until the Family Court makes a ruling. Continued to 2/8/13 at 9:00am in Dept. 303. Set on 2/8/13 for Status Hearing Re: Ex Parte in Family Court. Temporary Guardianship/Conservatorship Letters extended to 2/8/13.
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✓ CI, DSS Report		
Clearances		
✓ Order	Petitioners state the mother has a history of suicide attempts, suffers from serious mental health conditions has been hospitalized on multiple occasions. Petitioners state the mother takes various medications (list provided) and relies heavily on sleeping medication. Petitioners contend that the mother sleeps so deeply that she is unable to care for the children.	
Aff. Posting	Petitioners state that on 10-15-12, the mother called the father to transport she and the children to the hospital because the younger child fell while attempting to use the bathroom unattended and split his lip, requiring stitches. Petitioners state the mother had been asleep. Petitioners state the father reported that the mother appeared to be under the influence of drugs and that she had taken two pills as they were leaving the house.	Reviewed by: skc
Status Rpt		Reviewed on: 2-6-13
✓ UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 23A - Weaver
SEE ADDITIONAL PAGES		

Petitioners state the mother has passed out with the children in her care on at least one occasion. Their son (the father) returned home and took a photograph, which shows that the children were present (attached). Petitioners also state the older child has not been sent to school on a regular basis, and that when the younger child was taken to the hospital, Petitioners state the mother requested the doctor write a note for the older child's absences, which the doctor declined.

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

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

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

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

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

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

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

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

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

SEE ADDITIONAL PAGES

Court Investigator Jennifer Daniel filed a report on 12-14-12. The report recommends the Petition be DENIED and DISMISSED due to the pending Family Law action.

A DSS report pursuant to Probate Code §1513(c) has not yet been received.

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

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

SEE ADDITIONAL PAGES

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

SEE ADDITIONAL PAGES

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

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

NEEDS/PROBLEMS/COMMENTS:

1. A Court Investigation was not completed due to the circumstances of this case. If this guardianship goes forward, need CI Report with clearances and/or DSS report per §1513(c).

Background and information per Court records: Pursuant to Local Rule 7.15.7, if a matter is presently pending in the Family Law Court, a petitioner seeking custody or visitation rights will be instructed to seek joinder in the family law proceeding and request relief from that Court.

When this petition was originally filed, there was a presently pending matter involving custody of the children in the Family Court. A Domestic Violence Temporary Restraining Order filed 10-19-12 in an existing Family Law (UPA) case granted sole legal and physical custody of the children to the mother with no visitation to the father pending hearing scheduled for 11-9-12. At hearing on 11-9-12, the parties reached agreement regarding visitation, which became the order of the Court, and the matter was continued to 1-7-13. The DVTRO was reissued to expire on that date, with the new custody order (supervised visits to the father).

In the meantime, a Criminal Protective order was entered on 11-27-12 in Fresno Superior Court Case M12924251 with an expiration date of 11-27-15, which order was filed into the Family Law case. The order protects Kianna Encinias from Brian Weaver.

On 1-3-13, in this probate guardianship matter, temporary guardianship was granted on the Court's own motion due to circumstances on that date.

On 1-7-13, in the Family Law matter, Ms. Encinias did not appear and the DVTRO was terminated. Examiner notes that pursuant to Family Code §6340, custody orders survive termination of any protective order; however, no further hearing was scheduled by the parties to address or modify the orders made on 11-9-12.

In other words, after 1-7-13, there was nothing "presently pending" in the Family Law case except for the motion for joinder. However, there were no appearances at the hearing re joinder and the matter was taken off calendar.

At the continued guardianship hearing on 1-31-13, Attorney Wilson represented to the Court that further action would be initiated in the "inactive" family law case by way of ex parte action.

However, as of 2-6-13, Court records do not indicate any further filings in that case, and there are no hearings pending. The Court may require a status update.

Examiner notes that Attorney Glenn Wilson, who represents the Petitioners here, also represents the father in the family law matter.

