1 Nellie Garrett (Estate) **Case No. 08CEPR00020**

Atty Kruthers, Heather H (for Petitioner/Administrator Public Administrator)

(1) First and Final Account and Report of Successor Administrator and (2) Petition for Allowance of Ordinary and Extraordinary Commissions and Fees and (3) for Distribution [Prob. C. 216; 9202; 10800; 10810; 10951; 11600; 11850(a)]

DOD: 5/7/2007		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
✓	**Notice of Hrg**	W/
✓	**Aff.Mail**	
	Aff.Pub.	
	Sp.Ntc.	X
	Pers.Serv.	
	Conf. Screen	
✓	**Letters**	2/4/08
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	N/A

PUBLIC ADMINISTRATOR, Administrator, is petitioner.

Account period: 2/4/08 – 11/16/11

Accounting	-	**$77,081.61**
Beginning POH	-	**$77,037.40**
Ending POH	-	**$33,317.55**
Administrator	-	**$2,483.26** (statutory)
Administrator X/O	-	**$1,248.00** (for sale of real property and preparation of tax returns)
Attorney	-	**$2,483.26** (statutory)
Bond fee	-	**$722.63**
Court fees	-	**$366.50** (filing fee and certified copies)
Closing	-	**$1,000.00**

Petitioner states Robert Garret, decedent's son, was living on the estate's property, which had to be sold. Mr. Garrett refused to leave, and Petitioner served him with a 60 day notice to terminate tenancy. Mr. Garrett left the property without a formal unlawful detainer. However when he left he stripped the house of appliances, which totaled $500 as of the date of death. He also removed the water heater and connecting plumbing. It is Petitioner's assertion that Robert Garrett should be responsible to reimburse the estate at least 7/8 of $500 to make the other beneficiaries whole.

Distribution, pursuant to intestate succession, is to:

Ethel Verdot, Darlene Garrett, Kathleen Garrett Chaney, Carolyn Garrett, Richard Garrett, Larry Garrett and Roberta Stricklin - $3,139.87 each and

Robert Garrett - $2,639.86

NEEDS/PROBLEMS/COMMENTS:

1. **Department of Health Services filed a Creditor's Claim in the amount of $88,999.81. Petition states the State's claim was withdrawn however there is nothing in the file from the Department of Health Services indicating the claim was withdrawn.**

2. **Need proof of service of the *Notice of Hearing* along with a copy of the Petition on the Department of Health Service pursuant to the Request for Special Notice filed on 4/24/08.**

Reviewed by: KT
Reviewed on: 2/2/12
Updates:
Recommendation:
File 1 - Garrett

Dept. 303, 9:00 a.m. Thursday, February 9, 2012

2 **Yolanda Carol Jaime (Estate)** **Case No. 09CEPR00567**

Atty **Kruthers, Heather H (for Petitioner/Public Administrator Administrator)**

(1) First and Final Account and Report of Administrator and (2) Petition for Allowance of Ordinary and Extraordinary Commissions and Fees and (3) for Distribution [Prob. C. 9202; 10800; 10810; 10951; 1600; 11850(a)]

DOD: 3/29/2009		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✓	**Letters** 9/1/09	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

PUBLIC ADMINISTRATOR, Administrator, is petitioner.

Account period: 4/10/09 – 11/14/11

Accounting - **$206,537.60**
Beginning POH - **$175,802.06**
Ending POH - **$ 64,632.11**

Administrator (statutory) - **$7,080.75**

Administrator X/O - **$2,484.82** (for sale of 2 parcels of real property, sale of personal property and preparation of tax returns)

Attorney (statutory) - **$7,080.75**

Bond fee - **$1,290.85**

Court fees and certified copies) - **$426.50** (filing fee

Closing - **$1,500.00**

Distribution, pursuant to intestate succession, is to:

Caroline De Luna - $22,186.72

Cynthia Garcia, Karen Garcia, Laura Colombo and Robert Garcia - $5,546.68 each.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: KT
Reviewed on: 2/2/12
Updates:
Recommendation:
File 2 - Jaime

Dept. 303, 9:00 a.m. Thursday, February 9, 2012

3 **Landa Labate Haddick (CONS/PE)** **Case No. 10CEPR00564**

Atty **Kruthers, Heather H (for Petitioner/conservator Pubic Guardian)**

(1) First and Final Account and Report of Successor Conservator; (2) Petition for Allowance of Compensation to Successor Conservator and her Attorney; (3) and Distribution [Prob. C. 1860; 2620; 2623; 2630; 2631; 2942; 11850(a)]

DOD: 9/4/2011		
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	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

PUBLIC GUARDIAN, Conservator, is petitioner.

Account period: 10/20/10 – 9/4/11

Accounting - **$203,741.22**
Beginning POH - **$165,738.73**
Ending POH - **$107,014.81**

Account period: 9/5/11 - 10/20/11

Accounting - **$107,038.31**
Beginning POH - **$107,014.81**
Ending POH - **$ 96,142.05**

Conservator - **$2,494.64**
(18.75 Deputy hours @ $96/hr and 9.14 Staff hours @ $76/hr)

Attorney - **$2,000.00** (per Local Rule)

Bond fee - **$339.84** (o.k.)

Court fees - **$52.00** (certified copies)

Petitioner states the conservatee died intestate survived by her daughter and sole heir Wendy Wilke. Petitioner requests authority to distribute the remaining property on hand to Wendy Wilke pursuant to Probate Code §13100.

