1 Rosa Linda Larssen (CONS/PE) Case No. 0321261

Atty Ratzlaff, Ruth E (for Sylvia Gonzales and Guadalupe Pena – Co-Conservators)

(1) Eleventh Account and Report of Co-Conservators and (2) Petition for Allowance of Fees to Co-Conservators and Attorney (Prob. C. 2620)

Age: 56
DOB: 5/3/1955

Cont. from 011812

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

SYLVIA GONZALES, sister, and **GUADALUPE PENA**, mother, are Co-Conservators.

Account period: 5-1-08 through 4-30-10

Accounting: $232,943.72
Beginning POH: $191,840.99
Ending POH: $188,621.57
($39,060.25 is cash, $35,113.55 is blocked)

Current bond: $42,000.00 (ok)

Conservator Sylvia Gonzales: $1,800.00 (120 hours @ $15/hr)

Conservator Guadalupe Pena: Not requested

Attorney: $2,000.00 (per local rule)

Petitioners pray for an order:

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

Court Investigator Charlotte Bien filed a status review on 1-6-12.

NEEDS/PROBLEMS/COMMENTS:

<u>Minute Order 1-18-12</u>: Counsel advises the Court that the money has been recovered. Counsel requests a continuance.

<u>As of 2-3-12, the following issues remain</u>:

1. **Need proof of service of Notice of Hearing on Conservatee Rosa Linda Larssen at least 15 days prior to the hearing per Probate Code §2621.**
2. **The Conservatee owns the house and lived there with her mother during this account period. Her adult son also lived there during part of this account period. The accounting indicates that Conservatee paid all household expenses, including water, sewer, garbage, power, phone, gardening, groceries, etc. The Court may require clarification: Did the other household members contribute to household expenses?**
3. **The Court Investigator's status review indicates that the Conservatee now lives in Redding, CA with her daughter. Therefore, need Post-Move Notice of Change of Residence with appropriate service.**
4. **Need Order.**

Reviewed by: skc
Reviewed on: 2-3-12
Updates:
Recommendation:
File 1 - Larssen

Dept. 303, 9:00 a.m. Wednesday, February 15, 2012

2 Juventino Banda-Nieto (Estate) Case No. 05CEPR00806

Atty Alabart, Javier A., sole practitioner (for Petitioners Alfredo Banda Arriaga and Remedios Nieto Rodriguez, parents)
Atty Ruiz, Eddie, sole practitioner (co-counsel by association for Petitioners Alfredo Banda Arriaga and Remedios Nieto Rodriguez, parents)
Atty Fanucchi, Edward L., of Quinlan Kershaw & Fanucchi (for Respondent Maria Luisa Sanchez)
Atty Kruthers, Heather H., of County Counsel's Office (for Public Administrator, Administrator of the Estate)
Atty Williams, Robert; Perez, Holley, of Perez Williams & Medina (*Request for Special Notice* filed 11/17/2009)

Notice of Motion and Motion to Compel Further Responses to Form Interrogatories Set One (1) and for Sanctions

DOD: 5/14/2004		
Cont. from		
	Aff.Sub.W	
	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/S	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Post	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

ALFREDO BANDA ARRIAGA and REMEDIOS NIETO RODRIGUEZ, parents and Petitioners, filed a *Motion to Compel Further Responses to Form Interrogatories, Set One, and for Sanctions* on 12/19/2011.

Separate Statement in Support of Motion to Compel Further Reponses to Form Interrogatories was filed by Petitioners on 12/19/2011.

Declaration of Javier A. Alabart in Support of Motion to Compel Further Reponses to Form Interrogatories was filed on 12/19/2011.

Opposition to Alfredo Banda Arriaga's Motion to Compel Further Responses to Form Interrogatories and Request for Sanctions was filed by Respondent Maria Luisa Sanchez on 2/2/2012.

Declaration of Michael P. Mahoney in Support of Maria Luisa Sanchez' Opposition to Alfredo Banda Arriaga's Motion to Compel Further Responses to Form Interrogatories and Request for Sanctions was filed on 2/2/2012.

Memorandum of Points and Authorities in Support of Motion to Compel Further Responses to Form Interrogatories and for Sanctions was filed by Petitioners on 2/3/2012.

NEEDS/PROBLEMS/COMMENTS:

<u>Note</u>: Case files are with Research Attorney. Examiner prepared these brief outline notes from Court records of filed documents as of 2/7/2012.

Reviewed by: LEG
Reviewed on: 2/7/12
Updates:
Recommendation:
File 2 – Banda-Nieto

Dept. 303, 9:00 a.m. Wednesday, February 15, 2012

3A Richard Howard Smith (Estate) Case No. 11CEPR00704

Atty McBride, Julia C (of Valencia, for Holly Sweeney – Daughter – Petitioner)
Atty Burnside, Leigh W (of DAK, for Charlene Smith – Surviving Spouse – Objector)

Petition for Letters Administration (Prob. C. 8002, 10450)

DOD: 8-13-10		
Cont. from 091511, 111611, 010512		
	Aff.Sub.Wit.	
✔	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✔	**Notice of Hrg**	
✔	**Aff.Mail**	W/O
	Aff.Pub.	X
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	X
	Duties/Supp	X
✔	**Objections**	
	Video Receipt	
	CI Report	
	9202	
	Order	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

HOLLY SWEENEY, daughter, is Petitioner and requests appointment as Administrator with Limited IAEA and bond set at $6,000.00.

Limited IAEA – *Need publication*

Decedent died intestate

Residence: Fresno
Publication: *Need publication*

Estimated value of estate: $0

Probate Referee: Steven Diebert

Petitioner also filed a Creditor's Claim alleging misappropriation of trust assets by the decedent.

Objection filed by Charlene Smith, surviving spouse, states there is a will and codicil (attached) that names Objector as the nominated executor. However, there are no assets subject to a probate administration. Objector states the estate consisted of joint tenancy assets including real property and bank accounts, all of which passed to Objector by right of survivorship.

Therefore, there is no need for a probate administration.

Further, even if the decedent had died intestate, Objector has priority of appointment over Petitioner pursuant to Probate Code §§ 8461 and 8462.

Objector prays for an order:

1. Denying the Petition in its entirety;
2. Awarding costs incurred to Objector; and
3. Granting any and all other relief the Court deems just and proper.

NEEDS/PROBLEMS/COMMENTS:

<u>Note</u>: This matter was continued twice at Petitioner's request; however, nothing further has been filed by Petitioner.

<u>Note</u>: A competing petition filed by Objector is Page 3B.

<u>Minute Order 1-5-12</u>: The matter is continued to 2-15-12 with the understanding that this matter will be dismissed and the other petition will proceed.

