1 Catalina D. Miranda (CONS/P) **Case No. 0380281**

Atty Perkins, Jan T. (for Elena Ortiz – Conservator)

Probate Status Hearing Re: Next Accounting

Age: 84 **DOB: 05/27/27**	**ELENA ORTIZ,** sister, was appointed Conservator of the Person and Estate in 1966. **The Nineteenth Account Current, Report and Petition for Settlement** was filed 10/05/09 and granted at the 11/03/09 hearing. **Minute Order from 11/03/09 hearing** set this matter for hearing and states that if the next accounting is on file by 12/12/11, then no appearance is necessary. **Status report filed 12/09/11** states that the Conservatee passed away on 08/14/11. The Conservator is in the process of collecting final bank account records to prepare the accountings to close the Conservatorship. Conservator requests a continuance of 60 days.	**NEEDS/PROBLEMS/COMMENTS:** **<u>CONTINUED FROM 12/13/11</u>** **Mr. Perkins stated that the Conservatee has passed away. He requests more time to prepare accounting.** **As of 02/03/12, the final accounting has not been filed.** **1. Need next accounting.**
Cont. from 121311		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		**Reviewed by:** JF
Status Rpt		**Reviewed on:** 02/03/12
UCCJEA		**Updates:**
Citation		**Recommendation:**
FTB Notice		**File 1 - Miranda**

Dept. 303, 9:00 a.m. Tuesday, February 14, 2012

2 **Alison Miller (CONS/PE)** **Case No. 0437854**

Atty **Denning, Stephen M. (for Petitioner Matthew Miller)**

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

Age: 40 years DOB: 3/10/1971		
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	

TEMPORARY of the <u>Person only</u> EXPIRES 2/14/12.

MATTHEW MILLER, brother, is petitioner and requests appointment as Successor Conservator of the person and estate with medical consent powers and without bond.

BEVERLY MILLER, conservator, died on 12/4/11 leaving a vacancy in the office of Conservator.

<u>Estimated Value of the Estate:</u>
Public Assistance - **$12,000.00**

Conservator was previously adjudicated to lack the capacity to give informed consent to medical treatment.

Voting Rights Affected.

Petitioner states the conservatee is profoundly disabled both mentally and physically.

Court Investigator Jennifer Young's report filed on 2/6/12.

NEEDS/PROBLEMS/COMMENTS:

Court Investigator advised rights on 1/6/12.

Voting rights affected need minute order.

1. **Petition states the only asset of the conservatorship is public assistance benefits. Public assistance benefits can be managed without the need for a conservatorship of the estate. Therefore, it appears that a conservatorship of the estate is not necessary.**

Reviewed by: KT
Reviewed on: 2/3/12
Updates: 2/7/12
Recommendation:
File 2 - Miller

Dept. 303, 9:00 a.m. Tuesday, February 14, 2012

3 **Frances H. Vasquez (Estate)** **Case No. 09CEPR01028**

Atty **Hemb, Richard E. (for Monica Abasolo – Sister – Petitioner)**

Petition to Determine Title to and Require Transfer of Property to Estate [Prob. C. 850(a)(2)(C)]

DOD: 10-20-09			**MONICA ABASOLO**, Sister and Executor with Full IAEA without bond, is Petitioner.
	Aff.Sub.Wit.		Petitioner states that prior to executing her Will dated 10-11-09, Decedent executed a revocable inter vivos trust dated 5-16-00 and executed a grant deed for her real property to the trust.
✔	**Verified**		
	Inventory		Prior to her death, Decedent decided that she did not want to leave any of her property to her son Benjamin Vasquez or have him serve in a fiduciary capacity. After direct and private consultation with Attorney James Arnold in San Jose, CA, Decedent executed the Will dated 10-11-09 (that appointed Petitioner as Executor) along with a Revocation of Trust that was signed and notarized by Attorney Arnold (attached).
	PTC		
	Not.Cred.		
✔	**Notice of Hrg**		
✔	**Aff.Mail**	W	
	Aff.Pub.		However, Decedent never executed a new grant deed to convey title back from the trust to her individually. Petitioner states Decedent no doubt believed the revocation of trust was sufficient, and may have been advised that the trust declaration, although revoked, could be reinstated in the future with appropriate changes to her successor trustee and distribution clauses. A letter from Attorney Arnold is attached that explained options to Decedent.
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		Petitioner is informed and believes that Decedent did not understand that a new grant deed would be required and believed that all action on her part was completed.
✔	**Order**		
	Aff. Posting		
	Status Rpt		Petitioner has recently obtained possession of the premises by use of unlawful detainer action against tenants in both units of the duplex and has completed extensive cleanup. Petitioner states sale of the property is necessary as part of estate administration and requests that the Court determine pursuant to Probate Code §850(a)(2)(C)that by Decedent's action to revoke her inter vivos trust, she intended that her last will dated 10-11-09 control disposition of the real property.
	UCCJEA		
	Citation		
	FTB Notice		Petitioner prays for an order determining that the real property belongs to the estate, and that title is rightfully in Petitioner as Executor.

NEEDS/PROBLEMS/COMMENTS:

<u>Note</u>: Petitioner was appointed Executor pursuant to the Will dated 10-11-09 after trial and will contest by Decedent's son Benjamin Vasquez. See Minute Order dated 2-15-11.

<u>Note</u>: The real property at issue has been inventoried as an asset of the estate. See Inventory and Appraisal filed 11-28-11.

Reviewed by: skc

Reviewed on: 2-2-12

Updates:

Recommendation:

File 3 - Vasquez

Dept. 303, 9:00 a.m. Tuesday, February 14, 2012

4 Marguerite Amelia Nabors (Estate) **Case No. 09CEPR01054**

Atty Sanoian, Joanne (for April C. Roberts – Successor Administrator – Petitioner)

Report of Sale and Petition for Order Confirming Sale of Real Property

DOD: 9-21-06		
	Aff.Sub.Wit.	
✔	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✔	Notice of Hrg	
✔	Aff.Mail	W
✔	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✔	Letters	5-11-11
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✔	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

APRIL C. ROBERTS, Successor Administrator with Limited IAEA and bond of $10,000.00, is Petitioner.

