

Petitioner states, continued:

- In 2007, the Public Administrator skip-traced Randy Guerra, but could not locate him; in 2012, he tried to locate Randy Guerra; using TLO Search, the Public Administrator determined Randy Guerra's last known address in Clovis, and he traveled to that address, but Randy Guerra did not live there and the tenant who lived there did not know anything about him;
- By all reports, the former administrator is or was a drug addict; there is no reason to believe that there are any assets from which to recover the funds he misappropriated from the estate;
- Because there are no assets of which the Public Administrator can take possession, he does not have the resources to pursue Randy Guerra beyond what has already been done;
- In addition, Petitioner is unable to file a final account in this estate, except to state what he already has regarding the two assets listed on the Inventory and Appraisal;
- Therefore, Petitioner requests that this estate be closed and he be discharged as Successor Administrator of the estate.

Petitioner prays for an Order:

1. Settling, allowing and approving the final report as filed, and proceedings of Petitioner as Successor Administrator be confirmed and approved;
2. Finding that **RANDY GUERRA** as former Administrator of this estate, is personally liable to the beneficiaries, **JOHN GUERRA [DOD 12/21/2010]**, and **RONALD GUERRA, JR.**, his former attorney Jeff S. Shepard, and the Court for any outstanding costs in the amount of **\$115,500.00**, as declared by the former Administrator in the *Inventory and Appraisal* he filed on 12/23/2003.

Note: Judgment filed on 1/20/2006 finds that a judgment against **RANDY GUERRA**, former Administrator of the Decedent's estate, is hereby issued in the amount of **\$63,539.22**, which is twice the value of the proceeds from the sale of real property belonging to the estate that was wrongfully taken by him.

Status Hearing Re: Filing of the Account and/or Petition for Final Distribution

DOD: 10/19/87	CURTIS LEE , son, was appointed Administrator with Will Annexed with bond in the amount of \$9,000.00 on 01/13/04.	NEEDS/PROBLEMS/ COMMENTS:
Cont. from 092812, 111612, 011813, 071913, 082313, 091213, 101713, 112013, 011514	Bond was filed 02/19/04 and Letters were issued on 03/30/04.	See page 2C Petition for Surcharge.
Aff.Sub.Wit.	I & A showing the value of the estate at \$9,000.00 was filed on 03/22/04 and Reappraisal for Sale I & A filed 04/01/01 showed the value of the estate at \$13,000.00.	
Verified	On 8/29/12 the attorney of record, Darlene Kelly, was relieved as counsel.	
Inventory	Minute Order from 8/29/12 the court set an Order to Show Cause hearing regarding Curtis Lee's failure to file an accounting. Curtis Lee was ordered to be personally present on 9/28/12. Counsel need not appear.	
PTC	On 9/28/12 there were no appearances.	
Not.Cred.	Minute order dated 11/16/12 states the court on its own motion removes Curtis Lee as the administrator and appoints the Public Administrator.	
Notice of Hrg	Letters for Successor Administrator with Will Annexed were issued for the Public Administrator on 12/11/2012.	
Aff.Mail	The bonding company was mailed notice of Curtis Lee's removal as Administrator on 12/12/12.	
Aff.Pub.	Former Status Report of the Public Administrator filed on 7/16/2013 states upon receiving the file Administrator and his attorney reviewed it to determine what the asset were, and what surcharge would be appropriate against the former administrator. However, upon further investigation, it appears that if Mr. Lee misappropriated any amount, it may only be \$3,000. In addition, he may be the only heir. The Public Administrator is sorting through County records to determine if there is any documentation to support his claims. Therefore the successor Administrator requests this matter be set out for 30 days, or a date convenient to the court.	
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: 2/13/14
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 2A – Baker

Status Report of the Public Administrator filed on 8/5/2013 states the Public Administrator did not locate the whereabouts of the other three beneficiaries. The California Inmate Locator sited and TLO did not show anything for Billie Lee or Willie Lee.

If the Court accepts the allegations of Curtis Lee as set forth in his declaration filed on 12/2/2003, then the Court can determine that Mr. Lee is the only heir. Thus, no other person would be harmed by any purposeful or inadvertent misconduct while acting as administrator.

