



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

(1) First and Final Account and Report of Personal Representative, Petition for Settlement and (2) Allowance of Ordinary Attorney's Fees and Waiver of Commission, Closing Expenses and (3) for Final Distribution

DOD: 9-5-09		<p>KATHLEEN BROWN, Administrator With Full IAEA without bond, is Petitioner.</p> <p>Account period: 9-5-09 through 12-8-13</p> <p>Accounting: \$197,939.75 Beginning POH: \$197,320.02 Ending POH: \$180,990.17 (\$10,990.17 cash plus real property)</p> <p>Administrator (Statutory): Waived Attorney (Statutory): \$6,919.60 Costs: \$493.00</p> <p>Distribution pursuant to intestate succession, Waiver of Heirs Re Adjustment of Value of Vehicle Transferred to Remaining Heir, and Agreement Regarding Real Property is:</p> <p>Kathleen Brown: \$1,192.52 cash plus real property valued at \$170,000.00.</p> <p>Craig A. Brown: \$1,192.52 cash</p> <p>Kelley E. Brown: \$1,192.52 cash</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. The decedent's intestate heirs are his three children, Kathleen Brown, Craig Brown, and Kelley Brown.</p> <p>The Agreement Regarding Real Property distributes the house solely to Kathleen Brown, who shall be responsible for payment of the property taxes, utilities, maintenance, and upkeep, but also contains promises regarding equalization and distribution upon future events, such as if Kathleen Brown sells the house or dies.</p> <p>Pursuant to the agreement, the house is now being distributed solely to Kathleen Brown; however, Examiner notes that this Probate Court does not have jurisdiction over the future events contemplated in the agreement, and the agreement, in essence, may be treated by the Court as an assignment of interest by the other two heirs.</p> <p>The other two heirs are not represented. As such, the Court may require confirmation that the parties understand that the outcome of the agreement is distribution to Kathleen only.</p> <p>2. Pursuant to #1 above, the terms of the agreement after distribution to Kathleen Brown have been stricken from the proposed order.</p> <p>3. This estate was three years delinquent when it was set for status hearing by the Court. The Court may require clarification regarding the delay. Attorney Fanucchi requests the full amount of statutory fees. Pursuant to Probate Code §12205, the Court may reduce compensation if the delay was not in the best interest of the estate.</p>
Aff.Sub.Wit.			
✓ Verified			
✓ Inventory			
✓ PTC			
✓ Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	w		
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Pers.Serv.			
Conf. Screen			
✓ Letters	1-29-10		
Duties/Supp			
Objections			
Video Receipt			
CI Report			
✓ 9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
✓ FTB Notice			
		<p>Reviewed by: skc</p> <p>Reviewed on: 2-10-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1 – Brown</p>	

First and Final Account: Report of Conservator; and (1) Petition for Approval of Account and Report and (2) Conservator's Fees and (3) Attorney's Fees and (4) Reimbursement of Costs to Attorney and (5) Distribution of Conservatorship Assets Due to Death of Conservatee

DOD: 9-1-13		NANCY QUEMADA LAU , Conservator, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 1-28-14</u></p> <p><u>Minute Order 1-28-14: Patrick Hanrahan appears via Courtcall. Mr. Hanrahan will cure defects. Continued to 2-18-14.</u></p> <p><u>As of 2-10-14, nothing further has been filed. The following issues remain:</u></p> <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p> <hr/> <p>Reviewed by: skc</p> <p>Reviewed on: 2-10-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2 – Quemada</p>
		Account Period: 5-31-12 through 9-1-13	
		Accounting: \$515,436.68	
		Beginning POH: \$481,000.00	
		Ending POH: \$482,641.17	
Cont. from 012814			
	Aff.Sub.Wit.		
✓	Verified	Subsequent Account Period:	
	Inventory	9-2-13 through 10-16-13	
	PTC	Accounting: \$484,939.17	
	Not.Cred.	Beginning POH: \$482,641.17	
	Not.Cred.	Ending POH: \$481,469.55	
✓	Notice of Hrg	(\$469.55 cash plus two residential properties in Los Angeles, CA)	
✓	Aff.Mail	Conservator: Waived	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	Attorney: \$6,409.00 (8.6 attorney hours @ \$290/hr and 29 paralegal hours @ \$135/hr per declaration including 6 hours of <i>anticipated</i> attorney and paralegal time of \$1,275. See Notes.	
	Conf. Screen		
	Letters		
	Duties/Supp	Costs: \$607.30	
	Objections		
	Video Receipt		
	CI Report	Petitioner prays for an order:	
	9202	1. Settling, allowing, and approving the first and final account as filed;	
	Order	2. Confirming and approving all acts and transactions of Petitioner as Conservator;	
	Aff. Posting	3. Authorizing payment of the Attorney fees and costs;	
	Status Rpt	4. Authorizing distribution of the conservatorship estate to Petitioner as trustee of the Quemada Family Living Trust dated 2-4-2000;	
	UCCJEA	5. Discharge upon distribution and filing of proper receipts; and	
	Citation	6. For such other relief as the Court may deem just and proper.	
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