Petitioner prays for an Order:

1. Approving, allowing and settling the first and final account;
2. Authorizing the conservator and attorney fees and commissions;
3. Payment of the bond fee and court fees;
4. Authorize petitioner distribute the remaining property on hand consisting of cash in the amount of $90,860.57 to Wendy Wilke pursuant to Probate Code §13100.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: KT
Reviewed on: 2/2/12
Updates: 2/6/12
Recommendation:
File 3 - Haddick

4 **Robert Glenn Smith (Estate)** **Case No. 11CEPR00428**

Atty **Shepard, Jefferson S. (for Waymon E. Watts – Executor – Petitioner)**

Amended First and Final Account and Report of Administration, Petition for Final Settlement for Allowance of Statutory Commissions and Fees to Executor and to Attorney and for Final Distribution

DOD: 5-1-11		
	Aff.Sub.Wit.	
✓	Verified	
✓	Inventory	
✓	PTC	
✓	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✓	Letters	6-21-11
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	FTB Notice	

WAYMON E. WATTS, Executor with Full IAEA without bond, is Petitioner.

Account period: 5-1-11 through 10-22-11

Accounting: $2,602,962.04
Beginning POH: $2,526,317.16
Ending POH: $2,554,502.56
($457,574.01 cash plus personal property and securities)

Executor (Statutory): $39,285.31

Attorney (Statutory): $39,285.31

Closing: $15,000.00

Distribution pursuant to Decedent's Will:

Nellie Juanita Smith: Personal property including vehicles, jewelry, silver and china, books, pictures, paintings and works of art, household furniture and furnishings, clothing and personal effects

Waymone E. Watts as trustee of the testamentary trust: Residue of Estate

NEEDS/PROBLEMS/COMMENTS:

1. **Statutory fee calculation appears incorrect. Examiner calculates $39,015.31 (a difference of $270.00).**

2. **Court records indicate that Nellie Juanita Smith (surviving spouse & heir of the personal property) passed away on 12-29-11. A petition for appointment of a personal representative is set for hearing on 2-15-12.**

   Therefore, the distribution order should clarify to distribute to the personal representative of her estate.

Reviewed by: skc
Reviewed on: 2-2-12
Updates: 2-6-12
Recommendation:
File 4B - Smith

5 **Gary Giusti (Estate)** **Case No. 11CEPR00518**

Atty **Carter, Robert G. (for Michel Larry Esponde – Administrator – Petitioner)**

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

DOD: 4-6-11			**MICHEL LARRY EPONDE**, Brother and Administrator with Full IAEA without bond, is Petitioner. Accounting is waived. I&A: $240,000.00 POH: $169,685.60 (cash) Administrator (Statutory): Waived Attorney (Statutory): $7,800.00 **Distribution pursuant to intestate succession and Distribution Agreement:** Jacque Esponde: $120,000.00 Michel Larry Esponde: $41,885.60 Any property later discovered to be distributed one-half each to the above heirs.	**NEEDS/PROBLEMS/COMMENTS:**
	Aff.Sub.Wit.			
✔	**Verified**			
✔	**Inventory**			
✔	**PTC**			
✔	**Not.Cred.**			
✔	**Notice of Hrg**			
✔	**Aff.Mail**			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✔	**Letters**	7-28-11		
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
✔	**9202**			
✔	**Order**			
	Aff. Posting			**Reviewed by:** skc
	Status Rpt			**Reviewed on:** 2-2-12
	UCCJEA			**Updates:**
	Citation			**Recommendation: SUBMITTED**
✔	**FTB Notice**			**File 5 - Giusti**

Dept. 303, 9:00 a.m. Thursday, February 9, 2012

6 Avonelle Alford (Estate) **Case No. 11CEPR00551**

Atty Spaulding, Jill L. (for Barry Wayne Alford – Administrator/Petitioner)

Waiver of Accounting and Petition for Final Distribution and (2) for Allowance of Fees to Attorney (Prob. C. §11640, 10810)

DOD: 04/07/11		
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	08/01/11
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	FTB Notice	

BARRY WAYNE ALFORD, Administrator, is Petitioner.

Accounting is waived.

I & A - **$190,000.00**
POH - **$190,000.00**

Executor - **waived**

Attorney - **$2,000.00** (less than statutory)

Distribution, pursuant to intestate succession, is to:

Barry Wayne Alford – ¼ interest in real property

Russell Gregg Alford – ¼ interest in real property

Jill Alford Siegrist – ¼ interest in real property

Linda Dianne Titus – ¼ interest in real property

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: JF
Reviewed on: 02/02/12
Updates:
Recommendation: SUBMITTED
File 6 - Alford

Dept. 303, 9:00 a.m. Thursday, February 9, 2012

7 Jesus Soto (Special NeedsTrust) Case No. 11CEPR00718

Atty **Pimentel, Paul J. (for Jesus Soto, a conserved adult, by his Conservator, Clara Soto – Petitioner)**

Petition for Order Establishing Special Needs Trust [Prob. C. 3600-3613; Cal Rules of Cr 7.903 (c)]

Age: 20		
DOB: 4-8-1991		
Cont. from 092911, 102711, 120811		
	Aff.Sub.Wit.	
✔	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✔	**Notice of Hrg**	
✔	**Aff.Mail**	W
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✔	**Order**	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

JESUS SOTO, a conserved adult, by his Conservator, **CLARA SOTO**, is Petitioner.

Mr. Soto is disabled and receives needs-based public benefits including SSI and Medi-Cal. He lives with his parents and his mother, Clara Soto, is his Conservator.

Mr. Soto will receive approx. $36,996.25 from a personal injury settlement. Outright distribution of the settlement would eliminate Mr. Soto's eligibility for SSI and Medi-Cal. Therefore, Petitioner seeks to establish a a "safe harbor" or Special Needs Trust under Probate Code §3602- 3613, and an order that Petitioner, through his guardian ad litem Clara Soto, is authorized to sign the proposed Special Needs Trust as grantor.