County Counsel confirmed Probate Referee Rick Smith that he was paid for his appraisal. Mr. Lee would still be responsible for fees owing to the Court.

If the Court does not accept Mr. Lee's allegations, the Public Administrator would need guidance from the Court to continue administering the estate.

Note:

The decedent died on 10/19/1987. It appears she was survived by her four children, former Administrator, Curtis Lee, Billie Lee, Jr., Willie Lee, Jr. and Bertha Lee. In Curtis Lee's declaration filed on 12/3/2003 he states he last saw his sister Bertha at their mother's (decedent) funeral. Mr. Lee states he last saw his brother Willie in 1995 and that he last saw his brother Billie in approximately 1999.

Decedent's Will devised her entire estate to her four children, Curtis, Bertha, Billie and Willie. Since they all survived, regardless if they subsequently died, they (or their estates) are entitled to a share of this estate.

Probate Code § 11850 allows for property to be distributed to the County Treasury where the whereabouts of the distributee is unknown. Therefore it appears that if the whereabouts of the Bertha, Willie and Billie (who are entitled to distribution because they survived their mother) is unknown then the share that would go to Bertha, Billie and Willie should be deposited with the County Treasury.

Hearing Re: Request for Instruction

DOD: 10/19/1987	<p>CURTIS LEE, son, was appointed Administrator with Will Annexed with bond in the amount of \$9,000.00 on 01/13/04.</p> <p>Bond was filed 02/19/04 and Letters were issued on 03/30/04.</p> <p>I & A showing the value of the estate at \$9,000.00 was filed on 03/22/04 and Reappraisal for Sale I & A filed 04/01/01 showed the value of the estate at \$13,000.00.</p> <p>Minute order dated 11/16/12 states the court on its own motion removes Curtis Lee as the administrator and appoints the Public Administrator.</p> <p>Letters for Successor Administrator with Will Annexed were issued for the Public Administrator on 12/11/2012.</p> <p>The bonding company was mailed notice of Curtis Lee's removal as Administrator on 12/12/12.</p> <p>Minute Order dated 8/23/13 set this status hearing re: Request for Instructions (please see page 2A)</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>See page 2C Petition for Surcharge.</p>
Cont. from 091213, 101713, 112013, 011514		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	<p>Reviewed by: KT</p> <p>Reviewed on: 2/13/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2B – Baker</p>	

Petition for Surcharge Against Former Administrator for Breach of Fiduciary Duty
 [Prob. C. 9600 et seq; 11050]

DOD: 10/19/1987		<p>PUBLIC ADMINISTRATOR, successor Administrator, is Petitioner.</p> <p>Petitioner states according to the Court file former Administrator Curtis Lee entered into a sale agreement for \$13,000.00 for the real property, the only asset of the estate. Chicago Title provided a Seller's Statement dated October 8, 2004. One line reads, "REIMBURSEMENT OF FEES PAID TO CURTIS LEE." The amount was \$7,415.00. According to an e-mail written by a woman named Cindy Lee, also provided by Chicago Title, the breakdown of the reimbursements were for attorney's fees, taxes, garbage bins, tractor rental and fines from the County. Of obvious concern to petitioner is money paid to an attorney before any fees were approved by this Court. Unfortunately, he is not aware of which attorney received the money from Mr. Lee, if any.</p> <p>After all the fees, commissions, and other sale expenses were paid out of escrow, Mr. Lee received the remaining \$3,349.16. This is what he should have received in his capacity as personal representative. Instead he kept that money too.</p> <p>Mr. Lee did not file an accounting of his tenure as administrator. Therefore, he should be surcharged for the total amount of the estate not accounted for. The sale of the sole asset was for \$13,000. Mr. Lee should be surcharged for the \$7,415.00 he took from escrow as "reimbursements". He should also be surcharged for the \$3,349.16 that was turned over to him as personal representative.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 11/20/13. Minute order states Mr. Roberts advises the Court that they withdrew as counsel a year ago. Mr. Roberts further advises that he has been in contact with the Lees and he is requesting a continuance to resolve this matter.</p>	
Cont. from 112013, 011514				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			W/
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

Please see additional page

Reviewed by: KT

Reviewed on: 2/13/14

Updates:

Recommendation:

File 2C – Baker

Mr. Lee was sanctioned \$1,000 by the Court for failure to appear. He has not paid the sanction, and therefore, it should also be part of the surcharge against him.