1. Need account statements pursuant to Probate Code §2620(c).
2. The Conservatee owns two houses in Los Angeles; however, it appears she was only receiving rent from one of them. It appears that family members reside in both residences. Further, it appears that the Conservatee was paying a mortgage and utilities for one or both of these homes, but it is unclear which one. Need clarification.
3. The Conservatee resided with Petitioner in Petitioner's home for the duration of the conservatorship. However, the disbursements schedule indicates numerous and frequent disbursements for grocery and household expenses (Costco, Trader Joe's, Walmart, Food 4 Less, AT&T, reimbursements to Petitioner for utilities, meals, etc.). In addition, the disbursements schedule also indicates numerous and frequent shopping trips and restaurant meals during the account period with totals such that it appears the conservatorship estate was paying the entirety of the bill for the party (Yosemite Falls Café, Andiamo, Macy's, Target, fast food, etc.).
Need clarification regarding whether the Conservatee was paying an appropriate share of the household and living/entertainment expenses.
4. The disbursements schedule also indicates a security deposit and ongoing rent and utilities for an apartment for "½ Rent with Susie Perez moved to Clovis to help me with mom's physical care." Who is Susie Perez? A family member? Nonrelative Caregiver? These expenses do not appear to be compliant with the conservator's duty not to make gifts, etc., without disclosure and authority. See Cal. Rules of Court 7.1059 and Duties of Conservator.
5. Need clarification regarding the numerous bank fees for "checks and/or withdrawals over limit." Given the numerous disbursements noted above, it does not appear that the estate was being prudently managed if the estate was incurring overdraft fees.
6. Petitioner requests distribution of the conservatorship estate assets including real property valued at \$481,000.00 directly to a family trust pursuant to the conservatee's will; however, real property cannot be distributed directly from a conservatorship estate. See Probate Code §2631 (distribution of personal property only pursuant to §13100 affidavit). It appears this petition cannot be granted as prayed, and appointment of a personal representative for the estate may be necessary. Amendment of this petition may be necessary.
7. Given the above noted issues, the Court may require clarification regarding the request that the conservator's acts during the account period be confirmed and approved. The Court may require modified language or may strike this from the final order.
8. Attorney's fees include \$1,275 for anticipated 3 hours of attorney time and 3 hours of paralegal time that will be spent to review these Examiner Notes and prepare supplement.
9. Attorney's fees and costs include the paralegal's communications with the attorney service One Legal regarding document filing and costs for retrieval totaling \$433.30. Service expenses of this nature may be considered by the Court to be cost of doing business pursuant to Local Rule 7.17. The Court may require this amount to be deducted from the total requested.

Atty Perez, Holley H., of Perez, Williams, Medina & Rodriguez (for Petitioner Robert F. Perez)

(1) First and Final Report of Executor, and Waiver of Accounting and (2) Petition for Distribution

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;">CONTINUED TO 3/4/2014 Per Attorney Request</p>
Cont. from		
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		Reviewed by: LEG
		Reviewed on: 2/10/14
		Updates:
		Recommendation:
		File 3 – Perez

DOD: 2-3-12		JOSHUA DAVID LEONG, Son and Administrator with Full IAEA without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need consent to distribution of real property in undivided interests from all distributees pursuant to Local Rule 7.12.4. 2. The first account, which was settled on 12-9-13, indicated that the estate received a \$33,000.00 loan from Creighton Wong to pay creditors so that the beneficiaries could keep the house. This petition does not appear to indicate repayment of that loan. The Court may require clarification, and notice to Mr. Wong regarding distribution of the house at this time. Is distribution subject to a lien? Note: The Administrator did not obtain Court authorization to borrow funds on behalf of the estate pursuant to Probate Code §9800. Petitioner requests that the Court approve all acts and proceedings of Petitioner during administration. The Court may require clarification, and may strike language containing such approval. 3. Petitioner requests reimbursement of \$750.00 in costs. Need itemization pursuant to Local Rule 7.17. 4. Statutory fees are not calculated correctly. The I&A value is stated incorrectly. No schedules are provided pursuant to Cal. Rules of Court 7.550(b)(6). Receipts are unclear, and it appears losses from the sale of the vehicle and the household items are not included in the calculation pursuant to Probate Code §10800. Therefore, need recalculation of statutory compensation and cash distribution to heirs. <p style="text-align: center;">SEE ADDITIONAL PAGE</p> Reviewed by: skc Reviewed on: 2-10-14 Updates: Recommendation: File 4 – Leong
		Final accounting is waived.	
	Aff.Sub.Wit.	I&A: \$156,997.00	
✓	Verified	POH: \$152,332.84	
✓	Inventory	(\$11,582.84 cash plus real property located at 4431 N. Teilman)	
✓	PTC		
✓	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters	6-14-12	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	9202		
✓	Order	Distribution pursuant to intestate succession: Joshua David Leong: \$2,895.71 cash plus a 25% undivided interest as tenant in common in the real property Isaac Paul Leong: \$2,895.71 cash plus a 25% undivided interest as tenant in common in the real property Joel James Leong: \$2,895.71 cash plus a 25% undivided interest as tenant in common in the real property Benjamin Thomas Leong: \$2,895.71 cash plus a 25% undivided interest as tenant in common in the real property	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
✓	FTB Notice		

NEEDS/PROBLEMS/COMMENTS (Continued):