<u>As of 2-3-12</u>, no Request for Dismissal has been filed for this Petition. If this matter goes forward, the following issues remain for Petitioner and Objector:

<u>SEE PAGE 2</u>

Reviewed by: LEG / skc
Reviewed on: 2-3-12
Updates:
Recommendation:
File 3A - Smith

Dept. 303, 9:00 a.m. Wednesday, February 15, 2012

3A Richard Howard Smith (Estate) Case No. 11CEPR00704

Atty McBride, Julia C (of Valencia, for Holly Sweeney – Daughter – Petitioner)
Atty Burnside, Leigh W (of DAK, for Charlene Smith – Surviving Spouse – Objector)

Petition for Letters Administration (Prob. C. 8002, 10450)

Petitioner:

1. **Need clarifying information in support of this *Petition*, which states at Item 3(c) that there is no property in the estate without explaining the reason the *Petition* has been filed. *Creditor's Claim* filed 8/12/2011 may provide some information, as the claimant is the Petitioner and "RH/PH Smith RL Trust A & B dated 11/7/1995" in the amount of $650,000.00; *Creditor's Claim* indicates the claimants are the Beneficiary and Trustee of the Irrevocable Trust, the dates of the claim are 2001 through 2010, and the facts supporting the claim are stated as follows: "Amounts owed to Richard Howard Smith and Patricia H. Smith Revocable Living Trust, dated 11/7/1995, including subtrusts A and B, by Decedent due to misappropriation of assets of the Trust. The damages are unascertained at this time. The figure of $650,000.00 represents the original value of Trust B plus estimated net appreciation/gains relating to said assets."**

2. **Item 8 of the *Petition* does not state the relationship to Decedent of the persons listed.**

3. **Need *Affidavit of Publication* pursuant to Probate Code §§ 8120 – 8124, and Local Rule 7.9.**

4. **Need *Duties and Liabilities of Personal Representative* form, and *Confidential Supplement to Duties and Liabilities of Personal Representative* form, pursuant to Local Rule 7.10.1 and Probate Code § 8404.**

5. **Need proposed order and proposed letters.**

Objector:

1. **The Court may require clarification regarding the attorney's fees requested.**

2. **Need proposed order.**

Dept. 303, 9:00 a.m. Wednesday, February 15, 2012

3B **Richard Howard Smith (Estate)** **Case No. 11CEPR00704**

Atty **Burnside, Leigh W. (for Charlene Smith – Surviving Spouse – Petitioner)**

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

DOD: 8-13-10			**CHARLENE SMITH**, Surviving Spouse and named Executor without bond, is Petitioner. Full IAEA – ok Will dated 7-12-04 Holographic Codicil dated 10-12-06 Residence: Fresno Publication: Fresno Business Journal Estimated Value of Estate: Unknown Probate Referee: Steven Diebert
			NEEDS/PROBLEMS/COMMENTS:
✔	**Proof of Holographic Instrument**	S/P	
✔	**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		**Reviewed by:** skc
	Status Rpt		**Reviewed on:** 2-3-12
	UCCJEA		**Updates:**
	Citation		**Recommendation:**
	FTB Notice		**File 3B - Smith**

3B

Dept. 303, 9:00 a.m. Wednesday, February 15, 2012

4A **Cuauhtemoc Guerrero (Det Succ)** **Case No. 11CEPR00937**

Atty **Mello, Elizabeth A. (for Petitioner Julieta Guerrero)**

Fee Waiver Hearing

			NEEDS/PROBLEMS/COMMENTS:
Cont. from 110211, 121411, 020112			
	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: 2/6/12
	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 4A - Guerrero

Dept. 303, 9:00 a.m. Wednesday, February 15, 2012

4B **Cuauhtemoc Guerrero (Det Succ)** **Case No. 11CEPR00937**

Atty **Mello, Elizabeth A. (for Petitioner Julieta Guerrero)**

Ex Parte Petition for Appointment of Guardian Ad Litem-Probate

Cont. from 110211, 121411, 020112		
	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	

JULIETA GUERRERO, mother of the minor, is petitioner.

Petitioner states the minor in this proceeding, Gabriella Guerrero, is four years old. She is the only child of the decedent. Decedent owned real property at the time of his death.

Petitioner requests the court appoint her as Guardian Ad Litem for the minor, Gabriella Guerrero, for the purpose of filing a Petition to Determine Succession on the minor's behalf.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: KT

Reviewed on: 2/6/12

Updates:

Recommendation:

File 4B – Guerrero

Dept. 303, 9:00 a.m. Wednesday, February 15, 2012

4C **Cuauhtemoc Guerrero (Det Succ)** **Case No. 11CEPR00937**

Atty Mello, Elizabeth A. (for Petitioner Julieta Guerrero)

Petition to Determine Succession to Real and Personal Property (Prob. C. 13151)

DOD: 5/9/2011		
Cont. from 121411, 020112		
	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	

GABRIELA GUERRERO, by her Guardian Ad Litem, **JULIETA GURRERRO**, is petitioner.

40 days since DOD.

No other proceedings.

Decedent died intestate.

I & A – **NEED.**

Petitioner requests Court determination that decedent's interest in real and personal property pass to Gabriela Guerrero pursuant to intestate succession.

NEEDS/PROBLEMS/COMMENTS:

Please see related case on page 5.

<u>Continued from 2/1/12.</u> As of <u>2/6/12 the following issues remain:</u>

<u>Note:</u> Gabriela is a four year old minor.

1. **Need Inventory and Appraisal**
2. **#9a(3) of the petition was not answered re: issue of predeceased child.**
3. **Attachment 11 of the petition does not include the decedent's interest in the property.**

Reviewed by: KT
Reviewed on: 2/6/12
Updates:
Recommendation:
File 4C - Guerrero

Dept. 303, 9:00 a.m. Wednesday, February 15, 2012

5 Gabriela Guerrero (GUARD/PE) **Case No. 11CEPR01099**

Atty McGee, Elizabeth A. (for Petitioner/mother Julieta Guerrero)

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

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

There is no temporary. No temporary was requested.

JULIETA GUERRERO, mother, is petitioner and requests appointment as Guardian of the person and estate.

Estimated value of the estate: $0

Father: Not listed

Paternal grandfather: Not listed
Paternal grandmother: Not listed
Maternal grandfather: Not listed
Maternal grandmother: Not listed

Petitioner states the minor is to inherit real property of her deceased father. A guardianship is necessary in order that Petitioner can be her daughter's representative in a probate action and for the purpose of maintaining the real property.