Petitioner prays for the following findings and order:

1. That all notices have been given as required by law;
2. That the Court establish the Special Needs Trust, the Petitioner is directed to execute it, and the court has continuing jurisdiction over the Special Needs Trust;
3. That Clara Soto shall serve as initial Trustee without bond, or bond of $40,000.00;
4. That Petitioner has a disability that substantially impairs his ability to provide for his own care or custody, and constitutes a substantial handicap;
5. That Petitioner is likely to have special needs that will not be met without the trust;
6. That money paid to the trust does not exceed the amount that appears reasonably necessary to meet Petitioner's special needs;
7. That payment of all monies due plaintiff in the lawsuit referenced above shall be paid to the Trustee of the Special Needs Trust after payment of the personal injury Medi-Cal lien;
8. That any proceeds of the settlement received by plaintiff's attorney before the hearing of this petition and deposited into attorney's attorney/client trust account shall not be considered received by Jesus Soto for public benefit eligibility purposes;
9. That the assets of the trust are unavailable to the beneficiary and shall not constitute a resource for eligibility purposes for Medi-Cal, SSI, regional center assistance, or any other program of public benefits;
10. That the Trustee provided the Court with a biennial account and report beginning one year after the date the Court approves the establishment of the trust and every two years thereafter; and
11. Such other and further orders as the Court may deem just and proper.

NEEDS/PROBLEMS/COMMENTS:

Continued from 9-29-11, 10-27-11, 12-8-11.

<u>Minute Order 12-8-11</u>: Counsel informs the Court that they have been unable to obtain bond for any of the family members. Counsel requests a continuance.

<u>As of 12-2-12</u>, nothing further has been filed (since 8-19-11). The following issues remain:

1. **Petitioner requests appointment without bond or bond in the amount of $40,000.00. If bond is waived, the court may require deposit to a blocked account. If required, Examiner calculates that bond, including cost of recovery per Probate Code §2320(c)(4), should be $41,916.75.**
2. **The Trust allows distributions in the Trustee's "sole and absolute discretion." The Court may require clarification between *disbursements* for special needs, which may be made in the Trustee's good faith discretion without court approval, and *distributions*, which may require court approval.**

   (This language would ensure that certain items purchased, such as equipment or a vehicle, would be assets of the trust, rather than "distributions.")
3. **Petitioner requests accountings be required every two years after the first account; however, the Court may require language per Probate Code §2620(a): "*unless otherwise ordered by the Court to be more frequent.*"**
4. **Need revised order per #2 above and Local Rule 7.6.1. (The trust document should be attached and the signature line should appear last.)**

Reviewed by: skc	
Reviewed on: 2-2-12	
Updates:	
Recommendation:	
File 7 - Soto	

Dept. 303, 9:00 a.m. Thursday, February 9, 2012

8 **Angelina Sapien Lozano (CONS/PE)** **Case No. 11CEPR00840**

Atty **Barrus, John E. (Court-Appointed for Conservatee – Petitioner)**

Petition for Allowance of Attorney's Fees and Costs (Prob. C. 1470)

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

JOHN BARRUS, Petitioner, was Court-appointed to represent the Conservatee on 9-22-11.

On 10-28-11, Katina Sapien Lozano Pauley was appointed Conservator of the Person and Estate of Angelina Sapien Lozano.

Petitioner requests fees in connection with the representation of the Conservatee for the 9-19-11 petition to appoint a conservator.

Petitioner asks that he be paid the sum of $2,279.50 from the conservatorship estate for 8.05 hours at $280.00/hr and 0.3 hours at $$85.00/hr.

Services are itemized by date and include review of documents, visits with client and Court appearances.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: skc

Reviewed on: 2-2-12

Updates:

Recommendation:

File 8 - Lozano

Dept. 303, 9:00 a.m. Thursday, February 9, 2012

9 Lucy M. Bosniak (CONS/PE) Case No. 11CEPR01074

Atty Knudson, David N. (for Andrew M. Bosniak – Son – Petitioner)
Atty Teixeira, J. Stanley (for Audrey Medina – Daughter – Objector and Competing Petitioner)
Atty LeVan, Nancy (Court-appointed for Lucy M. Bosniak)

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

Age: 85		
DOB: 12-25-26		
010912		
	Aff.Sub.Wit.	
✔	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✔	**Notice of Hrg**	
✔	**Aff.Mail**	W
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
✔	**Conf. Screen**	
✔	**Letters**	
✔	**Duties/Supp**	
✔	**Objections**	
	Video Receipt	
	CI Report	
	9202	
	Order	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

TEMPORARY CONSERVATORSHIP OF THE PERSON ONLY EXPIRES 12-19-11, extended to 1-9-12, extended to 2-9-12.

Note: Letters have not issued because bond has not been filed.

ANDREW M. BOSNIAK, Son, is Petitioner and requests appointment as Probate Conservator of the Person and Estate with medical consent powers and with bond.

Estimated Value of Estate:
Personal property: $3,000.00
Annual income: $48,000.00 (pension, Social Security)
Real property: $80,000.00

Capacity Declarations were filed 12-21-11, 1-6-12.

Petitioner states his mother suffered a ruptured cerebral aneurism on or about 11-13-11 in conjunction with a stroke. She was taken to Fresno Community Hospital on 11-17-11 and had an angiogram to stop the cranial bleeding and has been a patient there since then, and was transferred to a "step-down" unit on 12-4-11. She is bedridden and has a tracheotomy to assist with breathing and a feeding tube. She requires assistance and is not able to move her left side.

Mrs. Bosniak is unable to manage her finances or property or pay bills related to her residence. Petitioner and his family reside with her in her residence and it is necessary that the bills be paid to keep the household functioning.