- 5. Petitioner provides some details of the creditor's claims that were paid or rejected in this petition and in the First Account that was settled on 12-9-13; however, Petitioner did not file the mandatory Allowance or Rejection Judicial Council form DE-174 for most of the claims.**
- 6. Petitioner states the Creditor's Claim filed 8-9-13 by the County of Fresno Revenue Collections Unit in the amount of \$3,266.67 was paid; however, it is unclear if or how this claim is related to the prior claim filed 11-1-12 by the Fresno County Tax Collector in the amount of \$9,536.02, which does not appear to be addressed at all in this petition or in the First Account. Need clarification.**
- 7. Need revised order per above.**

Atty Krbechek, Randolph (for Petitioners)

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

DOD: 7/26/2000		<p>MARY MCGEE, RITA JONES, EARL LOCKHART, JR., EVERLENER SMITH, JACKIE LOCKHART, ARTHUR LOCKHART, DAVID LOCKHART, RICKY LOCKHART, JAMES LOCKHART, grandchildren, are petitioners.</p> <p>40 days since DOD.</p> <p>No other proceedings.</p> <p>Decedent died intestate.</p> <p>I & A - \$110,000.00</p> <p>Petitioners request court confirmation that Decedent's 25% interest in real property located at 962 75th Ave Oakland, CA pass to 1/10 to each of them pursuant to intestate succession.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 1/7/14. As of 2/10/14 the following issues remain:</p> <ol style="list-style-type: none"> 1. A Petition to Determine Succession to Real Property was previously filed for this decedent (that petition was denied on 1/31/13). In the previously filed petition the petitioners were requesting a 50% interest pass to petitioners. (This decedent had a 25% interest in the real property and her sister had another 25% interest. The petition alleged that decedent's sister's 25% interest belonged to this decedent because the sister had died and decedent was her sole heir). The Inventory and Appraisal in the first filed petition listed the value of the property (50%) at \$110,000.00. This petition includes a copy of the same inventory and appraisal valued (25%) at \$110,000. How can the 50% interest alleged in the first filed petition and 25% interest as alleged in this petition both be valued at \$110,000? 2. Decedent was also survived by a 10th grandchild, Opal White. Opal White died on 5/25/05 (after this decedent) therefore her estate is entitled to a 1/10 share of this estate. Petition states her son, Danny Brown has filed an Affidavit Re: Real Property of Small Value to pass Opal's interest in the real property to him. However, Opal's interest must first pass to her. In addition, someone (a special administrator?) will need to sign this petition on her behalf. Note: A special administrator cannot be appointed in this estate for Opal. A special administrator will need to be appointed in a new case for Opal's estate. 3. Need Order.
Cont. from 010714			
Aff.Sub.Wit.			
✓ Verified			
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✓ Notice of Hrg			
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Status Rpt			
UCCJEA			
Citation			
FTB Notice			
Reviewed by: LV/KT			
Reviewed on: 2/10/2014			
Updates:			
Recommendation:			
File 6 – Raymond			

Atty Molsenbocker, Gary L., sole practitioner (for Petitioner Morris R. Martinez)

(1) First and Final Account and Report of Executor and Petition for Its Settlement and (2) for Allowance of Attorney Fees and (3) Final Distribution

DOD: 11/20/2012		<p>MORRIS R. MARTINEZ, son and Executor, is Petitioner.</p> <p>Account period: 9/30/2013 – 11/14/2013</p> <table> <tr> <td>Accounting</td> <td>-</td> <td>\$139,377.19</td> </tr> <tr> <td>Beginning POH</td> <td>-</td> <td>\$125,000.00</td> </tr> <tr> <td>Ending POH</td> <td>-</td> <td>\$130,834.09 <i>(all cash)</i></td> </tr> <tr> <td>Executor</td> <td>-</td> <td>waives</td> </tr> <tr> <td>Attorney <i>(statutory)</i></td> <td>-</td> <td>\$5,181.32</td> </tr> <tr> <td>Closing</td> <td>-</td> <td>\$1,000.00 <i>(for accountant's fees for final fiduciary income tax return; misc. closing;)</i></td> </tr> </table> <p>Distribution pursuant to Decedent's Will is to:</p> <ul style="list-style-type: none"> • ANTHONY MARTINEZ – \$20,775.46 cash; • ELIZABETH MARTINEZ – \$20,775.46 cash; • MORRIS R. MARTINEZ – \$20,775.46 cash; • PRISCILLA A. MORRISON – \$20,775.46 cash; • CHRISTINE CRUZ – \$20,775.46 cash; • CELESTE AVILA – \$20,775.46 cash. 	Accounting	-	\$139,377.19	Beginning POH	-	\$125,000.00	Ending POH	-	\$130,834.09 <i>(all cash)</i>	Executor	-	waives	Attorney <i>(statutory)</i>	-	\$5,181.32	Closing	-	\$1,000.00 <i>(for accountant's fees for final fiduciary income tax return; misc. closing;)</i>	NEEDS/PROBLEMS/COMMENTS:
Accounting	-		\$139,377.19																		
Beginning POH	-		\$125,000.00																		
Ending POH	-		\$130,834.09 <i>(all cash)</i>																		
Executor	-		waives																		
Attorney <i>(statutory)</i>	-		\$5,181.32																		
Closing	-		\$1,000.00 <i>(for accountant's fees for final fiduciary income tax return; misc. closing;)</i>																		
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		Reviewed by: LEG																			
		Reviewed on: 2/10/14																			
		Updates:																			
		Recommendation: SUBMITTED																			
		File 7 – Martinez																			