NEEDS/PROBLEMS/COMMENTS:

1. Fee Waiver was denied on 12/15/11. Filing fee of $395.00 is now due.
2. Need *Notice of Hearing*.
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* on:
   a. Paternal grandfather
   b. Paternal grandmother
   c. Maternal grandfather
   d. Maternal grandmother
   e. Any siblings 12 years of age or older.
4. Petitioner requests guardianship of the person and estate. Petitioner is the mother therefore guardianship of the person is unnecessary.
5. Petition states the estimated value of the estate is $0. Petition also states the minor is an heir of her father's estate. Need estimated value of the estate.
6. Petition does not include the Child Information Attachment. Judicial Council form GC-210(CA).
7. UCCJEA is incomplete. It does not include the period of residency at #3a.
8. Confidential Guardian Screening form is incomplete at items 1b, 1c, 1d and items 2 -19.
9. Petition requests powers under Probate Code 2590. Local Rule 7.15.1 states it is the policy of the court to grant a guardian only those powers necessary to each case to administer the estate. Each independent power must be justified by, and narrowly tailored to the specific circumstances of the case. Any powers so granted must be specified in the order and the Letters of Guardianship. Need information on which $2591 powers are being requested and why they are needed.
10. Need new Order and Letters reflecting Guardianship of the Estate only.

Reviewed by: KT

Reviewed on: 2/6/12

Updates:

Recommendation:

File 5 - Guerrero

Atty **Farah, Nadia (of Tracy, Ca., for Flor Morena Alfaro Larreynaga – Sister – Petitioner)**

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

Age: 17		
DOB: 2-18-94		
	Aff.Sub.Wit.	
✔	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
✔	**Conf. Screen**	
✔	**Letters**	
✔	**Duties/Supp**	
	Objections	
	Video Receipt	
✔	**CI Report**	
✔	**Clearances**	
✔	**Order**	
	Aff. Posting	
	Status Rpt	
✔	**UCCJEA**	
	Citation	
	FTB Notice	

TEMPORARY GRANTED EX PARTE ON 12-21-11 EXPIRES 1-4-12, extended o 2-15-12.

FLOR MORENA ALFARO LARREYNAGA, Sister, is Petitioner.

Father: Jose Dimas Rivera Recinos (*Deceased*)
Mother: Maria Teresa Andasol (*Deceased*)
Paternal Grandfather: Rosendo Rivera (*Deceased*)
Paternal Grandmother: Julia Rescindo (*Deceased*)
Maternal Grandfather: Juan Ascensio (*Deceased*)
Maternal Grandmother: Sara Andasol (*El Salvador*)
- *Signed a notarized consent form* (*Exhibit "D"*)

Siblings: Petitioner Flor Morena Alfaro Larreynaga and Daniela Larreynaga (*Mendota, Ca.*)

Petitioner states Maria's mother passed away when she was 20 months old and her father left her with her grandmother and would only see her occasionally. She was raised by her grandmother who is now approx. 80 years old. Her father passed away in 2010. Maria was continuously harassed and threatened by gang members and her grandmother was not able to protect her so she sent her to the U.S. (from El Salvador). Maria was apprehended at the U.S. border in Arizona and released to Petitioner's custody and is now residing with Petitioner in Mendota, Ca. Petitioner is a legal permanent resident.

If Petitioner is appointed as her guardian, she is eligible for a special program designed for unaccompanied minors and can then self-petition under special immigrant juvenile status and become a legal resident.

Attorney Farah's declaration refers to The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110-457, 122 Stat. 5044) allowing for Special Immigrant Juvenile Status under Section 204.11 of the Immigration and Nationality Act. Under this act, a special immigrant juvenile is a minor who is eligible for long-term foster care, meaning that a determination has been made by the court that family reunification is no longer a viable option. For purposes of establishing and maintaining eligibility, a child who has been placed in guardianship after having been found dependent upon a court in the U.S. will continue to be considered eligible.

Court Investigator Charlotte Bien filed a report on 1-25-12.

NEEDS/PROBLEMS/ COMMENTS:

<u>Minute Order 1-4-12 (temp)</u>: The Court orders that a Court Investigator also contact Ms. Farah during their investigation of the parties. The Court extends the temporary to 2-15-12. The general hearing remains set for 2-15-12.

<u>The following issues exist</u>:

1. **Need Notice of Hearing.**
2. **Need proof of service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 or consent and waiver of notice on:**
   - Daniela Larreynaga (sibling)
   - Sara Andasol (grandmother)

Reviewed by: skc

Reviewed on: 2-6-12

Updates:

Recommendation:

File 6 - Andasol

7 **Larry M. Ward (Estate)** **Case No. 12CEPR00007**

Atty **Bell, James M (for Petitioner John Leonard)**

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

DOD: 11/12/11			**JOHN LEONARD**, named executor without bond, is petitioner.
			Full IAEA – o.k.
Cont. from			
	Aff.Sub.Wit.		Will dated: 4/14/2010
✓	Verified		
	Inventory		Residence: Fresno Publication: Fresno Business Journal
	PTC		
	Not.Cred.		
	Notice of Hrg		**Estimated Value of the Estate: unknown.**
✓	Aff.Mail	W/	
✓	Aff.Pub.		**Probate Referee: RICK SMITH**
	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:
Reviewed by: KT
Reviewed on: 2/6/12
Updates:
Recommendation: SUBMITTED
File 7 - Ward

Dept. 303, 9:00 a.m. Wednesday, February 15, 2012

8 Randall Stephen Dodd (Estate) **Case No. 12CEPR00011**

Atty Griffin, Douglas E. (for Petitioner Debbie Retherford)

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

DOD: 2/10/2011		
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	

DEBBIE J. RETHERFORD, sister, is Petitioner and requests appointment as Administrator of the Estate without bond.

Sole heir, Lila Dodd, mother, waives bond and nominates petitioner.

Full IAEA – o.k.

Decedent died intestate.

Residence: Clovis
Publication: Fresno Business Journal

Estimated Value of the Estate:

Personal property	-	$186,000.00
Income	-	$ 12,000.00
Total	-	**$198,000.00**

Probate Referee: RICK SMITH

NEEDS/PROBLEMS/COMMENTS:

1. **Petitioner, Debbie J. Retherford, was not listed on #8 of the petition as required.**

Reviewed by: KT
Reviewed on: 2/6/12
Updates:
Recommendation:
File 8 – Dodd

Dept. 303, 9:00 a.m. Wednesday, February 15, 2012

9 James L. Rutherford (Estate) **Case No. 12CEPR00016**

Atty Burnside, Leigh (for Petitioner Michelle L. Eacret)

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

DOD: 10/12/2011		
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	

MICHELLE L. EACRET, is petitioner and requests appointment as Administrator without bond.