Petitioner states his mother had let her health insurance lapse and temporary conservatorship of the person only was granted, including the power to reinstate the policy could be reinstated so that she could be discharged to a local sub-acute care facility.

Audrey Medina, daughter, filed an Objection on 12-16-11.

SEE PAGE 2

NEEDS/PROBLEMS/COMMENTS:

Note: On 2-3-12, a competing petition was filed by Objector Audrey Medina (Daughter) that is set for hearing on 3-15-12.

Court Investigator advised rights on 12-19-11.

Voting rights affected
- Need minute order

Note: Objector Audrey Medina was formerly represented by Attorney Julie Hicks. References in prior minute orders to "Ms. Hicks" refer to Objector's counsel.

Minute Order 12-19-11 (hearing on temporary petition): Mr. Knudson informs the Court that the Kaiser Medical Insurance has been reinstated; however, Lucy Bosniak is currently on Medicare. The Court orders Andrew Bosniak to authorize the release of Lucy Bosniak's medical records to Mr. Knudson. Mr. Knudson is ordered to provide a copy of the medical records to Ms. Hicks and the Court upon receipt. Mr. Knudson is directed to prepare the authorization and the order. The temporary of the person is extended to 1/9/12.

Medical records were filed with the Court (Confidential) on 1-5-12.

Minute Order 1-9-12: Ms. LeVan is appearing via conference call. Ms. Hicks requests a continuance. The Court on its own motion grants temporary conservatorship of the estate in favor of Andrew Bosniak for the limited purpose of him paying the bills to expire 2-9-12. The temporary conservatorship of the person is extended to 2-9-12. The Court orders that court investigator Charlotte Bien contact Ms. LeVan regarding the concerns. The Court further orders that all the children and grandchildren have visitation at the California Armenian Home consistent with the rules of the facility.
Continued to 2-9-12.

As of 2-8-12, if this petition goes forward, the following issues remain:

SEE PAGE 3

Reviewed by: skc
Reviewed on: 2-2-12
Updates: 2-6-12, 2-8-12
Recommendation:
File 9 - Bosniak

SUMMARY (Continued):

Audrey Medina, daughter, filed an Objection on 12-16-11. Objector states she cared for the proposed conservatee in her home in Bakersfield from 2008, after she had a fall at home, through May of 2009. When Mrs. Bosniak came to reside with Objector, her hip was injured from the fall, she was blind, and she had severe dental problems. Objector cared for her until her hip was healed and assured that she had cataract surgery to restore as much vision as possible and addressed the dental problems.

When she lived with Objector, her social security and pension income were deposited into accounts in her own name in Bakersfield. Objector states that Petitioner often asked Mrs. Bosniak for money during this time, and in May 2009, he came to Objector's house and stated he wanted to have lunch with the proposed conservatee. He took her to the bank, closed her accounts, and took her to Fresno.

Objector's access to any kind of contact with her mother has been very limited since that date. When she has tried to visit, Petitioner and his family are hostile, and at times would not even unlock the gate. Petitioner and his family live in the proposed conservatee's house in Fresno, and the house has been allowed to fall into disrepair.

When Mrs. Bosniak was admitted to the hospital in November, Objector is informed that she was dehydrated and in very poor physical condition, with bed sores and severe gingivitis. Objector is concerned about her physical well-being in Petitioner's care, and is concerned that he is using her funds for his own purposes and is neglecting her needs, including the need for health insurance. Objector is investigating health insurance options for her mother; however, it is now very expensive due to her physical condition.

Objector believes the proposed conservatee would be safer and her finances more appropriately managed under her care. She is not estranged from her mother through her own doing. Objector's primary goal is her mother's health and safety, and proper management of her financial affairs.

Objector requests that:
1. The petition for conservatorship by Andrew Bosniak be denied;
2. Objector be allowed to petition for conservatorship; and
3. Other relief the Court considers proper.

Court Investigator Charlotte Bien filed a report on 12-22-11.
The Court Investigator filed a Supplemental Report on 1-30-02.

Note: On 2-7-12, Andrew Bosniak filed an Ex parte Petition to Recover Property and Revoke Durable Power of Attorney under Prob. C. 850, 4541, 1203. Petitioner requested an ex parte order, or alternatively that this request be heard at this hearing on 2-9-12. However, pursuant to Probate Code §851, a hearing has been set for 3-22-12. The Court cannot shorten time for notice of hearing for a Petition under this section.

Note: On 2-8-12, Attorney Nancy LeVan, Court-appointed counsel for the proposed conservatee Lucy Bosniak, filed a report. The report states that it is her opinion based on interview of parties, medical records, hospital staff, and the Court Investigator that Andrew Bosniak's temporary appointment should be allowed to expire and that the Public Guardian be appointed as temporary conservator until Audrey Medina's petition can be heard on 3-15-12. Attorney LeVan states there is sufficient evidence of lack of cooperation in Lucy Bosniak's care and ability to have realistic ideas of her recovery to recommend that Andrew Bosniak NOT be appointed Conservator.
Attorney LeVan states that Andrew, his wife and his daughter have been living in Lucy's home without paying rent and reimbursing her for other costs of the home brings up red flags that there may also be some financial abuse happening. Attorney LeVan spoke with Attorney Knudson on 2-7-12, and also informed him that she is holding $2,900.00 received from Audrey Medina in her trust account, and objects to Attorney Knudson's petition being heard ex parte or on this date with this petition. Attorney LeVan states it greatly concerned her that Attorney Knudson and Andrew attempted to procure a Power of Attorney from Lucy on 12-7-11 while she was in the hospital and unable to speak or make decisions. She believes that had hospital staff not stepped in, Andrew would have had no problems presenting this as the latest POA.
Attorney LeVan states the funds in the trust account will be released to the Public Guardian if appointed. If the Court does not appoint the Public Guardian, Attorney LeVan believes having Andrew Bosniak's letters terminate and appointing Public Guardian as Temporary Conservator until Audrey Medina's petition can be heard is in the best interest of the Conservatee. Filed confidentially along with the report are certain medical records supporting the declaration.