Sale Price: **$38,000.00**
Overbid: **$40,400.00**

Reappraisal: **$40,000.00**

Property: 1815 E. Michigan
Fresno, CA 93703

Publication: Fresno Business Journal

Buyer: Bobby A. Jolliff, a married man, as his sole and separate property.

Broker: 6% or $2,280.00 – Robert Mitchell of London Properties (for seller) and Donna Kohler of Century 21 C. Watson (for buyer) will each receive 3% or $1,140.00

Terms: Specified in Attachment 4f ("Counter Offer" and "Probate Purchase Agreement")

Proceeds to be deposited to a blocked account at Cornerstone Financial Credit Union in Dickson, TN.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: skc
Reviewed on: 2-3-12
Updates:
Recommendation:
File 4 - Nabors

Dept. 303, 9:00 a.m. Tuesday, February 14, 2012

5 Margaret Archuleta (CONS/PE) **Case No. 10CEPR00897**

Atty Motsenbocker, Gary L. (for Antoinette Hernandez – Conservator – Petitioner)

(1) First Account and Report of Conservator; (2) Petition for Allowance of Fees to Conservator of the Person and Estate, and for Attorney's Fees [Prob. C. 2620, 2640 (a)(1) & (3); 2641 and CRC 7.207?(c); Local Rule 7.16(B)(1)]

Age: 85

DOB: 12-22-26

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

ANTOINETTE HERNANDEZ, Daughter and Conservator of the Person and Estate with bond of $12,000.00 and the remainder in blocked accounts, is Petitioner. Letters issued on 5-6-11.

Account period: 5-6-11 through 11-30-11

Accounting: $114,088.10
Beginning POH: $110,115.33
Ending POH: $25,958.25

Conservator: $1,057.50 (70.5 hours @ $15.00/hr – Itemization at Exhibit "B" includes time in obtaining bond, marshaling assets, coordinating care, etc.)

Attorney: $7,358.50 (32.5 attorney hours @ $225.00/hr plus $46.00 in costs)

Petitioner requests an Order:

1. Approving, allowing, and settling the account; and
2. Authorizing the conservator's and attorney's fees and costs

Court Investigator Jo Ann Morris filed a report on 1-13-12.

NEEDS/PROBLEMS/COMMENTS:

1. **Attorney Motsenbocker's fee request includes a $40 ex parte filing fee on 4-15-11; however, Examiner notes that the Disbursements Schedule includes reimbursement of a $40 ex parte filing fee on 11-15-11.**

   Additionally, Attorney Motsenbocker's fee request includes a $6.00 flat charge for faxing a copy of the order to the bonding company. The Court may consider this type of cost to be non-reimbursable as a cost of doing business pursuant to Local Rule 7.17.

   Therefore, the Court may require the Attorney's compensation to be reduced by $46.00 (to $7,312.50).

Reviewed by: skc

Reviewed on: 2-3-12

Updates:

Recommendation:

File 5 - Archuleta

6 **Cesar Larios (Estate)** **Case No. 11CEPR00098**

Atty **Ramos, John R. (of Montebello, CA, for Maria R. Cabrera – Administrator)**

(1) First and Final Account and Report of Administrator, (2) Petition for Attorney Fees and (3) Final Distribution

DOD: 12-13-10		
	Aff.Sub.Wit.	
✔	**Verified**	
✔	**Inventory**	
✔	**PTC**	
✔	**Not.Cred.**	
✔	**Notice of Hrg**	
✔	**Aff.Mail**	W
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✔	**Letters**	5-5-11
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✔	**9202**	
	Order	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✔	**FTB Notice**	

MARIA R. CABRERA, Sister and Administrator with Limited IAEA with bond of $10,000.00, is Petitioner.

Accounting is waived.

I&A: $275,000.00
POH: $14,951.35 cash plus real property in Los Angeles County)

Administrator (Statutory): Waived

Attorney (Statutory): $8,500.00

Distribution pursuant to intestate succession:

Graciela F. Larios (Decedent's mother): 100% of the estate

NEEDS/PROBLEMS/COMMENTS:

1. **Need Allowance or Rejection of Creditor's Claim (DE-174) and proof of service on the Franchise Tax Board regarding the claim filed 12-9-11.**

   ***Note**: Petitioner states the claim for $10,427.07 is for failing to report income in 2008; however, the purported claim has no basis because the Decedent was unemployed in 2007 and never worked thereafter. Petitioner states efforts are being made with the Franchise Tax Board to resolve this claim; however, the Allowance or Rejection is a mandatory Judicial Council form and no withdrawal of the claim has been filed.*

   ***Note**: There is a 90-day response period from service on a rejected claim.*

2. **Need order pursuant to Local Rule 7.6.1. (Monetary distributions must be stated in dollars, etc.)**

Reviewed by: skc
Reviewed on: 2-3-12
Updates:
Recommendation:
File 6 - Larios

Dept. 303, 9:00 a.m. Tuesday, February 14, 2012

7 Augustine J Pedemonte Trust (Trust) Case No. 11CEPR00192

Atty Matlak, Steven M. (for Petitioner Joseph Pedemonte)
Atty Nina Helgeson, Maria Pedemonte & Augustina Pedemonte, pro per Objectors

Petition to Appoint Successor Trustee

Cont. from 042511, 060611, 072511, 091211, 111411, 012312

	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	

JOSEPH PEDEMONTE, income beneficiary, is Petitioner.

Petitioner states during his lifetime he is the sole income beneficiary of the AUGUSTINE J. PEDEMONTE TRUST dated April 13, 1983.

Eugene A. Zanardi was the initial trustee of the Trust. Eugene resigned on 7/31/1995. Named successor trustee, Diane Williams declined to act, thereby creating a vacancy. There are no other trustees named in the Trust instrument.

On 2/22/1996 Petitioner filed a Petition to Appoint Successor Trustee (Fresno Superior Court case no. 554667). As requested in the petition the court appointed Robert Garavello as successor trustee of the trust.