Petitioner states, continued:

- The real property located on Marettimo in Monterey has been sold (*copy of Seller's Final Closing Statement attached as Exhibit B*);
- A portion of the proceeds have been distributed to the beneficiaries; a copy of the Instructions for Distributing the stock is attached as *Exhibit C*;
- no stocks remain on hand for final distribution;
- The federal and California income tax returns for the **SURVIVOR'S TRUST** have been filed and taxes paid through 12/31/2012; a refund of a portion of the taxes paid has been deposited into the bank account of for the **SURVIVOR'S TRUST** and is available for final distribution;
- Final federal and California income tax returns will be due for the **SURVIVOR'S TRUST** through final distribution; a reserve in the amount of **\$75,000.00** is being withheld from the proposed distribution for payment of these income taxes, accountant's fees, and other miscellaneous expenses that may become due;
- A Proposed Distribution Schedule for the **SURVIVOR'S TRUST** is attached as *Exhibit D*, which includes the assets of the **SURVIVOR'S TRUST** at the end of the last account period on 9/30/2012; the proposed distribution will be made from the balance of the assets on hand as of 10/30/2013;
- Proposed Distribution Schedule sets forth the preliminary distribution of the stocks and the cash to **KENNETH A. ALEXANDER, LINDA ALEXANDER DE MICHILLIE, and CARA A. ALEXANDER GIMLIN**, as the beneficiaries of the **SURVIVOR'S TRUST**, made since the end of the last accounting period;
- The beneficiaries have waived any further accounting of the **SURVIVOR'S TRUST** pursuant to the Order at Section 9, Page 7;
- The assets on hand as of 10/30/2013 consist of cash in the amount of **\$295,656.79**;
- As set forth on *Exhibit D*, the **SURVIVOR'S TRUST** should be distributed as follows:
 - **KENNETH A. ALEXANDER – \$98,522.26** (consisting of **\$73,552.27** cash and **\$25,000.00** reserve);
 - **LINDA ALEXANDER DE MICHILLIE – \$98,522.26** (consisting of **\$73,552.27** cash and **\$25,000.00** reserve);
 - **CARA A. ALEXANDER GIMLIN – \$98,522.26** (consisting of **\$73,552.27** cash and **\$25,000.00** reserve).
- The **SURVIVOR'S TRUST** is in a condition to be closed.

Petitioner requests the Court order that:

1. The administration of the **SURVIVOR'S TRUST** be brought to a close;
2. The *Petition for Confirmation of Proposed Distribution of the SURVIVOR'S TRUST* be settled, allowed and approved;
3. All acts and proceedings of Petitioner as Successor Trustee be confirmed and approved; and
4. Distribution of the **SURVIVOR'S TRUST** in Petitioner's hands and any other property of the **SURVIVOR'S TRUST** not now known or discovered by made in equal shares to **KENNETH A. ALEXANDER, LINDA ALEXANDER DE MICHILLIE, and CARA A. ALEXANDER GIMLIN**.

Petition for Attorney's Fees and Reimbursement of Costs Advanced

	JANET L. WRIGHT , Court-appointed attorney for Conservatee, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Pursuant to Stipulation Regarding Sale of Real Property (Former Residence) and Personal Property of the Estate filed 7-12-13, the Court signed the Order Authorizing Sale of Real Property (Former Residence) and Personal Property of the Estate on 7-15-13.</p> <p>Note: The Court will set a status hearing for the filing of the First Account by the Public Guardian as follows:</p> <ul style="list-style-type: none"> Friday September 5, 2014 <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
	Petitioner was court appointed to represent the Conservatee on 5-13-13 in connection with her objection to the sale of her real and personal property.	
	Petitioner asks that she be paid \$4,347.25 from the conservatorship estate in connection with her representation of the Conservatee for services including travel and meeting with the Conservatee, preparation of objection and other documentation, communication with family members and Public Guardian, etc., per itemized declaration, which includes \$870.00 in filing fees.	
	Itemized declaration includes 9.75 attorney hours @ \$200-325/hr and 3.3 paralegal hours @ \$120/hr.	
	Petitioner is informed and believes that the Conservatee has sufficient assets for the payment of fees and reimbursement of costs as set forth above.	
Cont. from 121613		
Aff.Sub.Wit.		
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Citation		
FTB Notice		
		<p>Reviewed by: skc</p> <p>Reviewed on: 2-10-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 9 – Togo</p>