Decedent's brother, listed as his sole heir, waives bond. See note #3 and #4.

Full IAEA – o.k.

Decedent died intestate.

Residence: Fresno
Publication: Fresno Business Journal

Estimated Value of the Estate:

Personal property	-	$100,000.00
Real property	-	$100,000.00
Total	-	**$200,000.00**

Probate Referee: STEVEN DIEBERT

NEEDS/PROBLEMS/COMMENTS:

1. **Petitioner, Michelle L. Eacret was not listed on #8 of the petition as required.**
2. **Need name and date of death of deceased spouse. Local Rule 7.1.1D.**
3. **Petition states the decedent had a predeceased spouse that died not more than 15 years before the decedent owning and interest in real property that passed to the decedent and also died not more than 5 years before the decedent owning personal property valued at $10,000 or more that passed to the decedent. #8 of the petition only lists decedent's brother as a possible heir to the estate. However the Notice of Hearing lists a niece and a nephew of the predeceased spouse. If the predeceased spouse was survived by a niece and nephew it appears that pursuant to Probate Code §6402.5 they would be entitled to a share of the deceased spouse's portion of the estate that passed to the Decedent. Notice of Hearing also appears to indicate that the decedent may have had other siblings that predeceased leaving issue. If the decedent had any predeceased siblings leaving issue they would also be entitled to a portion of this estate. Probate Code §240 and Probate Code §6402. Court may require clarification.**
4. **Per note #3 above if there are other heirs of the estate they would need to waive bond or bond will need to be posted.**
5. **Signature of the Petitioner on the Duties and Liabilities is not dated.**

Reviewed by: KT
Reviewed on: 2/7/12
Updates:
Recommendation:
File 9 - Rutherford

Dept. 303, 9:00 a.m. Wednesday, February 15, 2012

10 Owen L. Stone (Spousal) **Case No. 12CEPR00018**

Atty Chielpegian, Michael S (for Fay Stone – Petitioner)

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

DOD: 6/10/11		
Cont. from		
	Aff.Sub.Wit.	
√	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	x
	Aff.Mail	x
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
√	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

FAY STONE, surviving spouse, is Petitioner.

No other proceedings

Will dated 2/22/00.

Petitioner states that the real property at issue, 4130 W. Fremont in Fresno ("Real Property"), was acquired during Petitioner and Decedent's marriage, with community property funds and while domiciled in California (deed attached to *Petition*).

Petitioner requests court confirmation that ½ interest in the Real Property belongs to her and that ½ interest in the Real Property passes to her.

NEEDS/PROBLEMS/COMMENTS:

1. **Pursuant to PrC §13655, need *Notice of Hearing*, as well as proof of at least 15 days' service of the *Notice of Hearing* on:**
   a. **All named executors in Decedent's will**
   b. **All heirs and devisees of Decedent**

Reviewed by: NRN

Reviewed on: 2/6/12

Updates:

Recommendation:

File 10 – Stone

Dept. 303, 9:00 a.m. Wednesday, February 15, 2012

11 Nellie Juanita Smith (Estate) **Case No. 12CEPR00019**

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

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

DOD: 12/29/11		
Cont. from		
	Aff.Sub.Wit.	s/p
√	**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	

WAYMON E. WATTS, named Executor without bond, is Petitioner.

Will dated 5/20/11

Full IAEA – o.k.

Residence – Selma, CA
Publication – Selma Enterprise

Estimated value of estate:

Personal property	$2,000,000.00
Annual income	50,000.00
Real property	150,000.00
Total	**$2,200,000.00**

PROBATE REFEREE: RICK SMITH

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: NRN
Reviewed on: 2/6/12
Updates:
Recommendation: SUBMITTED
File 11 - Smith

Dept. 303, 9:00 a.m. Wednesday, February 15, 2012

12 Lurine S. Topham (Estate) **Case No. 12CEPR00025**

Atty Wright, Judith A. (for Carole Topham Pitts – Daughter – Petitioner)

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

DOD: 10-29-11

	Aff.Sub.Wit.	S/P
✔	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	

CAROLE TOPHAM PITTS, Daughter and named Executor without bond, is Petitioner.

Full IAEA – ok

Will dated 11-20-08

Residence: Auberry, CA
Publication: Fresno Business Journal

Estimated Value of Estate:

Personal property:	$ 300,000.00
Annual income:	$ 30,000.000
Real property:	$ 1,000,000.00
Total:	$ 1,330,000.00

Probate referee: Rick Smith

Petitioner states that it is believed that all of the decedents assets are properly titled in the name of the family trusts; however, following the death of the decedent's husband, the trust instrument required assets to be divided among a Survivor's Trust, Exemption Trust and Marital Trust. All three were in existence at the decedent's death.

Pursuant to the terms of the family trust, the decedent was granted a general power of appointment over distribution of the Survivor's Trust; a limited power of appointment over the Marital Trust and Exemption Trust. The limited power of appointment over Marital and Exemption Trust assets gave the Decedent authority to appoint by Will to any of her issue or their spouses either outright or in trust and in any proportion she so appointed. Decedent's will documents her appointment of trust assets. Petitioner is the sole successor trustee of each trust.

NEEDS/PROBLEMS/COMMENTS:

<u>Note</u>: Petitioner estimates the estate contains personal property, income and real property valued at $1,330,000.00; however, Petitioner also states that at the decedent's death, these assets were assets of the family trust. The Court may require clarification.

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

Dept. 303, 9:00 a.m. Wednesday, February 15, 2012

13 Shelly Blum (CONS/PE) **Case No. 0378329**

Atty Wright, Janet L. (for Gerald H. Blum – Conservator)

Status Hearing Re: Filing of the Next Account

Age: 56		
DOB: 2-3-56		
	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	

GERALD BLUM, Father, is Conservator.

On 6-29-11, the Sixth Account was settled and the Court set this status hearing for the filing of the next account.

NEEDS/PROBLEMS/COMMENTS:

1. **Need seventh account.**

Reviewed by: skc

Reviewed on: 2-6-12

Updates:

Recommendation:

File 13 - Blum

Dept. 303, 9:00 a.m. Wednesday, February 15, 2012

14 Haylie Vuori, Trystyn Vuori and McKayla Vuori (GUARD/P) Case No. 08CEPR00522
Atty Vuori, Tiffany (Pro Per – Mother – Petitioner)
Atty Fields, Keith (Pro Per – Maternal Grandfather – Guardian)
Atty Fields, Valerie (Pro Per – Maternal Step-Grandmother – Guardian)
Petition for Visitation

Haylie (14) **DOB: 12/20/1997**		
Trystyn (12) **DOB: 11/10/99**		
McKayla (12) **DOB: 11/10/99**		
	Aff.Sub.Wit.	
✔	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

TIFFANY VUORI, Mother, is Petitioner.