On or about 2/28/11 Robert Garavello signed a Resignation of Trustee, whereby Robert Garavello resigned as Trustee of the trust effective upon the occurrence of the earliest to occur of the following events: (i) the closing of the pending loan in the approximate amount of $300,000 between Pedemonte Properties Inc., and tri-Counties Bank, which loan will be secured by the real property located at 7520 N. Palm Ave., Fresno. (ii) the appointment of a successor trustee of the Trust and related trust known as the Susan Pedemonte Trust, of which Robert Garavelle is currently serving as trustee, or (iii) September 1, 2011.

The Trust requires that a vacancy in the office of trustee be filled. By an instrument in writing, Joseph Pedemonte, the beneficiary of the Trust, has nominated ROBERT S. SWANTON as successor Trustee to fill the vacancy, and said nominee has signed his consent.

The Trust waives bond for the persons named as trustee or any person appointed as trustee in the manner specified in the Trust.

Petitioner prays for an order:

1. Appointing ROBERT S. SWANTON as successor trustee of the Trust, investing with him all the powers vesting in the office of the trustee under the Trust.

Please see additional page for objections.

NEEDS/PROBLEMS/COMMENTS:

Continued from 1/23/12. Minute order states counsel informs the Court that the parties have agreed to have Bruce Bickel appointed as successor Trustee and the only issue is the amount of bond. Counsel requests a continuance. Matter continued to 2/14/12. If the documents have been reviewed and the bond is acceptable, the matter may be taken off calendar.

Minute order dated 11/14/11 states parties agree to appoint Bruce Bickel as successor trustee. Matter continued to 1/23/12; however, if parties can stipulate to a bond amount and bond is posted the matter may be taken off calendar.

1. **Declaration of Steven Matlak requests the bond be set at $3,496,544.24 based on the Restricted Use Appraisal Report prepared by George Zengel. There is nothing in the file indicating Nina Hegelson, Maria Pedemonte and Augustina Pedemonte have agreed to the bond amount.**

Reviewed by: KT
Reviewed on: 2/3/12
Updates: 2/7/12
Recommendation:
File 7 - Pedemonte

Objections to Petition to Appoint Successor Trustee, filed on 4/18/11 by Nina Helgeson, Maria Pedemonte and Augustina Pedemonte. Objectors state they are the grandchildren of the Trustor and remainder beneficiaries of the Trust. Objectors object to the appointment of the Nominated Successor Trustee (Robert S. Swanton) as the Successor Trustee of the Trust and desire to have someone appointed who will be fair and impartial to all the beneficiaries of the Trust.

Since the Trust only waives bond for the person named in the instrument at Article 6.01, any successor Trustee should be required to post bond in the statutory amount, unless a corporate Trustee or public agency is appointed as trustee of the Trust.

Instead of the Nominated Successor Trustee (Robert S. Swanton), Objectors hereby nominate in the place and stead of the resigning Trustee, either the FRESNO COUNTY PUBLIC GUARDIAN'S OFFICE or EDWIN D. HUFF, CPA of Fresno, California.

Wherefore, Objectors pray for an order of the Court as follows:

1. The appointment of ROBERT S. SWANTON, as Successor Trustee of the Trust be DENIED;
2. The court appoint the FRESNO COUNTY PUBLIC GUARDIAN'S OFFICE as successor Trustee of the Trust or in the alternative, the Court appoint EDWIN D. HUFF, CPA, as the Successor Trustee of the Trust;
3. The Court require that the Successor Trustee so appointed by the Court give bond in the statutory amount, unless appointed Successor Trustee is a corporate Trustee or Public Agency.

Supplemental Objection to Petition to Appoint Successor Trustee filed by Nina Helgeson, Maria Pedemonte and Augustina Pedemonte on 6/3/11 allege that the resigning Trustee was remiss in carrying out his fiduciary duties in the administration of the 1983 Trust in that the 1983 Trust was essentially being administered by the Petitioner rather than the Trustee, in the Petitioner's own interest and not in the interest of the Objectors.

The nominated successor Trustee is already acting Truste of The Augustine J. Pedemonte Trust of 1990 ("1990 Trust"), which is a separate Trust from the above captioned 1983 Trust, but which about Objectors have not information other than being apprised of its existence in the Settlement Agreement. Objectors believe they are also beneficiaries of the 1990 Trust.

Objectors continue to object to the appointed of the Nominated Trustee and herby nominate the Fresno County Public Guardian's Office or Edwin D. Huff, C.P.A. Objectors believe that the nominated successor Trustee no longer wished to act as trustee of the Trusts.

Wherefore, Objectors continue to pray for an order of the Court as follows:

4. The appointment of ROBERT S. SWANTON, as Successor Trustee of the Trust be DENIED;
5. The court appoint the FRESNO COUNTY PUBLIC GUARDIAN'S OFFICE as successor Trustee of the Trust or in the alternative, the Court appoint EDWIN D. HUFF, CPA, as the Successor Trustee of the Trust;
6. The Court require that the Successor Trustee so appointed by the Court give bond in the statutory amount, unless appointed Successor Trustee is a corporate Trustee or Public Agency.

8 **Susan Pedemonte Trust (Trust)** **Case No. 11CEPR00193**

Atty **Matlak, Steven M. (for Petitioner Joseph Pedemonte)**

Atty **Nina Helgeson, Maria Pedemonte & Augustina Pedemonte pro per Objectors**

Petition to Appoint Successor Trustee

Cont. from 042511, 060611, 072511, 091211, 111411, 012312

	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	

JOSEPH PEDEMONTE, income beneficiary, is Petitioner.

Petitioner states during his lifetime he is the sole income beneficiary of the SUSAN PEDEMONTE TRUST dated April 13, 1983.

Eugene A. Zanardi was the initial trustee of the Trust. Eugene resigned on 7/31/1995. Named successor trustee, Diane Williams declined to act, thereby creating a vacancy. There are no other trustees named in the Trust instrument.

On 2/22/1996 Petitioner filed a Petition to Appoint Successor Trustee (Fresno Superior Court case no. 554665). As requested in the petition the court appointed Robert Garavello as successor trustee of the trust.