DOD: 11/29/2012	SPECIAL ADMINISTRATION EXPIRED 1-24-13	NEEDS/PROBLEMS/COMMENTS:
	DOUGLAS CLEVINGER , son, is petitioner and requests appointment as special administrator with bond set at \$85,000.00.	
	Decedent died intestate.	
	Residence: Fresno	
Cont. from 092413, 120313, 010713	Inventory and Appraisal Value: \$85,000.00 (real property located at 4660 E. Brown in Fresno only)	
<input type="checkbox"/> Aff.Sub.Wit.	<p>Petitioner states he is the son of the decedent and had no contact with his father for more than 40 years. The decedent had been married several times. He was divorced from his most recent wife prior to his death. The only other known child of the decedent is Cynthia Fore. After extensive search, Petitioner states he has been unable to locate his half-sister. Two months prior to his death, decedent purchased real property located in Fresno. The decedent's other known assets are \$14,000 in a Citi Bank account, a Schwab account with approximately \$1,400.00 and a pick-up truck of nominal value. Therefore the total value of the estate is approximately \$100,400. Given the size of the estate the petitioner is able collect his 1/2 of the bank accounts and vehicle using an Affidavit under Probate Code §13100. Accordingly Petitioner is not asking for relief with respect to collecting the money or vehicle.</p> <p>Petitioner requests appointment as special administrator with the authority to sell the decedent's real property and deposit the proceeds into the decedent's bank account.</p> <p>Following the sale the Petitioner will then be able to present an Affidavit under Probate Code §13100 to collect his 1/2 interest in the estate.</p> <p>Minute Order 9-24-13: This matter must be published. The Court grants petitioner special administrator for the purposes of listing the house for sale. Mr. Matlak to prepare order. Mr Matlak is to file a report of sale petition. This petition is continued to the same date. Continued to: [Pending] at 09:00a.m. in Dept 303. Set on: 1/24/14 at 09:00a.m. in Dept 303 for: Status Hearing.</p> <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>	<p><u>SEE ADDITIONAL PAGES</u></p>
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
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<input type="checkbox"/> FTB Notice		

Order for Probate filed 9-27-13 appoints Petitioner as Special Administrator with an expiration date of 1-24-13 with special powers to enter into an exclusive listing agreement and enter into a contract to sell the property, subject to court approval of the terms and conditions of the sale; notice of hearing to be served per Probate Code §1220 and published per Probate Code §8121.

Update: Agreement and Assignment of Cindy Nicholls filed 9-30-13 by Brandenburger & Davis (heir finder) indicates that in consideration of their having located her and brought her estate interest to her attention, Ms. Nicholls, nee Fore, assigns one-third of her interest in the estate to Brandenburger & Davis. Brandenburger & Davis also filed a Request for Special Notice to attorney Tracy Potts of Sacramento.

The Report of Sale and Petition for Order Confirming Sale of Real Property and to Determine the Disposition of the Sale Proceeds was filed 10-24-13 and set for hearing on 12-3-13 (Page 10B of this calendar), and as such, this original petition matter was continued to 12-3-13 pursuant to the 9-24-13 minute order.

Consent of Cindy Nicholls to Report of Sale and Petition for Order Confirming Sale of Real Property and to determine the Disposition of the Sale Proceeds was filed 11-6-13.

Note that as of 1/6/14, nothing further has been filed with respect to the probate estate, including publishing pursuant to Probate Code §8121. (Notice of Sale was published pursuant to Probate Code §10300; however, that notice does not meet the requirements of publishing for opening estate administration pursuant to Probate Code §8121, as required.)

NEEDS/PROBLEMS/COMMENTS:

1. **Examiner Notes previously stated:** It appears that the petitioner wants to probate and distribute the estate without any court oversight or notice to creditors, including the Franchise Tax Board, Department of Health Services, etc. This does not appear to be the proper use of a special administration.

Probate Code §8546(c) states the Special Administrator must account in the same manner as a general personal representative. Therefore it appears that a general personal representative would be more appropriate.

There could be other heirs that are unknown to Petitioner and that is why publication is necessary, for notice to be given to other potential heirs of the decedent, especially given the fact the petitioner had not seen his father in 40 years.

At this time, the following additional issues are noted:

2. Petitioner states that given the size of the estate, Petitioner is permitted to collect his one-half interest using affidavit under Probate Code §13100 and is therefore not including those assets or requesting any relief herein with respect to the bank accounts and vehicle with a total approx. value of \$15,400.00.

This may not be appropriate considering that the Petitioner is not the only heir to the estate, has opened this special administration, and is now requesting court confirmation of sale and distribution of proceeds pursuant to intestate succession.

The Court may require authority for handling the additional assets via summary proceeding separate from the existing probate estate. See Probate Code §8000 et seq. (Opening Estate Administration, etc.)

SEE ADDITIONAL PAGES

3. Court records indicate that there were ongoing proceedings in Mr. Fore's dissolution matter (Fresno Superior Court Case No. 08CEFL03393) at the time of his death. Although the Judgment of Dissolution was entered on 11-1-11, it appears there were ongoing proceedings with regard to beneficiary designation on certain accounts/assets. Therefore, Qiao-Zhen Chen Fore, the decedent's former spouse, may be an heir entitled to notice of a petition to administer the estate.
4. I&A filed 9-3-13 states at #3 that the I&A contains all of the assets of the estate. However, the I&A lists only the house valued at \$85,000.00. The Court is aware, pursuant to statements in the original petition, as noted above, of at least \$15,400.00 of additional assets. The Court will require amended I&A once a probate estate established.
5. Based on the above concerns, the Court may require a Petition for Letters of Administration to be filed and properly noticed pursuant to Probate Code §8000, et seq.
6. This matter was never published (Notice of Petition to Administer the Estate) as required by Minute Order dated 9/24/13.