KEITH FIELDS and **VALERIE FIELDS**, maternal grandfather and step-grandmother, were appointed co-guardians on 7-24-08.

Father: **ADAM VUORI –** *notice dispensed with by minute order dated 7/13/11.*

Paternal grandfather: Oliver Vuori
Paternal grandmother: Jeanette Tate – n*otice dispensed with by minute order dated 7/13/11.*

Petitioner states the restraining order was removed off of all three children and Keith Fields. The restraining order is still in effect for Valerie Fields until 2014 (50 yard stay away). Discussions and exchanges of children to take place between Petitioner and Keith pursuant to court order in Dept. 20. Petitioner would like visitation to start again.

NEEDS/PROBLEMS/COMMENTS:

<u>Note</u>: Visitation ordered 3-3-10 was revoked by the Court on 9-7-11 pursuant to the Guardians' petition to stop visitation with reference to violent incidents. In addition, a restraining order was issued in 11CEFL04342 (Valerie Fields v. Tiffany Vuori) on 8-2-11 that protects the guardians and the children from Mother. The order expires 8-2-14.

1. **Need Notice of Hearing.**

2. **Need proof of service of Notice of Hearing at least 15 days prior to the hearing on:**
   - **Keith Fields (Guardian)**
   - **Valerie Fields (Guardian)**
   - **Haylie Vuori (Minor age 14)**
   - **Trystyn Vuori (Minor age 12)**
   - **McKayla Vuuori (Minor age 12)**

3. **Need clarification. Court records do not indicate any activity in 11CEFL04342 since the restraining order was issued on 8-2-11. The protected parties include Valerie Fields, Keith Fields, Haylie Vuori, Trystyn Vuori, and McKayla Vuori.**

Reviewed by: skc
Reviewed on: 2-6-12
Updates:
Recommendation:
File 14 - Vuori

15 Boyd Earl (CONS/PE) **Case No. 08CEPR01222**

Atty Johnson, Shanise Earl (Pro Per – Granddaughter – Conservator)

First Amended, Second and Final Account Current and Report of Conservator

DOD: 2-19-11		
	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	

SHANISE EARL JOHNSON, Granddaughter and Conservator of the Person and Estate, is Petitioner.

The Conservatee passed away on 2-19-11.

Account period: 8-17-10 through 2-19-11
Accounting: $150,031.40
Beginning POH: $141,411.40
Ending POH: $143,735.35

Account period: 2-20-11 through 5-31-11
Accounting: $144,109.35
Beginning POH: $142,385.35
(This is the Ending POH from the last period less the burial plot amount.)
Ending POH: $136,558.72
($1,153.72 cash plus real property, vehicle, and household furnishings/personal property with carry values totaling $135,405.00)

Petitioner prays for an order:
1. Approving, allowing and settling the accounts
2. Approving the acts of the Conservator
3. Distribution of the assets to Petitioner as the sole heir.
4. Termination of the conservatorship

NEEDS/PROBLEMS/COMMENTS:

<u>Note</u>: Petitioner filed two separate petitions for the account periods, but for the sake of efficiency, Examiner has reviewed the petitions together.

1. **Schedule E states the Ending Property on Hand (POH) includes the residence with a carry value of $125,000.00, a car with a carry value of $9,905.00 and household furnishings with a carry value of $500.00 for a total of $135,405.00, plus $1,153.72 in cash; however, the proposed order indicates that the Ending POH is $126,153.00, of which $1,153.72 is cash.**

   <u>Need clarification</u>: What does the Ending POH include?

2. **Petitioner requests authorization to distribute the assets to herself as the sole heir; however, Probate Code §§ 2631 and 13100 allow liquidation and distribution of only personal property from a conservatorship estate if the value of the estate including the real property is under $100,000.00.**

   The real property may be subject to Probate Code §13151 (Petition to Determine Succession to Real Property Form DE-310 plus inventory and appraisal as of the date of death) or a full probate estate administration pursuant to Probate Code §8000 et seq., or other disposition.

   Petitioner may wish to seek legal advice to determine the appropriate manner of distribution.

Reviewed by: skc

Reviewed on: 2-6-12

Updates:

Recommendation:

File 15B - Earl

Dept. 303, 9:00 a.m. Wednesday, February 15, 2012

16 Jada Noor Dave (GUARD/P) **Case No. 11CEPR00266**

Atty Hardy, Amelia (Pro Per – Paternal Grandmother – Petitioner)

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

Age: 3		
DOB: 11-27-08		
Cont. from 011012		
	Aff.Sub.Wit.	
	Verified	X
	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**	X
	Citation	
	FTB Notice	

NO TEMPORARY – none requested.

AMELIA HARDY, Paternal Grandmother, is Petitioner.

Father: **MILIKE NOOR**
Mother: **EDDISHA DAVE**

Paternal Grandfather: Edward Dave
Maternal Grandfather: Not listed
Maternal Grandmother: Not listed
Half-Brother: Morris Griffen

Petitioner states she is helping with her granddaughter while Mother attends school.

Court Investigator Jo Ann Morris filed a report on 12-30-11 in connection with the prior petition.

NEEDS/PROBLEMS/COMMENTS:

Continued from 1-10-12.

As of 2-3-12, nothing further has been filed.

Note: Petitioner was previously appointed temporary guardian on 4-18-11; however, there were no appearances at the general hearing on 10-18-11 and the petition was denied and dismissed. This petition was filed 11-2-11 (two weeks later) without a temporary request.

If this petition goes forward, the following issues exist:

SEE PAGE 2

Reviewed by: skc
Reviewed on: 2-3-12
Updates:
Recommendation:
File 16 - Dave

NEEDS/PROBLEMS/COMMENTS (Continued):

<u>If this petition goes forward, the following issues exist</u>:

1. **The Petition and the UCCJEA are not verified.**

2. **Petitioner includes the child on the Declaration of Due Diligence with Morris Griffen, listed as Half-Brother. The declaration also indicates that Petitioner spoke with Morris Griffen in order to look for him. Need clarification.**

3. **UCCJEA at #3 lists the current address for the child in Queen Creek, Arizona and states "Babysitting" but does not state the name of the person the child is with. At #6 the UCCJEA states Morris Griffen has physical custody of the child, but Examiner notes that Petitioner also filed a Declaration of Due Diligence for Morris Griffen and the child (#2 above). Need clarification.**

4. **Need Notice of Hearing for 2-15-12 hearing date.**

5. **Need proof of personal service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 or consent and waiver of notice or declaration of due diligence on:**
   - Milike Noor (Father)
   - Eddisha Dave (Mother)

6. **Need proof of service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 or consent and waiver of notice or declaration of due diligence on:**
   - Edward Dave (Paternal Grandfather)
   - Maternal Grandfather (Not listed)
   - Maternal Grandmother (Not listed)
   - Morris Griffen (Half-Brother / has physical custody)

<u>Note</u>: A Notice of Hearing was filed 2-7-12, but the proof of service was not signed. Stapled to the document is what appears to be a copy of a certified mail receipt (not an original) indicating that something was sent to Morris Griffin. However, Examiner notes that such receipt is not an acceptable form of service.