On or about 2/28/11 Robert Garavello signed a Resignation of Trustee, whereby Robert Garavello resigned as Trustee of the trust effective upon the occurrence of the earliest to occur of the following events: (i) the closing of the pending loan in the approximate amount of $300,000 between Pedemonte Properties Inc., and tri-Counties Bank, which loan will be secured by the real property located at 7520 N. Palm Ave., Fresno. (ii) the appointment of a successor trustee of the Trust and related trust known as the Susan Pedemonte Trust, of which Robert Garavelle is currently serving as trustee, or (iii) September 1, 2011.

The Trust requires that a vacancy in the office of trustee be filled. By an instrument in writing, Joseph Pedemonte, the beneficiary of the Trust, has nominated ROBERT S. SWANTON as successor Trustee to fill the vacancy, and said nominee has signed his consent.

The Trust waives bond for the persons named as trustee or any person appointed as trustee in the manner specified in the Trust.

Petitioner prays for an order:

2. Appointing ROBERT S. SWANTON as successor trustee of the Trust, investing with him all the powers vesting in the office of the trustee under the Trust.

Please see additional page for objections.

NEEDS/PROBLEMS/COMMENTS:

Continued from 1/23/12. Minute order states counsel informs the Court that the parties have agreed to have Bruce Bickel appointed as successor Trustee and the only issue is the amount of bond. Counsel requests a continuance. Matter continued to 2/14/12. If the documents have been reviewed and the bond is acceptable, the matter may be taken off calendar.

Minute order dated 11/14/11 states parties agree to appoint Bruce Bickel as successor trustee. Matter continued to 1/23/12; however, if parties can stipulate to a bond amount and bond is posted the matter may be taken off calendar.

1. **Declaration of Steven Matlak requests the bond be set at $3,496,544.24 based on the Restricted Use Appraisal Report prepared by George Zengel. There is nothing in the file indicating Nina Hegelson, Maria Pedemonte and Augustina Pedemonte have agreed to the bond amount.**

Reviewed by: KT

Reviewed on: 2/3/12

Updates: 2/7/12

Recommendation:

File 8 - Pedemonte

Objections to Petition to Appoint Successor Trustee, filed on 4/18/11 by Nina Helgeson, Maria Pedemonte and Augustina Pedemonte. Objectors state they are the grandchildren of the Trustor and remainder beneficiaries of the Trust. Objectors object to the appointment of the Nominated Successor Trustee (Robert S. Swanton) as the Successor Trustee of the Trust and desire to have someone appointed who will be fair and impartial to all the beneficiaries of the Trust.

Since the Trust only waives bond for the person named in the instrument at Article 6.01, any successor Trustee should be required to post bond in the statutory amount, unless a corporate Trustee or public agency is appointed as trustee of the Trust.

Instead of the Nominated Successor Trustee (Robert S. Swanton), Objectors hereby nominate in the place and stead of the resigning Trustee, either the FRESNO COUNTY PUBLIC GUARDIAN'S OFFICE or EDWIN D. HUFF, CPA of Fresno, California.

Wherefore, Objectors pray for an order of the Court as follows:

7. The appointment of ROBERT S. SWANTON, as Successor Trustee of the Trust be DENIED;
8. The court appoint the FRESNO COUNTY PUBLIC GUARDIAN'S OFFICE as successor Trustee of the Trust or in the alternative, the Court appoint EDWIN D. HUFF, CPA, as the Successor Trustee of the Trust;
9. The Court require that the Successor Trustee so appointed by the Court give bond in the statutory amount, unless appointed Successor Trustee is a corporate Trustee or Public Agency.

Supplemental Objection to Petition to Appoint Successor Trustee filed by Nina Helgeson, Maria Pedemonte and Augustina Pedemonte on 6/3/11 allege that the resigning Trustee was remiss in carrying out his fiduciary duties in the administration of the 1983 Trust in that the 1983 Trust was essentially being administered by the Petitioner rather than the Trustee, in the Petitioner's own interest and not in the interest of the Objectors.

The nominated successor Trustee is already acting Truste of The Augustine J. Pedemonte Trust of 1990 ("1990 Trust"), which is a separate Trust from the above captioned 1983 Trust, but which about Objectors have not information other than being apprised of its existence in the Settlement Agreement. Objectors believe they are also beneficiaries of the 1990 Trust.

Objectors continue to object to the appointed of the Nominated Trustee and herby nominate the Fresno County Public Guardian's Office or Edwin D. Huff, C.P.A. Objectors believe that the nominated successor Trustee no longer wished to act as trustee of the Trusts.

Wherefore, Objectors continue to pray for an order of the Court as follows:

10. The appointment of ROBERT S. SWANTON, as Successor Trustee of the Trust be DENIED;
11. The court appoint the FRESNO COUNTY PUBLIC GUARDIAN'S OFFICE as successor Trustee of the Trust or in the alternative, the Court appoint EDWIN D. HUFF, CPA, as the Successor Trustee of the Trust;
12. The Court require that the Successor Trustee so appointed by the Court give bond in the statutory amount, unless appointed Successor Trustee is a corporate Trustee or Public Agency.

9 John C. Manou aka John C.R. Manou (Estate) Case No. 11CEPR00676
Atty Istanboulian, Flora (for Diane Rose Sirabian/Administrator – Petitioner)
Petition to Determine Distribution Rights (Prob. C. 11700)

DOD: 6/3/11		
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	

DIANE ROSE SIRABIAN, Administrator, is Petitioner.

Petitioner, Decedent's niece, was appointed Administrator of Decedent's Estate on 9/14/11, and Letters of Administration issued on 9/21/11.

This *Petition* concerns real property located at 231 Holland Avenue in Fresno ("the Real Property").

Petitioner requests a Court order determining:

- That a 1/10th undivided interest in the Real Property is the separate property of Decedent;
- That the remaining 9/10th interest in the Real Property is Decedent's community property, and
- That Decedent's surviving spouse is entitled to a distribution under California intestacy laws to Decedent's ½ of community property, namely, one-half of the 9/10th interest in the Real Property.