Atty Boyajian, Thomas M., sole practitioner (for Petitioner Drake K. Cotton)

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

DOD: 1/17/2013		<p>DRAKE K. COTTON, son and named Co-Executor without bond, is Petitioner. <i>(Named Co-Executor declines to act.)</i></p> <p>Full IAEA – O.K.</p> <p>Will Dated: 5/27/2009</p> <p>Residence: Fresno</p> <p>Publication: Business Journal</p> <p>Estimated value of the Estate: Personal property - \$ 2,000.00 Real property - <u>\$205,000.00</u> Total - \$207,000.00</p> <p>Probate Referee: Steven Diebert</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. 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.</p>	
Cont. from				
<input checked="" type="checkbox"/>	Aff.Sub.Wit.			S/P
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	Inventory			
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	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			<p>Reviewed by: LEG</p> <p>Reviewed on: 2/10/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11 – Cotton</p>	

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

DOD: 10/30/2013		CONNIE MORGAN , Trustee, is petitioner	NEEDS/PROBLEMS/COMMENTS: 1. #1 of the Petition lists the petitioner as trustee without including the name of the Trust. 2. #9a(3) or 9a(4) of the petition was not answered re: registered domestic partner. 3. #9a(7) or 9a(8) of the petition was not answered re: Issue of a predeceased child. 4. Need declaration pursuant to Local Rule 7.12.5 re: distribution to an Inter Vivos trust.
		40 days since DOD.	
		No other proceedings.	
Cont. from		Will dated July 1, 2012 devises entire estate to the Tom Jay Edwards Living Trust.	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.	I & A - \$41,000.00	
✓	Notice of Hrg		
✓	Aff.Mail	W/ Petitioner requests court determination that decedent's ½ interest in real property located at 2710 N. Dearing in Fresno pass to petitioner as Trustee.	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: KT
			Reviewed on: 2/11/14
			Updates:
			Recommendation:
			File 12 – Edwards

Status Hearing Re: Filing of Receipt of Funds in Blocked Account

	ERICA DORFMEIER is Administrator.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 1/17/14. Minute Order states no appearances. Mr. Fishman is ordered to be personally present on 2/18/14. Copy of the minute order was mailed to Mr. Fishman on 1/17/14.</p> <p>1. Need receipts for blocked accounts from Chase Bank and from Fresno County Federal Credit Union.</p>
	On 12/19/2013 the First and Final Account of Administrator was approved.	
	The Order allowed for Distribution of \$513,488.89 cash to be placed into a blocked account for the minor beneficiary Jordan O'Neal (age 16).	
Cont. from 011714		
Aff.Sub.Wit.		
Verified		
Inventory	This status hearing was set for the filing of a receipt for blocked account.	
PTC		
Not.Cred.	Receipt for Blocked Account filed on 1/7/14.	
Notice of Hrg	The Receipt for Blocked Account shows that \$513,488.89 was deposited at Wells Fargo. This amount exceeds the amount that is federally insured.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.	An Ex Parte Order to make Interbank Transfer of Funds from Blocked Account was filed on 2/5/14 ordering Wells Fargo to transfer \$239,082.00 into a blocked account at Chase Bank and to transfer \$239,082.00 from Wells Fargo into a blocked account at Fresno County Federal Credit Union.	
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
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UCCJEA		
Citation		
FTB Notice		
		Reviewed on: 2/10/14
		Updates:
		Recommendation:
		File 13 - O'Neal

Status Hearing Re: Filing of Receipt of Funds in Blocked Account

	ERICA DORFMEIER is Administrator.	NEEDS/PROBLEMS/COMMENTS: Continued from 1/17/14. Minute Order states no appearances. Mr. Fishman is ordered to be personally present on 2/18/14. Copy of the minute order was mailed to Mr. Fishman on 1/17/14. Note: An Ex Parte Order to make Interbank Transfer of Funds from Blocked Account in the Estate of Eric Paul O'Neal, page 13 of this calendar, was filed on 2/5/14 ordering Wells Fargo to transfer \$239,082.00 into a blocked account at Chase Bank and to transfer \$239,082.00 from Wells Fargo into a blocked account at Fresno County Federal Credit Union. Once the receipts are filed in Eric's estate (page 13) showing the transfers this matter can come off calendar.
	On 12/19/2013 the First and Final Account of Administrator was approved.	
	The Order allowed for Distribution of \$202,676.24 cash to be placed into a blocked account for the minor beneficiary Jordan O'Neal (age 16).	
Cont. from 011714		
Aff.Sub.Wit.		
Verified		
Inventory	This status hearing was set for the filing of a receipt for blocked account.	
PTC		
Not.Cred.	Receipt for Blocked Account filed on 1/7/14.	
Notice of Hrg	The Receipt for Blocked Account shows that \$202,676.24 was deposited at Wells Fargo. This amount, along with the \$513,488.89 on page 5 of this calendar, exceeds the amount that is federally insured.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
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Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed on: 2/10/14
		Updates:
		Recommendation:
		File 14 - O'Neal