SEE PAGE 3

NEEDS/PROBLEMS/COMMENTS:

***If this Petition goes forward, the following issues remain*:**

1. **Need original Capacity Declaration of Dr. Sidhu.**
2. **Bond should be at least $56,100.00 based on the estimated values and income provided in the Petition (not including real property).**

10 Jesse R. Trask (GUARD/PE) **Case No. 11CEPR01084**

Atty Reinhardt, Mavis Jean (Pro Per – Maternal Grandmother – Petitioner)

Atty Reinhardt, Alan William (Pro Per – Maternal Step-Grandfather – Petitioner)

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

Age: 7		
DOB: 1-16-05		
	Aff.Sub.Wit.	
✔	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	X
✔	**Conf. Screen**	
✔	**Letters**	
✔	**Duties/Supp**	
	Objections	
	Video Receipt	
✔	**CI Report**	
✔	**Clearances**	
✔	**Order**	
	Aff. Posting	
	Status Rpt	
✔	**UCCJEA**	
	Citation	
	FTB Notice	

NO TEMPORARY – none requested

MAVIS JEAN REINHARDT and ALAN WILLIAM REINHARDT, Maternal Grandmother and Step-Grandfather, are Petitioners and request appointment as Co-Guardians of the Person and Estate of Jesse R. Trask.

Father: **UNKNOWN** – *No name on birth certificate*
Mother: **RACHELLE JOY TRASK** – *Deceased*
Paternal Grandfather: Unknown
Paternal Grandmother: Unknown
Maternal Grandfather: Richard Joseph Trask – *Deceased*

Estimated value of the estate: $10,000.00 to 20,000.00

Petitioners state the child has lived with them since May 2009. His mother passed away in January 2011. His mother had a life insurance policy through her employer (County of Fresno) that is estimated at between $10,000.00 and $20,000.00, and Petitioners have been instructed by the insurance company to place the funds into a blocked account. However, Petitioners will need to manage the account. Therefore, guardianship of the person and estate is necessary.

Petitioners state the father is unknown and request that the Court dispense with notice to the father and paternal grandparents. Petitioners state the mother was living in Florida when she became pregnant and returned to Fresno where the child was born. When questioned about the father, she stated she did now know who he was. No one has ever presented himself claiming to be the father, and now that she is deceased, there is no way to ascertain his identity.

Court Investigator Jennifer Daniel filed a report on 2-2-12.

NEEDS/PROBLEMS/ COMMENTS:

1. **If notice not dispensed, need Notice of Hearing and proof of service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 on Father and paternal grandparents.**

Reviewed by: skc
Reviewed on: 2-2-12
Updates:
Recommendation:
File 10 - Trask

11 John V. Simas (Spousal) **Case No. 11CEPR01128**

Atty Lo, W. John (of Salinas, for Rosemary H. Simas – Petitioner)

Spousal or Domestic Partner Property Petition (Prob. C. 13650)

DOD: 7/2/11		
Cont. from		
	Aff.Sub.Wit.	
√	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
√	**Notice of Hrg**	w
√	**Aff.Mail**	
	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	

ROSEMARY H. SIMAS, surviving spouse, is Petitioner.

No other proceedings.

Will dated 1/23/97

Petitioner states she and Decedent were married on 6/13/76 and were living with each other as husband and wife at the time of Decedent's death. Decedent and Petitioner held the two real properties at issue as: "community property" and "husband and wife," respectively. In his Will, Decedent left his entire estate to Petitioner, and Decedent never received any real or personal property after the date of the marriage by gift, bequest, devise, proceeds of life insurance or joint tenancy survivorship.

Petitioner requests court confirmation that ½ interest in the two real properties belongs to her and that ½ interest passes to her.

NEEDS/PROBLEMS/COMMENTS:

1. **Need order.**

Reviewed by: NRN

Reviewed on: 2/2/12

Updates:

Recommendation:

File 11 - Simas

Dept. 303, 9:00 a.m. Thursday, February 9, 2012

12 **Russell C. Friend aka Russell Cureton Friend (Estate)** **Case No. 11CEPR01132**
Atty **Dornay, Val J. (for Dennis K. Friend – Petitioner)**

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 12/7/11		
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	

DENNIS K. FRIEND, son and named Executor without bond, is Petitioner.

Will dated 8/22/94

Full IAEA

Residence - Clovis, CA
Publication- Fresno Business Journal

Estimated value of estate

Personal property	$614,000.00
Annual income	$ 10,000.00
Real property	0
Total	**$624,000.00**

PROBATE REFERREE: STEVEN DIEBERT

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: NRN
Reviewed on: 2/2/12
Updates:
Recommendation: SUBMITTED
File 12 - Friend

Dept. 303, 9:00 a.m. Thursday, February 9, 2012

13 Micaila L. Pickens (CONS/P) **Case No. 12CEPR00017**

Atty Winter, Gary L. (for Steven K. Pickens and Cynthia L. Pickens – parents/Petitioners)