Petitioner states:

- Decedent died intestate on 6/3/11 in France, leaving a spouse and their two minor children, as well as four adult children from a prior marriage;
- Decedent was a nonresident of California when he died, but left an estate in Fresno County;
- Petitioner was appointed Administrator on 9/14/11, and no order for final distribution has been made herein;
- In September 1998, Decedent's mother (Marguerite Bujuklian) granted to her 10 children the Real Property;
- In June 2001, while he was living in Fresno, Decedent purchased from his siblings, for valuable consideration, 9/10th interest in the Real Property;
- Decedent however never had a deed prepared and recorded, indicating this change of ownership in the Real Property;
- Decedent purchased the 9/10th share in 2001 when he was married to his current spouse (they were married in 1998) and therefore Petitioner seeks this Court's determination that said this interest is Decedent's community property;
- Per Family Code §760: "Except as provided otherwise by statute, all property, real or personal, wherever situated, acquired by a married person during the marriage while domiciled in this state is community property."

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: NRN
Reviewed on: 2/3/12
Updates:
Recommendation:
File 9 - Manou

Dept. 303, 9:00 a.m. Tuesday, February 14, 2012

10 Palmina Fratis (CONS/PE) **Case No. 11CEPR01092**

Atty Motsenbocker, Gary L. (for Diane Mosolf – Daughter – Petitioner)

Atty Sharbaugh, Catherine (Court-appointed for Proposed Conservatee)

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

	Age: 94	
	DOB: 10-26-17	
	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	

NO TEMPORARY REQUESTED

DIANE MOSOLF, Daughter, is Petitioner and requests appointment as Conservator of the Person with medical consent and dementia medication and placement powers, and as Conservator of the Estate with bond of $300,000.00 and $618,000.00 in blocked accounts.

Voting rights affected

Estimated Value of Estate:
Personal property: $900,000.00
Annual income: $18,000.00
Real property: $80,000.00

A Capacity Declaration was filed on 12-13-11.

Petitioner states Ms. Fratis has medical and health problems that impair her ability to care and provide for her basic needs. She displays symptoms of advanced dementia and/or Alzheimer's disease, has severe memory loss and impaired functioning. Because of this, she is potentially a victim for artful and designing persons because of the severity of the decline in her capacity to resist fraud and/or understand transactional matters. She currently resides at Anjali House in Clovis.

Court Investigator Julie Negrete filed a report on 2-2-12.

NEEDS/PROBLEMS/COMMENTS:

Court Investigator advised rights on 1-18-12

Voting rights affected
- **Need minute order**

Note: Petitioner resides in Montana.

1. **Bond including cost of recovery should be $1,018,160.00 pursuant to Probate Code §2320(c)(4) and Cal. Rule of Court 7.207.**

   Petitioner requests bond set at $300,000.00 with $618,000.00 in blocked accounts. The Court may require further clarification as to the nature of the assets of the conservatorship estate.

Reviewed by: skc
Reviewed on: 2-3-12
Updates:
Recommendation:
File 10 - Fratis

11 Tom H. Mukai (Estate) **Case No. 03CEPR00769**

Atty Renge, Lawson K. (for Executor Arthur Mihara)

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

DOD: 7/25/00	**ARTHUR MIHARA** was appointed Executor without bond on 7/15/03 and Letters issued. I & A - $265,690.83 filed 8/23/04. **Status Report of Attorney Lawson Renge filed on 8/17/11** states since the last status conference, the Unclaimed Property Division, California State Controller's Office has sent the Safeamerica Credit Union claim for $7,257.11 to the Executor leaving only the Riversource Securities claim (5,570,581 Shares) outstanding. Pursuant to instructions received from the Unclaimed Property Division, brokerage information was mailed to said Division on 7/2/11, confirming that brokerage accounts had been open with Chase Investment Services. Mr. Renge states he telephoned the Unclaimed Property Division on several occasions to ascertain the status of the securities transfer to the Estate's brokerage account. Despite leaving messages, to date no return call has been received. **Status Report filed on 11/22/11 states** on 11/21/11 the Unclaimed Property Division, California State Controller's Office was again contacted concerning transfer of 5,570.581 shares of Riversource Investment Company. Mr. Renge states he was informed by the Controller's Office that said securities (now known as Columbia Balanced Fund) has been cleared/approved for transfer to the estate account tin approximately two weeks. Once received a supplemental inventory will be prepared so that the estate can be closed.	**NEEDS/PROBLEMS/ COMMENTS:** **Continued from 11/29/12. Minute order states counsel informs the Court that the shares have been reduced.** **1. Need current status report.**
Cont. from: 081710, 113010, 032911, 062811, 082311, 101111, 112911		
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: KT**
Status Rpt		**Reviewed on: 2/3/12**
UCCJEA		**Updates:**
Citation		**Recommendation:**
FTB Notice		**File 11 - Mukai**

Dept. 303, 9:00 a.m. Tuesday, February 14, 2012

12 James J Dobbs (Estate) **Case No. 06CEPR00037**

Atty **Krouskup, Roger W. (former counsel for James C. Dobbs – Executor/Petitioner)**

Atty **Moore, Susan L. (for James C. Dobbs – Executor/Petitioner)**

Probate Status Hearing Re: Further Status of the Estate

DOD: 01/03/05	**JAMES C. DOBBS** was appointed Administrator with will annexed on 05/02/06. Letters were issued 05/03/06.	**NEEDS/PROBLEMS/COMMENTS:**
	Final I & A filed 10/11/06 - $167,750.00 Reappraised for sale I &A filed 08/08/08 - $122,000.00	**OFF CALENDAR** **Second and Final Account, Petition for Distribution filed 02/01/12 and set for hearing on 03/14/12**
Cont. from 031611, 061511, 101211		
Aff.Sub.Wit.	**Minute Order from 09/22/10 hearing on Third Amended First Account Current and Report of Administration and Petition for its Settlement and Approval and for Authority to Continue Administration** states Examiner Notes handed in open court. Defects are orally satisfied in court. Atty Krouskup represents to the court that the home is currently on the market for $75,000.00. The court directs that the next accounting should address an explanation of the small discrepancy in this accounting. **Status hearing Re: Further Status of the Estate set for 03/16/11.**	
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters	**Notice of Proposed Action filed 02/18/11** re: Sale of the property for $65,000.00.	
Duties/Supp		
Objections		
Video Receipt	**Status Report filed 03/07/11** states that the property was in escrow, but escrow was cancelled at the buyer's request. The property is currently on the market. Once a sale is consummated, a final accounting will be prepared.	
CI Report		
9202		
Order		
Aff. Posting	**Reappraisal for sale I &A filed 03/18/11** - $57,500.00	**Updates:**
Status Rpt		**Reviewed on:** 02/03/12
UCCJEA		**Recommendation:**
Citation		**Reviewed by:** JF
FTB Notice		**File 12 - Dobbs**