Pro Per Fontes, David (Pro Per Petitioner)

Atty Donovan, Katherine E. (Attorney of Record for James Fontes and Sheri Fontes, Co-Guardians)

Ex Parte Petition for Withdrawal of Funds from Blocked Account

Age: 18 years		<p>DAVID FONTES, ward, is Petitioner.</p> <p>Petitioner requests an order permitting the withdrawal of funds belonging to him from the blocked account held for his benefit with a balance as of 12/31/2013 of \$12,795.42.</p> <p>Notes for background:</p> <ul style="list-style-type: none"> • Order Appointing Guardian of Minor filed 3/2/2000 shows JAMES M. FONTES and SHERI M. FONTES, maternal cousins, were appointed Co-Guardians of the Estate of DAVID MICHAEL DUNCAN MARTIN on 3/2/2000. <i>Letters of Guardianship</i> issued on 3/2/2000. Order finds: <ul style="list-style-type: none"> ○ Deposits of \$7,500.00 are to be placed into a blocked account at [a credit union] in Fresno; ○ Additional orders: The social security survivor benefits [of ~\$253.00 per month] are exempt from the annual itemized accounting other than to show the receipt and general disbursement of the benefits towards the support of the minor. • Declaration of James M. Fontes Re Assets of the Estate filed 2/28/2000 states the only estate assets will be from the ESTATE OF ROSE ROXIE DUNCAN [great-grandmother, DOD 6/13/1999, Madera County Superior Court, Case #P10542], upon the sale of her residence, and funds will be deposited directly into the blocked account. <i>Petition for Appointment of Guardian of the Estate</i> filed 12/22/1999 indicates the attorney for Ms. Duncan's Estate informed Mr. and Mrs. Fontes that they needed to be appointed guardians of the estate in order to receive distribution on behalf of the minor. <p style="text-align: center;">~Please see additional page~</p> 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Court records show Attorney Katherine Donovan remains attorney of record for the Co-guardians. However, it does not appear Attorney Donovan has notice of this petition for withdrawal. Court records show the last document filed by Attorney Donovan on behalf of the Co-Guardians is a <i>Receipt of Deposit of Money Into Blocked Account</i> filed 10/25/2000 showing a balance as of 10/16/2000 of \$8,012.03.</p> <p>Note: Court records show the initial <i>Petition for Appointment of Guardian of the Estate</i> filed 12/22/1999 by Attorney Donovan on behalf of James M. Fontes and Sheri M. Fontes indicates the ward's mother is deceased, and his father's whereabouts were determined as unknown based upon <i>Declaration of Judith Barron [of Attorney Donovan's office] Re Service on Michael Paul Martin</i> filed 2/28/2000. The <i>Order Appointing Guardian of Minor</i> filed 3/2/2000 dispensed with notice of the appointment to the father, MICHAEL PAUL MARTIN.</p> <p style="text-align: center;">~Please see additional page~</p> <p>Reviewed by: LEG</p> <p>Reviewed on: 2/10/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 15 – Martin</p>	
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Order on Ex Parte Petition for Withdrawal of Funds from Blocked Account filed 1/28/2014 finds the ex parte petition is denied for the following reasons:

1. Guardianship of the Estate was established on 3/2/2000, with the Order Appointing Guardian of Minor finding that the social security survivor benefits are exempt from the annual itemized accounting other than to show the receipt and general disbursement of the benefits toward the support of the minor. Court records do not show a final accounting has been filed with the Court for the guardianship estate pursuant to Probate Code § 2620 and 2630, nor release of the Co-Guardians, James M. Fontes and Sheri M. Fontes, pursuant to Probate Code § 2627.
2. Pursuant to Local Rule 7.8.1 (G), the Court in its discretion may require a noticed hearing, even if the request to withdraw funds is submitted ex parte. The Court finds it is unclear whether the appointed Co-Guardians, James M. Fontes and Sheri M. Fontes, are aware of the *Ex Parte Petition for Withdrawal of Funds from Blocked Account* seeking withdrawal of the balance of the funds without final accounting or release of the Co-Guardians and closure of the guardianship estate pursuant to the provisions of the Probate Code.
3. Notice of the *Ex Parte Petition for Withdrawal of Funds from Blocked Account* shall be served 15 days prior to the hearing to all interested parties, including James M. Fontes and Sheri M. Fontes, pursuant to Probate Code § 1460.

Clerk's Certificate of Mailing filed 1/28/2014 shows the *Order on Ex Parte Petition* was mailed to Petitioner David Fontes on 1/28/2014.