The total surcharge against Curtis Lee, former administrator, is \$11,764.16. The Public Administrator and his attorney, County Counsel, will also see fees for their services in bringing the surcharge action. The underlying surcharge is more than the bond, proof of which, was posted on 2/19/2004 in the amount of \$9,000.00.

Petitioner requests that the bond company, Surety Bonding Company of America (SBCA), be ordered to pay to the successor administrator the full amount of the bond, \$9,000.00 as a surcharge against Curtis Lee, for breaching his fiduciary duty to the beneficiaries and creditors of the estate by misappropriating funds.

The Public Administrator reserves his right to seek payment for his and his attorney's services.

Wherefore, petitioner prays that,

1. The Court find that the former administrator, Curtis Lee, breached his fiduciary duty to the beneficiaries and the creditors of the estate.
2. The Court find that the actual loss to the estate is a minimum of \$11,764.16, and make an order of surcharge against the former administrator in that amount.
3. The bond company, SBCA, be ordered to pay the successor administrator the full amount of the bond, \$9,000.00.

Declaration of David A. Roberts regarding Petition for Surcharge. Mr. Roberts states he is a partner in the law firm of Caswell, Bell & Hillison, LLP (CBH). In 2003, Curtis Lee retained the law firm to probate his mother's will. Mr. Lee gave CBH an initial retainer and reimbursed them for costs incurred during the probating of the estate. Shortly after the court granted Mr. Lee's petition to sell the real property, CBH lost contact with him. The attorney who originated and was handling the matter left CBH. Upon review of the matters he left behind, CBH discovered this probate. CBH attempted to reestablish contact with Mr. Lee and upon failing to do so, file a motion and the court allowed them to withdraw from the case.

Only costs incurred in this probate proceeding in the amount of \$748.00 were paid to CBH by Curtis Lee. There were no attorney's fees paid. The attorney's fees in the amount of \$1,875.00 referenced in the Petition for Surcharge were never received by CBH.

Please see additional page

Declaration of Curtis Lee Regarding Petition for Surcharge Against Former Administrator filed on 1/13/14. Mr. Lee states he had maintained the property since his mother's death in 2003. He realized that it cost too much money to maintain and decided to sell the real property. The real property was run down with an old shack-type structure and out buildings on it. It was necessary to demolish all buildings on the property, clean up trash deposited by vagrants and keep the weeds cleared from the property so that his mother's estate would not receive a fine from the County.

Mr. Lee states his sister lived in Central Mexico with her husband. Mr. Lee nor any of his siblings have heard from her since their mother's funeral and some family members told him that they believed she died in Mexico a few years ago.

Mr. Lee states when he began the probate process it had been 9 years since he had heard from his brother Willie Lee. At their mother's funeral Willie told him he didn't want anything from their mother's estate. Mr. Lee states Willie told him that he wanted to give up his rights to any property or money he would inherit. He signed a document stating that he gives up his interest in the estate (exhibit A to the declaration). He did ask for \$30.00.

Mr. Lee states his brother Billie Lee, has been in and out of jail, and has had many run ins with the law over the years. He has been a vagrant for many years and the family did not know how to contact him. None of the siblings helped to maintain the property or pay any bills pertaining to the probate.

During the course of the probate the court signed an order confirming the sale of the real property for \$13,000.00. Mr. Lee states his attorney told him that he would be reimbursed for any costs that he advanced on behalf of his mother's estate so his wife Cindy sent an e-mail to the escrow officer telling her to provide Mr. Lee with a check for \$7,415.00 directly from the escrow account. The balance of the escrow funds in the amount of \$3,349.16 were paid to the estate.

Mr. Lee states the reimbursement to him in the amount of \$7,415.00 was for his actual out-of-pocket expenses and estimated attorneys' fees, administrator's commissions and costs advanced paid by Mr. Lee and future costs. The attorney fees were never paid to Mr. Lee's attorney and the commissions were never distributed to Mr. Lee. The sum of \$1,040.00 is still in a bank account. It is not in the estate bank account that was initially set up because after a period of inactivity, the bank said they would no keep the account open and would have to turn the funds over to the State of California Unclaimed Property.