Dept. 303, 9:00 a.m. Tuesday, February 14, 2012

13 Matthew William Fulcher (GUARD/E) **Case No. 11CEPR00272**

Atty **Magness, Marcus D., of Gilmore, Wood, Vinnard & Magness (for Petitioner Julie Fulcher)**

Probate Status Hearing Re: Proof of Funds in Blocked Account

Age: 15 years **DOB: 2/15/1996**	**JULIE FULCHER**, mother, was appointed guardian of the estate on 6/9/2011. Order Appointing Guardian states **$240,000.00** was to be placed into a blocked account at Union Bank in Fresno with receipts to be filed. **Declaration of Julie Fulcher filed on 1/12/12** states by letter dated 5/25/11 Cigna Insurance informed her that it was denying payment of accidental death benefits. Ms. Fulcher states she received the letter prior to filing the petition in this matter however at the time she did not realize the significance in relation to the petition. Cigna Insurance only paid the face value of the life insurance policy of $120,000.00, plus accrued interest. No further payment is expected. **Receipt for Blocked Account filed on 10/4/2011** showing **$121,103.77** was deposited into the blocked account at Union Bank.	**NEEDS/PROBLEMS/COMMENTS:** 1. **Receipt for blocked account filed 10/4/2011 was not on the mandatory Judicial Council form, therefore does not include all the information required.**
		Reviewed by: KT
		Reviewed on: 2/3/12
		Updates:
		Recommendation:
		File 13 - Fulcher

Cont. from 081711, 092111, 102611, 011012

	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. Tuesday, February 14, 2012

14 Felipa Hernandez (Estate) **Case No. 11CEPR00979**

Atty Flanigan, Philip M. (for Helen Runnels/Adminstrator)

Probate Status Hearing Re: Filing of Receipts for Blocked Accounts

DOD: 6/1/08		
Cont. from		
	Aff.Sub.Wit.	
	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	x
	UCCJEA	
	Citation	
	FTB Notice	

HELEN RUNNELS, daughter, was appointed Administrator of the Estate with full IAEA powers on 12/6/11.

**As of 2/3/12, Letters have not issued.*

As part of its *Order for Probate*, the Court ordered that money, in an unspecified amount, be placed into a blocked account.

Clerk's Certificate of Mailing, filed 1/4/12, shows that a Notice of Status Hearing for filing of Receipts for Blocked Account was mailed to the Administrator and her attorney on 1/4/12.

Need Receipts for Blocked Account or Status Report.

NEEDS/PROBLEMS/COMMENTS:

1. **Need Receipts for Blocked Account or Status Report.**

Reviewed by: NRN

Reviewed on: 2/3/12

Updates:

Recommendation:

File 14 - Hernandez

Dept. 303, 9:00 a.m. Tuesday, February 14, 2012

15 Haelee N. Saenz, Joel Saenz, and Jaylon C. Saenz Case No. 03CEPR01547
Atty Saenz, Christa (Pro Per – Maternal Aunt – Petitioner)
Atty Saenz, Grace (Pro Per – Maternal Grandmother – Petitioner)
Petition for Appointment of Temporary Guardianship of the Person (Prob. C. 2250)

Haelee Nevaeh Saenz (10)
DOB: 2-15-02

Joel Saenz (6)
DOB: 4-25-05

Jaylon C. Saenz (8 months)
DOB: 6-11-11

	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	

GENERAL HEARING 4-3-12

GRACE SAENZ and CHRISTA SAENZ, Maternal grandmother and aunt, are Petitioners.

Father (Haelee): **MICHAEL D. FELICIANO** *- Not listed on Petition; however, Court records indicate a child support (paternity) judgment against Michael D. Feliciano for Haelee.*

Father (Joel): **NOT LISTED**

Father (Jaylon): **CARLOS HERNANEZ**

Mother: **DOROTHY SAENZ**

Paternal Grandfather: Not listed
Paternal Grandmother: Not listed
Maternal Grandfather: Not listed

Petitioners state that Mother is currently in Fresno County Jail on child abuse charges and the children need to be in a safe environment. Petitioners state an emergency 300 hold was placed on the children but it was determined that no petition would be filed and Petitioners are the safest environment for the children.

Petitioners' Declaration filed 1-31-12 states emergency custody is necessary because Jaylon's father Carlos Hernandez does not have working stove, hot water, or heat in his home, and may be using drugs. He has not tried to get into a program. At a visit at the jail, Mother admitted Jaylon has not received any of his immunizations and stated that Carlos had been using too.

According to the Petition, Haelee (10) and Joel (6) are currently with Petitioner Christa Saenz and Jaylon (8 months) is currently with Petitioner Grace Saenz.

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 pursuant to Probate Code §2250(e) or consent and waiver of notice or declaration of due diligence on:**
   - Dorothy Saenz (Mother)
   - Father of Haelee (Michael D. Feliciano)
   - Father of Joel (Not listed)
   - Father of Jaylon (Carlos Hernandez)

   ***Note**: Petitioner requests notice to Mother be excused because she is in Fresno County Jail on child abuse charges; however, Probate Code §2250(e) requires service.*

   ***Note**: Petitioner does not list a father for any of the children; however, Court records indicate that a Michael D. Feliciano is Haelee's father, and Petitioners' Declaration filed 2-1-12 identifies a Carlos Hernandez as Jaylon's father.*

Reviewed by: skc
Reviewed on: 2-3-12
Updates:
Recommendation:
File 15 - Saenz

16 Nathan Lopez & Gavin Lopez (GUARD/P) **Case No. 08CEPR00797**

Atty Estes, Sandi (pro per Guardian/maternal grandmother)
Atty Estes, Jeff (pro per Guardian/maternal grandfather)
Atty Lopez, Joshua (pro per Petitioner/father)

Modification of Visits

Nathan age: 3 years DOB: 1/8/2009		
Gavin age: 4 years DOB: 6/24/2007		
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	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

JOSHUA LOPEZ, father, is petitioner.