NEEDS/PROBLEMS/COMMENTS, continued:

1. Need Notice of Hearing and proof of 15 days' service by mail of the notice, per the *Order on Ex Parte Petition for Withdrawal of Funds from Blocked Account*, for the following persons:
 - **JAMES M. FONTES**, Co-Guardian;
 - **SHERI M. FONTES**, Co-Guardian.
2. Need final accounting of the guardianship estate, or settlement of accounts and release by the ward (David Michael Duncan Martin) of the Co-Guardians, James M. Fontes and Sheri M. Fontes, pursuant to Probate Code § 2627 in order to close the guardianship estate.
3. Need proposed order for the settlement of accounts, release of Co-Guardians of the estate, and closure of the guardianship estate. (*Note: proposed Order for Withdrawal of Funds from Blocked Account was previously submitted by Petitioner.*)

Age: 5		<u>TEMPORARY EXPIRES 01/02/14</u>		<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Declarations of Due Diligence filed 12/19/13 states that the paternal grandparents are unknown, if diligence is not found, need proof of service by mail at least 15 days before the hearing of Notice of Hearing with a copy of the <i>Petition for Appointment of Guardian of the Person</i> <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: <ul style="list-style-type: none"> - Paternal grandparents (unknown) Need CI report and Clearances (CI to provide).
		<p>ROSA LAMAS LAMAS, maternal aunt, is Petitioner.</p> <p>Father: ANGEL (Last name not listed) – <i>Court dispensed with notice on 01/02/14</i></p> <p>Mother: MARIA GUADALUPE LAMAS LAMAS – Consent & Waiver of Notice filed 12/19/13</p> <p>Paternal grandparents: UNKNOWN – <i>Declarations of Due Diligence filed 12/19/13</i></p> <p>Maternal grandfather: FRANCISCO LAMAS COVARRUBIAS – <i>Served by mail on 12/20/13</i></p> <p>Maternal grandmother: MICAELA LAMAS ALVAREZ - <i>deceased</i></p> <p>Petitioner states that the mother left the child on 11/02/13 and never returned. She is now incarcerated in Mississippi. Petitioner state that she has never met the father and only knows that is first name is Angel.</p> <p>Court Investigator Samantha Henson filed a report on – NEED REPORT.</p>		
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Reviewed by: JF				
Reviewed on: 02/11/14				
Updates:				
Recommendation:				
File 16 – Lamas				

17 Anquan Dupree Lee & Anquanesse Lakeys Lee (GUARD/P)

Case No.

13CEPR01098

ProPer Augustus, Carolyn (pro per – paternal grandmother/Petitioner)

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

Anquan, 7		<p align="center"><u>NO TEMPORARY REQUESTED</u></p> <p>CAROLYN AUGUSTUS, paternal grandmother, is Petitioner.</p> <p>Father: ANTWANE DUPREE LEE – personally served on 01/21/14; see note 1a</p> <p>Mother: DEREICE DRAPER</p> <p>Paternal grandfather: DECEASED</p> <p>Maternal grandfather: CLOYD LEE MARSHALL</p> <p>Maternal grandmother: DECEASED</p> <p>Petitioner states that the children are not being properly cared for in their current home. Their medical and dental needs are neglected, they are underfed, and do not have adequate clothing.</p> <p>Court Investigator Dina Calvillo filed a report on – NEED REPORT.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Need proof of service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> or Consent & Waiver of Notice or Declaration of Due Diligence for: <ol style="list-style-type: none"> Antwane Dupree Lee (father) – Personal service required. Note: Proof of service filed 01/22/14 is incomplete. It does not indicate that a copy of the Petition was served along with the Notice of Hearing and was not filled out completely by the person effecting service. Dereice Draper (mother) – Personal service required Cloyd Lee Marshall (maternal grandfather) – service by mail is sufficient Items 3 & 13 of the Confidential Screening Form were not completed. #3 – I have/have not been charged with, arrested for, or convicted of a crime deemed to be a felony or a misdemeanor; #13 – I have or may have/I do not have an adverse interest that the court may consider to be a risk to, or to have an effect on, my ability to faithfully perform the duties of guardian. Need CI Report and Clearances – CI to provide. 	
Anquanesse, 7				
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		Reviewed by: JF		
		Reviewed on: 02/11/14		
		Updates:		
		Recommendation:		
		File 17 – Lee		

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

Janessa, 2		GENERAL HEARING 04/08/14		<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i>. 2. Need proof of personal service at least 5 court days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Temporary Guardianship Petition</i> <u>or</u> <i>Consent & Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for: <ol style="list-style-type: none"> a. Jacob Lopez (father) b. Breanna Lamphere (mother) – unless diligence is found. Declaration of Due Diligence filed 02/03/14 states the mother's whereabouts are unknown and that during the last phone contact she stated that she didn't care about anything. 3. Petitioner answered "I have" to item 3 of the Confidential Guardian Screening Form re: been charged with, arrested for, or convicted of a crime deemed to be a felony or a misdemeanor; and "Yes" re: have you or any other person living in your home, been charged with, arrested for, or convicted of a crime involving illegal substances or alcohol? But did not provide any information about those answers. Need more information.
Jenna, 10 months		<p>TINA LOPEZ, paternal grandmother, is Petitioner.</p> <p>Father: JACOB LOPEZ Mother: BREANNA LAMPHERE – <i>Declaration of Due Diligence</i> filed 02/03/14</p> <p>Paternal grandfather: JAMES LOPEZ</p> <p>Maternal grandfather: UNKNOWN Maternal grandmother: KATRINA</p> <p>Petitioner states that the father is in jail and the mother has abandoned the children, is on drugs and homeless.</p>		
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg	X		
	Aff.Mail			
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	Sp.Ntc.			
	Pers.Serv.	X		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
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	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
Reviewed by: JF				
Reviewed on: 02/11/14				
Updates:				
Recommendation:				
File 18 – Lopez				