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

Age: 18 **DOB: 02/03/94**			**NO TEMPORARY REQUESTED**	**NEEDS/PROBLEMS/COMMENTS:**
			STEVEN K. PICKENS and **CYNTHIA L. PICKENS,** parents, are Petitioners and request appointment as Conservator of the Person with Medical Consent Powers.	**Voting rights affected. Need Minute Order.** **Court Investigator advised rights on 01/17/12.**
Cont. from			Declaration of Dr. Maurice Gillespie supports request for medical consent powers.	1. **Need Citation and proof of personal service of Citation along with a copy of the Petition on the proposed conservatee.** 2. **Need receipt from each proposed conservator re viewing of conservatorship video.**
	Aff.Sub.Wit.		Voting rights affected.	
✓	**Verified**		Petitioner states that Micaila was diagnosed with a chromosome anomaly at the age of 5 months and is severely disabled requiring total care in all aspects of daily living. She is not ambulatory and unable to speak. Further, she is unable to feed herself or take in regular food and is completely dependent upon the Petitioners.	
	Inventory		**Court Investigator Charlotte Bien's report was filed 01/20/12.**	
	PTC			
	Not.Cred.			
✓	**Notice of Hrg**			
✓	**Aff.Mail**	w/		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.	x		
✓	**Conf. Screen**			
✓	**Letters**			
✓	**Duties/Supp**			
	Objections			
	Video Receipt	x		
✓	**CI Report**			
	9202			
✓	**Order**			
	Aff. Posting			**Reviewed by:** JF
	Status Rpt			**Reviewed on:** 02/02/12
	UCCJEA			**Updates:**
	Citation	x		**Recommendation:**
	FTB Notice			**File 13 - Pickens**

Dept. 303, 9:00 a.m. Thursday, February 9, 2012

14 Louis Brosi, Sr. (Trust) **Case No. 07CEPR01213**

Atty Keeler Jr., William J. (of DAK, for Cindy Snow Henry – Trust Beneficiary – Petitioner)
Atty Klassen, Kenton J. (of DAK, also for Cindy Snow Henry – Trust Beneficiary – Petitioner)
Atty Abrams, Robert C. (of Pascuzzi, Moore & Stoker, for Louis Brosi, Jr. – Trustee)
Atty Jaech, Jeffrey A. (of Caswell Bell, formerly for Louis Brosi, Jr. – Trustee)
Atty Paloutzian, Dirk (of BMJ, formerly for Louis Brosi, Jr. – Trustee)

Status Hearing Re: Pending Motion By Mr. Franco

			NEEDS/PROBLEMS/COMMENTS:
			OFF CALENDAR (per minute order 2-2-12)
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		Reviewed by: skc
	Status Rpt		Reviewed on: 2-6-12
	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 14 - Brosi

Petition for Termination of Guardianship (Prob. C. 1460, 1601, 2626, 2627, 2636)

Sabrina Age: 13 yrs DOB: 3/2/1998		
Sean Age: 11 yrs DOB: 6/12/2000		
Shelby Age: 8 yrs DOB: 2/16/2003		
Cont. from 121511		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	W/O
	Aff.Pub.	
	Sp.Ntc.	
✓	**Pers.Serv.**	W/
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
✓	**CI Report**	
✓	**Clearances**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

LAURA ABRAHAMIAN, maternal great aunt and Guardian appointed on 10/11/2007, is Petitioner.

Father: **HANS MATHEUS**; *sent notice by mail (proof of service undated);*

Mother: **SARA ABRAHAMIAN**; *Declaration of Due Diligence filed 11/21/2011*; *Minute Order dated 10/11/2007 (from petition for appointment) states the Court finds due diligence as to the mother and dispenses with notice unless whereabouts become known;*

Ward Sabrina Matheus consents to the termination and waives notice of hearing. Personally served with notice on 11/14/2011.

Paternal grandfather: Unknown; *deceased*; Paternal grandmother: Sharon Clinton; *sent notice by mail 11/17/2011;*

Maternal grandfather: Robert Abrahamian; *sent notice by mail 11/17/2011;* Maternal grandmother: Susan [Abrahamian] Nunez; *sent notice by mail 11/17/2011;*

Petitioner states she and the child have irreconcilable differences, and the child has become an instigator in the home. Petitioner states she is concerned about how this ongoing behavior may affect the siblings in the home. Petitioner states the child wishes to go to a foster home.

Court Investigator Charlotte Bien's *Report* was filed on 12/5/2011.

Court Investigator Charlotte Bien's *Report* was filed on 1/19/2012.

NEEDS/PROBLEMS/COMMENTS:

Note: This Petition for Termination is for Sabrina only.

<u>Page 15B</u> is a *Petition for Appointment of Successor Guardian* filed by Sharon Clinton, paternal grandmother.

<u>Page 15C</u> is a *Petition for Visitation* filed by Laura Abrahamian, Guardian.

<u>Continued from 12/15/2011</u>. *Minute Order* states: Also present in the courtroom is Heather Chance and Sabrina. Sabrina informs the Court that she would like to live with her grandmother, Sharon. Sharon Clinton informs the Court that a family member intends to file a petition for guardianship. The Court directs that the new petition, when filed, be set for hearing on 2/9/2012 to coincide with the current petition which is being continued to 2/9/2012. The Court orders that Sabrina's medical appointments be continued by whichever party she is with. Sharon is directed to enroll Sabrina in the new school over the holiday break if that is the intent of the parties.

<u>Note</u>: *Minute Order* dated 12/15/2011 from the hearing on the temporary petition for guardianship filed by Elizabeth Abrahamian seeking to be successor guardian of Sabrina Matheus states: Also present in the courtroom is Heather Chance and Sabrina. Based on the Petitioner's [Elizabeth Abrahamian's] desire not to pursue the guardianship petitions, the Court orders the temporary and permanent petitions withdrawn and dismissed.