Mr. Lee provides an itemized list of out-of-pocket costs paid by him totaling \$1,074.00 for filing fees, publication, certified copies, bond, and for the probate referee.

Mr. Lee also provides an itemization of funds paid by him in connection with the real property totaling \$6,047.75 and also includes copies of receipts.

Mr. Lee states he wanted to make sure both his brother's received something from his mother's estate so on 6/10/05, when his brother surfaced, Mr. Lee states he gave him \$1,000.00 as his share of the estate. Mr. Lee states he also paid his brother Willie, the sum of \$1,000.00 even though he signed his rights away. Evidence of payment to his brother's is attached as Exhibit E.

Please see additional page

Declaration of Curtis Lee Regarding Petition for Surcharge Against Former Administrator filed on 1/13/14 (cont.): Mr. Lee states, in summary he is responsible for the accounting to the \$7,415.00 that was disbursed to him through the escrow, plus the \$3,349.16 payable to the estate for a total of \$10,764.16. Mr. Lee's total out of pocket costs were \$9,351.75. There is still \$1,406.41 left in the account for payment of attorneys' fees and costs. Mr. Lee notes that Willie Lee and Billie Lee have already been paid \$1,000.00 each. If his sister Bertha Louise Lee resurfaces or is found to be alive, Mr. Lee states he will make sure that she receives the sum of \$1,000.00, even if it is paid from his own funds.

DOD: 4/18/2003		FLOY J. MEEKS , Administrator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Accounting is waived.	
		I & A - \$115,000.00	
Cont. from 012914		POH - \$0	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Administrator - Waives	
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC	Attorney (statutory) - \$4,150.00	
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Petitioner states the estate was fully distributed without court approval and there are no funds in the estate to pay closing expenses which will be satisfied by Floy J. Meeks outside of the assets of the estate.	
<input checked="" type="checkbox"/>	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen	Beneficiary, Roy Spears, assigned his interest in the estate to Floy J. Meeks.	
<input checked="" type="checkbox"/>	Letters	10/27/04	
	Duties/Supp	Petitioner requests that the property of the estate be confirmed to her.	
	Objections		
	Video Receipt		
	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice	N/A	
			Reviewed by: KT
			Reviewed on: 2/13/14
			Updates:
			Recommendation:
			File 3 – Mitchell

(1) First and Final Account and Report of Co-Executors and (2) Petition for Settlement Thereof, for (3) Allowance of Co-Executors' Compensation for Ordinary and Extraordinary Services, for Allowance of Attorney's Fees for Ordinary and Extraordinary Services and Costs, and for (4) Final Distribution

DOD: 4/29/2007		JOHN ROBERSON and LORETTA ROBERSON , Executors, are petitioners.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 1/22/14.</p> <p>Note: A Notice of Hearing for an Amended First and Final Account was filed on 2/4/14, however, the actual Amended Account has not been filed. Therefore, the following issues still remain:</p> <p>Examiner was unable to fully review the accounting based on the following:</p> <ol style="list-style-type: none"> 1. The accounting is presented in a format that is not easily understandable. The accounting should be presented so that any lay person can understand it. The accounting should have separate schedules for receipt of income and receipts of principal. 2. Need separate schedule for loans to the estate. (Loans to the estate appear to be included in the receipts and disbursements and are not easily identifiable). 3. Fee base appears to include retirement benefits and social security benefits that were returned. Therefore it appears that the statutory fees are incorrect. 4. Need Allowance or Rejection of Creditor's Claim for the Attorney for the Personal Representative in the amount of \$308.40.
		Account period: 4/29/07 – 11/15/13	
Cont. from 012214		Accounting - \$301,267.65	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH- \$220,914.53	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$ 39,819.69	
<input checked="" type="checkbox"/>	Inventory	Executors - \$6,632.92 (see note #3)	
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.	Costs - \$23,195.51 (see note #2)	
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	Attorney - \$6,632.92 (see note #3)	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.	Costs - \$1,505.50 (filing fees, certified copies, probate referee, publication)	
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters	8/14/07	
<input type="checkbox"/>	Duties/Supp	Will devises the entire estate to Trinity Evangelical Lutheran Church. A Settlement Agreement and General Release was entered between Trinity Evangelical Lutheran Church and Loretta Roberson and John Roberson. The agreement provides that Trinity assign to the Robersons 75% or the Decedent's residual estate, which Trinity would be entitled under the Decedent's Will. In exchange the Robersons agreed that they would not contest the admission of the Decedent's Will to Probate. Pursuant to the Settlement Agreement the estate will be distributed:	
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA	Trinity Lutheran Church - \$136.86	
<input type="checkbox"/>	Citation	Loretta Roberson and John Roberson - \$410.60	
<input type="checkbox"/>	FTB Notice	N/A	
		Reviewed by: KT	
		Reviewed on: 2/13/14	
		Updates:	
		Recommendation:	
		File 4 – Scheibel	