JEFF ESTES, maternal grandfather and **SANDI ESTES**, maternal grandmother were appointed guardian of Gavin on 10/30/2008 and were appointed guardian of Nathan on 9/29/2011.

Current visitation orders:

Per minute order dated 11/8/2010 Father has supervised **visits with Gavin** at Comprehensive Youth Services on Sundays from 2 p.m. to 4 p.m. Parties may agree to another day or time but there was to be no change in the amount of time.

Per minute order dated 9/29/2011 Father has supervised **visits with Nathan** at Comprehensive Youth Services once a week from 4 p.m. to 6 p.m. Parties were ordered to contact Comprehensive Youth Services to arrange for visitation.

Petitioner states he has been trying to visit his children but Sandi and Jeff Estes will not answer or return his phone calls. Mr. Lopez states he would like to change the visitation so that he can visit his children from Friday at 6 p.m. to Sunday at 6 p.m. Attached to the Petition is a letter from Comprehensive Youth Services indicating they have tried to make contact with Sandi Estes for the purpose of scheduling orientation for supervised visits. As of 12/28/11 Ms. Estes has not contacted their agency.

NEEDS/PROBLEMS/COMMENTS

1. **Proof of service of the Notice of Hearing does not indicate that it was served with a copy of the petition as required by the Order dated 12/30/2011 setting this matter for hearing.**

Reviewed by: KT
Reviewed on: 2/3/12
Updates:
Recommendation:
File 16 - Lopez

Dept. 303, 9:00 a.m. Tuesday, February 14, 2012

17 Carlos De La Torre, Carla Ruiz, Jacob Lopez, Francisco Rodriguez And Mary Lou De La Torre **Case No. 11CEPR01089**

Atty Hernandez, Mary Lou (pro per Petitioner/

Atty Sanchez, Jesus (pro per Petitioner/

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

Carlos age: 7 years DOB: 2/19/2004		
Carla age: 6 years DOB: 3/18/05		
Jacob age: 5 years DOB: 10/26/2006		
Francisco age: 3 years DOB: 10/21/2008		
Mary Lou age: 6 months DOB: 8/28/2011		
	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	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

Temporary Expires 2/14/2012

MARY LOU HERNANDEZ, maternal grandmother, and **JESUS SANCHEZ,** maternal step-grandfather, are petitioners.

Father: **UNKNOWN** – *Court dispensed with notice to the fathers by minute order dated 12/21/11*.

Mother: **CELIA DE LA TORRE -** *Declaration of due diligence filed on 12/14/2011. Minute order dated 12/21/11 states mother needs to be served.*

Paternal grandparents: unknown
Maternal grandfather: not listed.

Petitioners state the mom is never around and the dads have never been in the children's lives. They have been with the petitioners since birth. Petitioners state they would like to give the children a home.

Court Investigator Samantha Henson's Report filed on 2/7/12.

NEEDS/PROBLEMS/COMMENTS:

1. **Need *Notice of Hearing.***
2. **Need proof of personal service of the *Notice of Hearing* along with a copy of the petition or consent and waiver of notice or declaration of due diligence for:**
   a. **Celia De La Torre (mother)**
3. **Need proof of service of the *Notice of Hearing* along with a copy of the petition or consent and waiver of notice or declaration of due diligence for:**
   a. **Maternal grandfather (not listed)**

Reviewed by: KT
Reviewed on: 2/3/12
Updates: 2/9/12
Recommendation:
File 17 – De La Torre, Ruiz, Lopez & Rodriguez

18 **Leo Estrada & Hector Estrada Chacon II** **Case No. 11CEPR01104**

Atty **Estrada, John**

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

Age:			**NEEDS/PROBLEMS/COMMENTS:** **<u>Note: The Probate Court does not have jurisdiction to make orders for these minors because there is an active Juvenile Dependency case</u>.** **<u>Minute Order 12-28-11 (temporary hearing)</u>: The matter is taken off calendar. The Court has no jurisdiction due to open Dependency case.**
DOD:			
Cont. from			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		**Reviewed by:** skc
	Status Rpt		**Reviewed on:** 2-3-12
	UCCJEA		**Updates:**
	Citation		**Recommendation:**
	FTB Notice		**File 18 – Estrada & Chacon**

Dept. 303, 9:00 a.m. Tuesday, February 14, 2012

19 Emily Elizabeth Stoneburner (CONS/P) **Case No. 11CEPR01123**

Atty Bailey, Christina (pro per Petitioner/mother)

Atty Bailey, Les (pro per Petitioner/step-father)

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

Age: 18 years DOB: 12/21/1993		
Cont. from 012512		
	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	

THERE IS NO TEMPORARY.
No Temporary was requested.

CHRISTINA BAILEY, mother, and **LES BAILEY,** step-father, are petitioners and requests appointment as Conservator of the Person with medical consent powers.

Declaration of Rehana Aziz, M.D., 12/2/11 supports request for medical consent powers.

Voting Rights Affected.

Petitioners states the proposed conservatee is diagnosed with severe autism and moderate mental retardation. She requires assistance with most activities of daily living.

Court Investigator Julie Negrete's Report filed 1/12/12

NEEDS/PROBLEMS/COMMENTS:

Court Investigator Advised Rights on 1/9/12.

Voting rights affected need minute order.