Reviewed by: LEG	
Reviewed on: 2/6/12	
Updates:	
Recommendation:	
File 15A - Matheus	

15B Sabrina Matheus, Sean Matheus & Shelby Matheus (GUARD/P) Case No. 07CEPR00758

Pro Per Clinton, Sharon (Pro Per Petitioner, paternal grandmother)

Petition for Appointment of [Successor] Guardian of the Person (Prob. C. 1510) (Sabrina Matheus only)

Sabrina Age: 13 yrs DOB: 3/2/1998		
Sean Age: 11 yrs DOB: 6/12/2000		
Shelby Age: 8 yrs DOB: 2/16/2003		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	X
✓	**Conf. Screen**	
	Aff. Posting	
✓	**Duties/Supp**	
	Objections	
	Video Receipt	
✓	**CI Report**	
✓	**Clearances**	
✓	**Order**	
✓	**Letters**	
	Status Rpt	
✓	**UCCJEA**	
	Citation	
	FTB Notice	

SHARON CLINTON, paternal grandmother, is Petitioner.

Father: **HANS MATHEUS**

Mother: **SARA ABRAHAMIAN**; *Minute Order dated 10/11/2007 (from petition for appointment) states the Court finds due diligence as to the mother and dispenses with notice unless whereabouts become known;*

Ward Sabrina Matheus was present in Court on 12/15/2011.

Paternal grandfather: Unknown; *deceased*;

Maternal grandfather: Robert Abrahamian;
Maternal grandmother: Susan [Abrahamian] Nunez;

Petitioner states her granddaughter Sabrina no longer wants to live with the current Guardian, Laura Abrahamian, that Sabrina is asking to live with Petitioner, and that Laura mistreats her granddaughter.

Petitioner requests the Court make additional orders that Laura Abrahamian return all of Sabrina's property, furniture, clothing, hair ribbons she paid for and made herself, the money Sabrina earned that is in Sabrina's bank account, and anything else that belongs to Sabrina.

Court Investigator Charlotte Bien's *Report* filed 1/19/2012.

NEEDS/PROBLEMS/COMMENTS:

Note: This Petition for Successor Guardianship is for Sabrina only.

<u>Note</u>: Petitioner Sharon Clinton has not filed any documents related to service of notice of hearing for her *Petition*, and it appears based upon the continuance of this matter to 2/9/2012 per the *Minute Order* dated 12/15/2011 that notice may be deemed sufficient for this *Petition*.

Reviewed by: LEG
Reviewed on: 2/6/12
Updates:
Recommendation:
File 15B - Matheus

Dept. 303, 9:00 a.m. Thursday, February 9, 2012

15C Sabrina Matheus, Sean Matheus & Shelby Matheus (GUARD/P) Case No. 07CEPR00758

Pro Per Abrahamian, Laura L. (Pro Per Petitioner, Guardian, maternal great aunt)

Petition for Visitation [Sabrina Matheus]

Sabrina Age: 13 yrs DOB: 3/2/1998		
Sean Age: 11 yrs DOB: 6/12/2000		
Shelby Age: 8 yrs DOB: 2/16/2003		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
✓	**Aff.Mail**	W/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

LAURA ABRAHAMIAN, maternal great aunt and Guardian appointed on 10/11/2007, is Petitioner.

Father: **HANS MATHEUS**

Mother: **SARA ABRAHAMIAN**; *Minute Order dated 10/11/2007 (from petition for appointment) states the Court finds due diligence as to the mother and dispenses with notice unless whereabouts become known;*

Ward Sabrina Matheus was present in Court on 12/15/2011.

Paternal grandfather: Unknown; *deceased*;

Maternal grandfather: Robert Abrahamian;
Maternal grandmother: Susan [Abrahamian] Nunez;

Petitioner states:

- Sean Matheus and Shelby Matheus would like to have visits with their sister, Sabrina Matheus, and Petitioner believes this would be in the best interest of the children;
- Petitioner would like the visits to be supervised, as she is concerned about ill feelings toward her being discussed in a negative way with the children who live with her;
- Petitioner is also concerned that the children may have their father, Hans Matheus, present during visits, as he may be staying with his mother, Sharon Clinton; the father has been in prison several times, and in the four years the children have been with her, the father has not been out of prison for 12 consecutive months;
- Petitioner asks that if Sharon would like to visit with all of the children, that no overnight visits be allowed, as Petitioner knows that Sharon has a long past with drinking issues, based upon family members and Petitioner witnessing Sharon being involved in incidents related to her drinking, such as her driving with an open container in the car while the children were with her.

NEEDS/PROBLEMS/COMMENTS:

<u>Note</u>: Petitioner Laura Abrahamian filed proof of mailed service of her *Petition* to proposed guardian Sharon Clinton, but she has not filed any documents related to service of notice of hearing for her *Petition* to any other interested parties; it appears based upon the continuance of the two other related matters (termination and successor guardianship) to 2/9/2012 per the *Minute Order* dated 12/15/2011 that notice may be deemed sufficient for this *Petition for Visitation* which was set for the same hearing date.

Reviewed by: LEG

Reviewed on: 2/6/12

Updates:

Recommendation:

File 15C - Matheus

Dept. 303, 9:00 a.m. Thursday, February 9, 2012

16A Betty Jean Johnson (Estate) **Case No. 10CEPR00725**

Atty Johnson, Chris (pro per – son/Executor)

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

DOD: 09/26/08	**CHRIS JOHNSON,** son, was appointed Executor and Letters were issued on 10/21/10. **Minute Order from hearing on 10/21/10** set this matter for status for filing the First Account or Petition for Final Distribution on 12/15/11. **An Inventory & Appraisal was filed 01/26/11.** **Clerk's Certificate of Mailing filed 12/16/11** states that Chris Johnson was mailed a copy of the 12/15/11 minute order on 12/16/11.	**NEEDS/PROBLEMS/COMMENTS:** **CONTINUED FROM 12/15/11** **Minute order from 12/15/11 states:** **No appearances. The Court sets the matter for an Order to Show Cause on 02/09/12. The Court orders Chris Johnson be present on 02/09/12.** **As of 02/02/11, the petitioner has not filed any new documents.** **1. Need First Account or Petition for Final Distribution.**
		Reviewed by: JF
		Reviewed on: 02/02/12
		Updates:
		Recommendation:
		File 16A – Johnson