Atty Amador, Catherine A., of Pascuzzi, Moore & Stoker (for Petitioners Manuel Chavez and Susan Chavez-Leon, Co-Conservators)

(1) First Account and Report of Conservator; and (2) Petition for Allowance of Fees to Attorney for Conservator

Age: 41 years		<p>MANUEL CHAVEZ, father, and SUSAN CHAVEZ-LEON, sister, Co-Conservators of the Person and Estate, are Petitioners.</p> <p>Account period: 12/19/2012 - 11/30/2013</p> <p>Accounting - \$309,801.00 Beginning POH - \$ Ending POH - \$230,127.00 (\$8,127.00 is cash)</p> <p>Conservator - not requested</p> <p>Attorney - \$6,625.00 (per declaration and itemization, for 25.00 hours (reduced from 36.90 hours) @ \$265.00 per hour;)</p> <p>Costs - \$1,035.00 (filing fees, process service fee; certified copies)</p> <p>Bond - \$201,850.00 (sufficient)</p> <p>Petitioner prays for an order:</p> <ol style="list-style-type: none"> Approving, allowing, and settling the [First] Account and acts of Co-Conservators; and Authorizing the Attorney fees and costs advanced to the Conservatorship during the accounting period; and Finding that the Conservatee is not able to complete an affidavit of voter registration and is not entitled to vote. <p>Court Investigator Charlotte Bien's Report was filed 9/10/2013.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Page 6B is the <i>Petition for Leave to Sell Conservatee's Residence and Household Furnishings</i>.</p> <ol style="list-style-type: none"> <i>Petition</i> is signed but not verified by the Petitioners pursuant to Probate Code § 1021 and CA Rule of Court 7.103. Account statements were not filed confidentially in a separate affidavit in accordance with Probate Code § 2620(c)(7). (Note: This issue is raised for future reference of the attorney.) Summary of Account states the property on hand at the beginning of the account period is \$234,616.00. However, beginning property on hand should be the same amount as the value stated on the <i>Final Inventory and Appraisal</i> filed 3/7/2013 stated as \$293,128.00. Need clarification. <p>~Please see additional page~</p>
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.			
<input type="checkbox"/> Verified	X		
<input checked="" type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail	W/		
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input type="checkbox"/> Letters			
<input type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input checked="" type="checkbox"/> CI Report			
<input checked="" type="checkbox"/> 2620			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
		<p>Reviewed by: LEG</p> <p>Reviewed on: 2/11/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 6A – Chavez</p>	

NEEDS/PROBLEMS/COMMENTS, continued:

4. Petition does not indicate whether the Co-Conservators are waiving any compensation for their services to the Conservatorship estate.
5. *Schedule C, Disbursements*, contains entry on 6/15/2013 for attorney's fees of **\$5,971.00** to Lance Armo for costs of suit against **HOLLY BILLINGS** for default on loan. Court may require further information regarding the nature and character of the loan, and justification for these attorney's fees having been paid from the Conservatorship estate in contravention of Probate Code § 2647, which provides that no attorney fees may be paid from the estate of the Conservatee without prior Court order. The estate of the Conservatee is not obligated to pay attorney fees established by any engagement agreement or other contract until it has been approved by the Court. *[Note: Schedule A, Receipts shows entry dated 6/15/2013 for receipt of **\$9,168.00** in proceeds from collection of judgment against Holly Billings for loan default, resulting in receipt of **\$3,197.00.**]*
6. Paragraph 1 of proposed order states in incorrect amounts of total property on hand and cash balance remaining in the Conservatorship estate. *[Note: Proposed order has been interlineated to indicate the correct amounts as stated in the Petition.]*

Note: Court will set status hearing as follows:

- **Friday, January 23, 2015 at 9:00 a.m. in Dept. 303 for the next accounting.**

Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required.