1. **Need Video Viewing Receipt for both Christina Bailey and Les Bailey.**

Reviewed by: KT
Reviewed on: 1/18/12
Updates:
Recommendation:
File 19 - Stoneburner

Dept. 303, 9:00 a.m. Tuesday, February 14, 2012

20 Sally Rios (Estate) **Case No. 12CEPR00009**

Atty Alanis, Phillip Roger (Pro Per – Son – Petitioner)

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

DOD: 6-21-11			**PHILLIP ROGER ALANIZ**, Son, is Petitioner and requests appointment as Administrator with Full IAEA without bond. Full IAEA – *Need publication* Decedent died intestate Residence: Fresno Publication: *Need publication* **Estimated Value of Estate:** Personal property: $2,500.00 Real property: ($2,500.00) (Value of $87,500 less $90,000.00 encumbrance) Total: $0.00 **Probate Referee: Rick Smith**
	Aff.Sub.Wit.		
✔	**Verified**		
	Inventory		
	PTC		
	Not.Cred.		
✔	**Notice of Hrg**		
✔	**Aff.Mail**	W	
	Aff.Pub.	X	
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✔	**Letters**		
✔	**Duties/Supp**		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✔	**Order**		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

1. **Petitioner lists relatives at #8 but does not provide their relationships to the decedent. Need clarification.**
2. **Need proof of publication.**
3. **Petitioner states all heirs waive bond at #3d; however, no waivers are attached. The Court may require clarification regarding the assets to determine appropriate bond, if required.**

Reviewed by: skc

Reviewed on: 2-3-12

Updates:

Recommendation:

File 20 - Rios

Dept. 303, 9:00 a.m. Tuesday, February 14, 2012

21 Ethan Ross Woolf (GUARD/P) **Case No. 11CEPR01135**

Atty Carmickle, Dennis (prop per/step-grandfather – Petitioner)

Atty Carmickle, Kimberly Rene (pro per/paternal grandmother – Petitioner)

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

Age: 4 years		
DOB: 8/23/07		
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	x
	Objections	
	Video Receipt	
	CI Report	
	9202	
√	Order	
	Aff. Posting	
	Status Rpt	
√	UCCJEA	
	Citation	
	FTB Notice	

TEMPORARY GRANTED *EX PARTE* AND EXPIRES 2/14/12;
GENERAL HEARING 2/29/12

KIMBERLY CARMICKLE, paternal grandmother, and **DENNIS CARMICKLE**, paternal step-grandfather, are Petitioners.

MOTHER: **SERENA M. WOOLF;** ***waiver and consent filed 12/28/11***
FATHER: **KEVIN ROSS WOOLF;** ***waiver and consent filed 12/28/11***

PATERNAL GRANDFATHER: GARY S. WOOLF; *Declaration of Due* Diligence filed 12/28/11

MATERNAL GRANDFATHER: RALPH CALDERON; *waiver and consent filed 12/28/11*
MATERNAL GRANDMOTHER: GLORIA FLORES; *waiver and consent filed 12/28/11*

Petitioners state the minor has resided with them since birth. Since the general guardianship petition was filed in December 2011, there have been incidents that have occurred in front of the child that have been inappropriate. The proposed guardians have been open with the guardianship. The parents and maternal grandparents have all signed consents, as Petitioners have provided a residence for their grandson since his birth, and a safe and loving home environment. Both parents left the Petitioners' home in October 2011. The parents' relationship has been turbulent and unstable, and there is a history of domestic violence between them in Fresno County, with the most recent incident taking place on 1/31/12 (FPD Case No. 12-7537). Police were called to the Petitioners' home because the parents delivered the minor, after a visit, and were yelling obscenities at proposed guardian, Kim Carmickle, and saying hurtful things in front of the child. Both the police and CPS has recommended that Petitioners file for temporary guardianship, as well as a restraining order due to the threats and aggressive behavior displayed by both parents.

NEEDS/PROBLEMS/COMMENTS:

1. **Need *Duties of Guardian (Probate)* - Judicial Council Form No. GC-248.**

Reviewed by: NRN	
Reviewed on: 2/3/12	
Updates:	
Recommendation:	
File 21 - Woolf	

Dept. 303, 9:00 a.m. Tuesday, February 14, 2012

22 Gabriel A. Osorio & LaLane G. A. Osorio **Case No. 12CEPR00102**

Atty Merino, Elizabeth (Pro Per – Paternal Grandmother – Petitioner)

Atty Merino, Timoteo (Pro Per – Paternal Step-Grandfather – Petitioner)

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

Gabriel Arias Osorio, III (M)
(21 months)
DOB: 4-26-10

LaLane Gabriela Arias Osorio (F) (
DOB: 3-29-11 (11 months)

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

TEMPORARY GRANTED EX PARTE ON 2-2-12
EXPIRES 2-14-12

GENERAL HEARING 4-3-12

ELIZABETH and TIMOTEO MERINO, Paternal Grandmother and step-grandfather, are Petitioners.

Father: **GABRIEL HERNANDEZ OSORIO, JR.**

Mother: **ERICA NICOLE ARIAS**

Maternal Grandfather: Albert Lane Arias, Sr. - *Deceased*
Maternal Grandmother: Irma Salinas Gonzalez

Petitioners state both parents signed a notarized statement granting Petitioners guardianship of the children in June 2011 because they were under CPS investigation. Both parents were abusing drugs, are not responsible, and are unable to provide for the children's basic needs. The maternal grandmother Irma Salinas Gonzalez also has a drug problem and CPS history.

Petitioners state Mother and Maternal Grandmother had left for Nevada and left the children in Petitioners' care; however, now Mother is back and wants to take the children back to Nevada.

NEEDS/PROBLEMS/ COMMENTS:

Note: Petitioners indicate the children have Indian ancestry and provide roll numbers for the maternal grandfather and great-grandmother; however, no further information has been received. The general hearing is set for 4-3-12; however, it may need to be set out further depending on when Petitioners turn in their ICWA-030 and the Court can get the notice served on the appropriate agencies and tribe/nation. A blank form is in the file to be provided to the Petitioners.

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:**
   - Gabrieal Hernandez Osorio, Jr. (Father)
   - Erica Nicole Arias (Mother)

   Note: Petitioners provided an authorization signed by the parents on 6-15-11; however, Notice of Hearing or consent with regard to guardianship proceedings is still required by Probate Code §2250(e).

Reviewed by: skc

Reviewed on: 2-3-12

Updates:

Recommendation:

File 22 - Osorio

Dept. 303, 9:00 a.m. Tuesday, February 14, 2012