Cont. from 121511		
	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	

Dept. 303, 9:00 a.m. Thursday, February 9, 2012

16B Betty Jean Johnson (Estate) **Case No. 10CEPR00725**

Atty Johnson, Chris (pro per – son/Executor)

Order to Show Cause

DOD: 09/26/08	**CHRIS JOHNSON,** son, was appointed Executor and Letters were issued on 10/21/10. Inventory & Appraisal was filed 01/26/11 First account is now due. A status hearing was set for the filing of the first account. At the status hearing on 12/15/11 there were no appearances and this Order to Show Cause Hearing was set. A copy of the Minute Order was mailed to Mr. Johnson on 12/16/11.	**NEEDS/PROBLEMS/COMMENTS:**
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		**Reviewed by:** JF
Status Rpt		**Reviewed on:** 02/02/12
UCCJEA		**Updates:**
Citation		**Recommendation:**
FTB Notice		**File 16B - Johnson**

Dept. 303, 9:00 a.m. Thursday, February 9, 2012

Age: 5		
DOB: 7-3-06		
	Aff.Sub.Wit.	
✔	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	X
✔	Conf. Screen	
✔	Letters	
✔	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✔	Order	
	Aff. Posting	
	Status Rpt	
✔	UCCJEA	
	Citation	
	FTB Notice	

GENERAL HEARING 3-27-12

MAGDA KARINA GUZMAN, Sister, is Petitioner.

Father: **UNKNOWN**
- *Declaration of Due Diligence filed 1-31-12 states Father is unknown*

Mother: **BLANCA ESTELA GUZMAN DE SIERRA**
- *Deceased*

Paternal Grandfather: Unknown
Paternal Grandmother: Unknown

Maternal Grandfather: Francisco Guzman
- *Deceased*
Maternal Grandmother: Rosa Lopez
- *Homeless in Washington*

Siblings: Lorenzo Sierra Guzman, Jr., Monica Sierra Guzman, Mauricio Sierra Guzman

Petitioner states their mother passed away and no one has filed or taken care of Emily financially or been there for her. She needs a legal guardian and Petitioner is willing to take care of her and give her everything she needs. As her sister, when her mother was alive, Petitioner took care of Emily financially and supervised her and met all of her needs.

Petitioner has also provided Emily's birth certificate and school records.

UCCJEA indicates that Petitioner and Emily previously lived with their mother until she passed away, and Emily has been with Petitioner since then.

NEEDS/PROBLEMS/COMMENTS:

<u>Note</u>: Petitioner previously filed for guardianship on 5-19-11; however, Guardianship was denied on 7-26-11. (No appearances at the hearing.)

1. **Declaration of Due Diligence filed 1-31-12 states the father is unknown, but does not indicate any effort to identify or locate him.**

   If diligence is not found, need proof of personal service of Notice of Hearing with a copy of the Petition at least five court days prior to the hearing pursuant to Probate Code §2250(e) <u>or</u> consent and waiver of notice <u>or</u> further diligence.

Reviewed by: skc
Reviewed on: 2-2-12
Updates:
Recommendation:
File 17 - Guzman

18 Aaliyah Amber Garcia (GUARD/P) **Case No. 12CEPR00095**

Atty Jeffery, Norma (Pro Per – Maternal Great-Grandmother – Petitioner)

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

Age: 23 months		
DOB: 2-20-10		
	Aff.Sub.Wit.	
✔	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	X
✔	Conf. Screen	
✔	Letters	
✔	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✔	Order	
	Aff. Posting	
	Status Rpt	
✔	UCCJEA	
	Citation	
	FTB Notice	

TEMPORARY GRANTED EX PARTE ON 1-30-12
EXPIRES 2-9-12

GENERAL HEARING 3-29-12

NORMA JEFFERY, Maternal Great-Grandmother, is Petitioner.

Father: **UNKNOWN**
Mother: **BRIANNA JEAN SHAW**

Paternal Grandfather: Unknown
Paternal Grandmother: Unknown

Maternal Grandfather: Unknown
Maternal Grandmother: Christine Shaw

Sibling: Christina Rose Brielle Garcia

Petitioner states Aaliyah is currently living with her and requests temporary guardianship for her safety and protection. Mother is currently on parole and has a warrant out for her arrest. She is a drug user and is not capable of loving and caring for her. She may end up incarcerated. Aaliyah is content and happy with Petitioner and is thriving in day care.

Petitioner states Mother previously signed over "guardianship" to her in December 2011; however, Petitioner currently has a restraining order against Mother in 12CEFL00455 (attached) with a hearing date of 2-10-12 in Dept. 202 stemming from an incident where Mother attempted to take the child. Petitioner also states Mother's husband Robert Garcia is also a registered Bulldog gang member, which is a cause of concern.

NEEDS/PROBLEMS/COMMENTS:

1. **Need Notice of Hearing.**
2. **Need proof of personal service of Notice of Hearing with a copy of the temporary petition at least five court days prior to the hearing per Probate Code §2250(e) or consent and waiver of notice or declaration of due diligence on:**
   - Brianna Jean Shaw (Mother)
   - Unknown Father

   ***Note**: Examiner notes that Petitioner states the father is unknown, but the child has the same last name as the person referred to as "Mother's husband" (Robert Garcia). The Court may require clarification.*

Reviewed by: skc
Reviewed on: 2-2-12
Updates:
Recommendation:
File 18 – Garcia

Dept. 303, 9:00 a.m. Thursday, February 9, 2012