7. **Proposed Order and Letters submitted are illegible. If granted, Examiner will prepare.**

17A Amiah Tracy & Jaedyn Grover (GUARD/P) Case No. 11CEPR01093

Atty Grover, Evelyn (pro per/maternal aunt – temporary guardian and proposed permanent guardian)
Atty Grover, Kelly (pro per/mother – Petitioner)
Atty Brown, Kim (pro per/maternal aunt – competing Petitioner)
Atty Brown, Anthony (pro per/maternal uncle by marriage – competing Petitioner)

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

Amiah age: 4 years
DOB: 9/8/2007

Jaedyn age: 1 year
DOB: 5/4/10

Cont. from

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

TEMPORARY EXPIRES 2/15/12

KELLY GROVER, mother, is petitioner and requests **EVELYN GROVER**, aunt, be appointed as guardian of the person.

Father (Amiah): Not listed
Father (Jaedyn): Not listed

Mother: **KELLY GROVER** – *consents and waives notice.*

Paternal grandparents: not listed
Maternal grandparents: not listed

Petitioner states mom is going into an inpatient program.

Court Investigator Charlotte Bien's report, was filed 2/6/12.

SEE ATTACHED PAGE

NEEDS/PROBLEMS/COMMENTS:

Note: See page 17B for competing Temporary Guardianship Petition

1. ***Declaration of Due Diligence* filed on 12/13/11 indicates the father is unknown. If court does not dispense with notice to the father will need: *Notice of Hearing,* and Proof of personal service of the *Notice of Hearing* along with a copy of the *Temporary Petition* or *Consent and Waiver of notice* on both fathers. * *Note: competing petitioners provide the names of the two fathers (see Page 17B)***
2. **Need proof of mail service 15 court days prior to hearing of the *Notice of Hearing* with a copy of the Petition, or *Consent and Waiver of notice* or Declaration of Due Diligence for:**
   a. **Paternal grandparents**
   b. **Maternal grandparents**

SEE ATTACHED PAGE

Reviewed by: NRN
Reviewed on: 2/7/12
Updates:
Recommendation:
File 17A - Grover

Dept. 303, 9:00 a.m. Wednesday, February 15, 2012

***Declaration of Mother and Petitioner Kelly Grover*, filed 2/7/12, states**:

- **She is now requesting that the two minors be transferred to her sister Kimberly Brown (competing petitioner – see Page 17B);**
- **Mother originally gave Evelyn Grover temporary custody of the two minors when she was impaired because of her use of controlled substances, and has since been placed in the Spirit of Women and completes her program on 7/17/12;**
- **Spirit of Women encourages visits with her children to help with the bonding between mother and child; however, Evelyn Grover has not attempted to bring the minors to see Mother and has not called. Mother was only able to see the minors in the main office of Spirit of Woman, because Evelyn told Mother she did not want Mother thinking she (Evelyn) was keeping them from her;**
- **Furthermore, the minor Amiah needs counseling and Evelyn Grover also refuses to take her or to make an appointment for her;**
- **Mother's sister, Kimberly Brown is who Mother would like the minors placed with – Ms. Brown is financially capable, stable, and will meet the minors' needs;**
- **Finally, Mother's brother, Ryan Grover, is on parole until March of 2012, and Evelyn has a past criminal record.**

17B Amiah Tracy & Jaedyn Grover (GUARD/P) **Case No. 11CEPR01093**

Atty Grover, Kelly L (pro per/mother)
Atty Grover, Evelyn (pro per/maternal aunt – temporary guardian and competing Petitioner)
Atty Brown, Kim (pro per/maternal aunt – Petitioner)
Atty Brown, Anthony (pro per/maternal uncle by marriage – Petitioner)

Petition for Appointment of Temporary Guardianship of the Person

Amiah age: 4 years DOB: 9/8/2007		
Jaedyn age: 1 year DOB: 5/4/10		
Cont. from		
	Aff.Sub.Wit.	
√	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	x
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	x
√	Conf. Screen	
√	Letters	
√	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
√	Order	
	Aff. Posting	
	Status Rpt	
√	UCCJEA	
	Citation	
	FTB Notice	

GENERAL HEARING: 4/2/12

KIM BROWN AND ANTHONY BROWN, maternal aunt and uncle, are Petitioners.

EVELYN GROVER, maternal aunt by marriage, is the current temporary guardian; ***personally served 2/2/12***

FATHER (Amiah): **JAMES NAPOLEAN; personally served 2/2/12**
FATHER (Jaedyn): **MICHAEL BROWN**
MOTHER: **KELLY GROVER;** ***waiver and consent filed 1/31/12***

PATERNAL GRANDFATHER: UNKNOWN
PATERNAL GRANDMOTHER: UNKNOWN

MATERNAL GRANDFATHER: SHARON TRIHUP; *personally served 2/2/12*
MATERNAL GRANDMOTHER: JAMES GROVER; *personally served 2/2/12*

Petitioners state:
Mother is currently in a drug rehabilitation programs with an open CPS case of her youngest child. The current guardian, Evelyn Grover, and her husband Ryan are unfit to raise the minors. Ryan is on parole and Evelyn's children have recently come back to her from a CPS case. Furthermore, the current guardian's home has four other children living there, and Petitioners believe the minors are being mistreated and not given love.

The minors' mother is in agreement with Petitioners being appointed as guardians. Petitioners have a stable and loving Christian home that they wish to open to the minors and provided them with love and security. Petitioners have never been on drugs or in trouble with the law, and have successfully raised 3 of their own children. Petitioners can offer a safe, protected home with love, and physical and emotional growth.

Court Investigator Charlotte Bien's report, was filed 2/6/12

SEE ATTACHED PAGE

NEEDS/PROBLEMS/COMMENTS:

1. ***Declaration of Due Diligence*** **filed on 2/7/12 indicates Petitioners have tried to have minor Jaedyn's father (Michael Brown) served on two separate occasions, but he refuses. If court does not dispense with notice to Mr. Brown, will need:** ***Notice of Hearing*** **along with a copy of the** ***Temporary Petition*** **or** ***Consent and Waiver of notice,*** **for: Father of minor Jaedyn: Michael Brown**

SEE ATTACHED PAGE

Reviewed by: NRN

Reviewed on: 2/7/12

Updates:

Recommendation:

File 17B - Grover

Dept. 303, 9:00 a.m. Wednesday, February 15, 2012

***Declaration of Mother Kelly Grover*, filed 2/7/12, states**:

- **She is now requesting that the two minors be transferred to her sister Petitioner Kimberly Brown;**
- **Mother originally gave Evelyn Grover temporary custody of the two minors when she was impaired because of her use of controlled substances, and has since been placed in the Spirit of Women and completes her program on 7/17/12;**
- **Spirit of Women encourages visits with her children to help with the bonding between mother and child; however Evelyn Grover has not attempted to bring the minors to see Mother and has not called.**
- **Mother was only able to see the minors in the main office of Spirit of Woman, because Evelyn told Mother she did not want Mother thinking she (Evelyn) was keeping them from her;**
- **Furthermore, the minor Amiah needs counseling and Evelyn Grover also refuses to take her or to make an appointment for her;**
- **Mother's sister, Kimberly Brown is who Mother would like the minors placed with – Ms. Brown is financially capable, stable, and will meet the minors' needs;**
- **Finally, Mother's brother, Ryan Grover, is on parole until March of 2012, and Evelyn has a past criminal record.**

Atty Sanoian, Joanne (for Francis Dale Slauson – Son – Petitioner)

Petition for Appointment of Temporary Conservatorship of the Person and Estate

Age: 99		
DOB: 6-13-12		
	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	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

TEMPORARY GRANTED EX PARTE ON 2-3-12
EXPIRES 2-15-12

GENERAL HEARING 3-8-12

FRANCIS DALE SLAUSON, Son, is Petitioner and requests appointment as Temporary Conservator of the Person and Estate without bond.

Petitioner requests the Court order no withdrawals or transfer of funds from any and all bank accounts in Conservatee's name pending the outcome of the temporary hearing. The temporary conservator would not be authorized to take possession of money or any other property without a specific court order.

Estimated value of estate: Annual income $22,000.00

Petitioner states Velma is 99 years old and has lived in her own home with her son Donald Slauson for many years. Her husband died in 1991. Don has not worked, has relied on his mother for support, and has a history of heavy alcohol use. Velma receives approx. $1,500/month and $5,000.00 annually from an annuity, and also has savings in bank accounts, but it is unknown whether the accounts are in her name alone. Velma owned three parcels of property at the time of her husband's death. Two have been deeded by her to Don, and the other to Petitioner, all with reservation of a life estate for Velma.

Petitioner states Don isolated Velma from family members for several years and the house has become almost uninhabitable due to Don's hoarding habits. Don Slauson has threatened to shoot anyone coming near the house. He wields a handgun. A police report is attached.

On 12-20-11, a neighbor contacted police to assist with Velma, who was found in very poor condition – multiple bed sores and covered with feces. She was taken by ambulance to the hospital and subsequently admitted to Sierra Vista Healthcare. She has dementia and requires 24-hour assistance.

SEE PAGE 2

NEEDS/PROBLEMS/COMMENTS:

Court Investigator advised rights on 2-6-12.

1. **Petitioner requests an order that does not authorize the conservator to take possession of any money or property without specific Court order and therefore, requests appointment without bond; however, Examiner notes that pursuant to CRC 7.207, except as otherwise provided by statute, every conservator or guardian of the estate appointed after 12-31-07 must furnish a bond including a reasonable amount for the cost of recovery to collect the bond under Probate Code 2320(c)(4). If required, bond should be $24,200.00.**

Reviewed by: skc
Reviewed on: 2-7-12
Updates: 2-9-12
Recommendation:
File 18 - Slauson

SUMMARY (Continued):

Petitioner states there do not appear to be any powers of attorney in place and Petitioner would like to prevent his brother Don Slauson from taking any adverse action regarding their mother's assets. Petitioner wants to ensure his mother has assets sufficient to sustain her in a residential care facility. In order to protect her, Petitioner needs conservatorship of her person and estate as soon as possible.

Petitioner seeks an order for no withdrawals or transfer of funds from any and all bank accounts in the name of Velma G. Slauson pending the outcome of the temporary hearing, and that the temporary conservator is not authorized to take possession of money or any other property without specific court order.

Court Investigator Jo Ann Morris filed a report on 2-7-12.

19 Destiny Marie Castellanos (GUARD/P) **Case No. 11CEPR01096**

Atty De La Rosa, Lucia (pro per Petitioner/paternal great aunt)

Atty Castellanos, Moises (pro per Petitioner/paternal great uncle)

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

Age: 1 year
DOB: 2/3/2011

Cont. from

	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
✓	Pers.Serv.	W/
✓	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.

MOISE CASTELLANOS, paternal great uncle and **LUCIA DE LA ROSA,** paternal great aunt, are petitioners.

Father: **JESSE CASTELLANOS, JR.** – *personally served on 1/20/12.*

Mother: **KAMALJIT SINGH –** *personally served on 1/28/12.*

Paternal grandfather: Jesse Castellanos – *personally served on 1/1/12.*
Paternal grandmother: Linda Beltran – *personally served on 1/30/12.*
Maternal grandfather: Gurchhinder Singh – *personally served on 1/31/12.*
Maternal grandmother: Piari Singh – *personally served on 1/12/11.*

Petitioners state the parents do not have a stable home or job. Both parents have drug addictions and the father has been in and out of jail. Petitioners state the minor has lived with them since she was 5 days old and they are the only parents she knows.

Court Investigator Julie Negrete's Report

NEEDS/PROBLEMS/COMMENTS:

1. **Fee waiver for both petitioners was denied on 12/15/2011. Therefore a filing fee of $225.00 is now due.**

Reviewed by: KT
Reviewed on: 2/7/12
Updates: 2/9/12
Recommendation:
File 19 - Castellanos

Dept. 303, 9:00 a.m. Wednesday, February 15, 2012

20 Christina Brown & Corina Brown (GUARD/P) Case No. 12CEPR00093

Atty Frutos, Martha (pro per Petitioner/maternal grandmother)

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

Christina age: 15 years DOB: 11/5/1996		
Corina age: 13 years DOB: 8/15/1998		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	N/A
	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	

GENERAL HEARING 4/9/2012

MARTHA FRUTOS, maternal grandmother, is petitioner.

Father: **BILL BROWN** – *deceased.*

Mother: **CYNTHIA OTERO** – *deceased.*

Paternal grandfather: Unknown
Paternal grandmother: deceased
Maternal grandfather: Ralph Otero – *deceased.*

Minors: Christina Brown and Corina Brown both consent and waive notice.

Petitioner states both parents are deceased. A guardian is needed to care for the children.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: KT

Reviewed on: 2/7/12

Updates:

Recommendation:

File 20 - Brown

Dept. 303, 9:00 a.m. Wednesday, February 15, 2012

1 Charles George Martin (Estate) Case No. 03CEPR01109

Atty Ramseyer, Ryan A. (for Charles Duane Martin – Successor Administrator – Petitioner)
Atty Kharazi, H. Ty (for Maria Elena Martin – Former Administrator)
Atty Ramirez, Jr., Edward R. (*formerly* for Maria Elena Martin – Former Administrator)

Order to Show Cause Re: Contempt

DOD: 6/2/03	
Cont. from 012612	
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	

CHARLES DUANE MARTIN, son and successor administrator, is Petitioner.

On 12/6/12, this Court granted Administrator Charles Duane Martin's Ex Parte Application for Order to Show Cause Why Maria Martin Should not be Held in Contempt and Sanctioned for Failure to Abide by the Court's Order of 9/29/11.

[The 9/29/11 Court Order removed Maria Maria as the estate Administrator, and ordered her to turn over control of all Estate property to Charles Duane Martin, appointed as successor personal representative, and granting Charles Martin's petition for probate.]

Petitioner states:

- At the 11/3/11 Court hearing, counsel for Duane Martin informed the Court that Maria had not complied with the 9/29/11 Order, by failing to turn over keys to Estate property; through her counsel, Maria assured the Court she would turn over her keys following the hearing; after the Court hearing, Maria turned over 4 small padlock keys, of which only 2 worked; the 2 keys provided access to the Estate's Quonset hut-style building, used as an extra garage, and to the rear sliding door of the main garage;
- None of the keys to the Estate's numerous vehicles have been turned over to Petitioner; Maria said the keys to the vehicles were inside the vehicles, however none were inside the vehicles;
- Furthermore, none of the keys to the main residence were turned over, nor were any keys to other structures and doors on the Estate real property;
- Petitioner's counsel faxed a letter to Ms. Martin's attorney on 11/3/11, and again on 11/11/11 demanding that all keys be turned over (the 11/11/11 letter also indicated Petitioner would be moving ex parte unless the keys be immediately provided); a 11/14/11 letter from Ms. Martin's attorney states he had not received any more keys from his client;
- Ms. Martin, who has had exclusive possession and control of all estate property from 10/28/03 until her removal on 9/29/11, has had exclusive possession and control of all estate property, and has deliberately chosen not to follow this Court's order; she should therefore be sanctioned by fine and/or imprisonment under C.C.P. §§ 1218(a) and 1219 for willful defiance of the 9/29/11 order.

Petitioner requests the Court 1) direct Maria Martin to show cause why she should not be held in contempt of this Court pursuant to C.C.P. §1209(a)(5) and sanctioned pursuant to C.C.P. §§1218(a) and 1219; 2) order Maria Martin to show cause why she should not pay the Estate's extraordinary attorney's fees and costs in initiating these contempt proceedings in the amount of $937.50 in attorney's fees (*per Declaration and Itemization, 2.5 attorney hours and $375/hr*) and $40 in anticipated filing costs for the ex parte petition.

SEE ATTACHED PAGE

NEEDS/PROBLEMS/COMMENTS:

Continued from 1/26/12. Minute Order reads: Ricardo Cristobal is sworn and interprets for Maria Martin. Mr. Kharazi advises the Court that he substituted in as counsel yesterday. Mr. Kharazi requests a continuance.

1. Need Order.

Notes:

- **There is currently a trial date of 3/27/12, concerning Maria Martin's First Account (and Objections thereto) and Maria Martin's Spousal Property Petition.**
- ***Substitution of Attorney*, filed 1/26/12, shows that Attorney H. Ty Kharazi is now Maria Martin's counsel of record (formerly Attorney Edward Ramirez)**

Reviewed by: NRN

Reviewed on: 2/7/12

Updates:

Recommendation:

File 1 - Martin

Dept. 303, 9:00 a.m. Wednesday, February 15, 2012

Cont'd:

Supplemental Declaration of Charles Martin, filed 1/10/12, states:

1. This Declaration updates the Court on events since 12/6/11;
2. On 12/12/11, Maria Martin's attorney sent Declarant a package of 46 unidentified keys and a letter (attached to Supp. Dec) – none of the keys provided are car keys;
3. On 12/15/11, Maria's attorney sent an email stating that Maria had vacated the Dos Palos real property; in that email, attorney Ramirez stated that Maria "has removed all of her personal items;"
4. I inspected the real property after 12/15/11, and the personal property left behind. Declarant concluded that numerous items of personal property, present when Maria was appointed as administrator, is missing, including property that was seen as recently by Petitioners on 7/29/11. ***(Note: please see Supp. Decl for the list of items, which includes china, silver, miscellaneous crystal items, 2 cabinets, 2 large clocks, washer and dryer, refrigerator, the former spouse's (Petitioner's mother) jewelry (diamond bracelets, necklaces, earrings) and pearls, Faberge collection, and Decedent's medals, merit ribbons, and military uniform, Decedent's difference coin collections and jewelry; missing from the garage are the Dodge Ram, the Johne Deere lawn mower, 1954 Packard, 1947 Chevrolet Fleet Master, 1930 Ford A Model Coupe, vehicle radiators, numerous sets of tools, drills, saws, compressors, etc.)***

Further Declaration of (Attorney) Ryan A. Ramseyer Regarding Attorney's Fees as to Application for Order to Show Cause Re: Contempt, filed 1/12/12, states:

1. Attorney Ramseyer spent 2.5 hours drafting the ex parte application for order to show cause in this matter;
2. Additionally, he expended 1.2 hours drafting the ex parte application to continue the order to show cause and .4 hours working on the supplemental declaration of Charlie Martin in support of the ex parte;
3. Attorney Ramseyer spent 4.1 hours drafting the relevant papers regarding the present order to show cause re: contempt;
4. Attorney Ramseyer's hourly rate is $375.00, and his totally amount billed to this matter is $1,537.50.
5. Furthermore, numerous costs have been incurred in filing the ex parte applications and service and copy fees. The total amount of costs incurred in this matter is $232.25.