Atty Amador, Catherine A., of Pascuzzi, Moore & Stoker (for Petitioners Manuel Chavez and Susan Chavez-Leon, Co-Conservators)

Petition for Leave to Sell Conservatee's Residence and Household Furnishings [Probate Code § 2540]

Age: 41 years		<p>MANUEL CHAVEZ, father, and SUSAN CHAVEZ-LEON, sister, Co-Conservators of the Person and Estate, are Petitioners.</p> <p>Petitioners state:</p> <ul style="list-style-type: none"> • Among the Conservatee's assets listed in the <i>Inventory and Appraisal</i> [filed 3/7/2013] is a single family residence located on Dublin Lane in Clovis; • Said residence was Conservatee's residence before she suffered a stroke on 8/10/2012; • Conservatee remained hospitalized for several months, moved to a rehabilitation center for a short while, and then eventually moved into her parents' home located on Pryor Drive in Fresno; • Petitioners wish to sell the Conservatee's residence because Conservatee's estate does not generate enough income, even with the residence rented out, to pay for appropriate care for Conservatee; • Conservatee has been residing with her elderly parents for ~1 year; • Conservatee is not ambulatory and is entirely dependent upon her parents; they are simply unable to meet her needs any longer; their own health is suffering; • Moreover, they are not able to provide Conservatee with adequate physical therapy and she has regressed physically since she moved into their home; • Therefore, Conservatee needs to be placed in an appropriate nursing facility where she can receive the care she needs and appropriate therapy to enhance her recovery and help her reach greater physical independence; <p style="text-align: center;">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. <i>Petition</i> is signed but not verified by the Petitioners pursuant to Probate Code § 1021 and CA Rule of Court 7.103. 2. Need proposed order pursuant to Local Rule 7.1.1(F).
Cont. from			
Aff.Sub.Wit.			
Verified	X		
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	W/		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order	X		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Reviewed by: LEG
Reviewed on: 2/11/14
Updates:
Recommendation:
File 6B – Chavez

Petitioners state, continued:

- Conservatee's residence is a two-story home; if and when her physical condition improves to the point where she could realistically reside outside a nursing facility, a 2-story residence would remain impractical;
- The Conservatorship estate is incurring fees for rental management of the residence;
- Petitioners also seek to sell the majority of the furnishings from Conservatee's residence, which are currently in storage; said storage fees are costing the Conservatorship estate ~\$100.00 per month; the furnishings were valued at \$12,000.00 in the *Inventory and Appraisal*; Petitioners cannot foresee a time when these furnishings could be used by Conservatee again;
- Petitioners have discussed the proposed sale with the Conservatee and she opposes the sale because she does not want to give up the home, even though she cannot realistically live there even with full time care;
- It is questionable whether Conservatee has the capacity to consent; at the time the Conservatorship was placed, Conservatee was barely conscious; she is now fully alert and awake, but she does still have cognitive limitations; the current Orders state that the Conservatee cannot make medical decisions and cannot vote;
- Petitioners have consulted with every available source to enhance Petitioner's income and/or ability to qualify for public benefits; her Social Security Disability Income is not adequate to cover the cost of such care;
- Additionally, Conservatee cannot qualify for Medi-Cal benefits while she owns the residence and receives rental income from it; it will be necessary for the family to "spend down" her assets in order to qualify Conservatee for Medi-Cal benefits;
- If the Court authorizes the sale it will be conducted in the manner required in Conservatorships and will be submitted to the Court for confirmation.

Petitioner requests an Order authorizing Petitioners, as Conservators of the estate, to sell the real and personal property of the Conservatee.

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

DOD: 09/14/2013		<p>LINDA CROUCH, surviving spouse/named executor without bond, is Petitioner.</p> <p>Full IAEA – o.k.</p> <p>Will dated: 04/24/2002</p> <p>Residence: Clovis Publication: The Business Journal</p> <p>Estimated Value of the Estate: Real Property - \$9,000.00</p> <p>Probate Referee: RICK SMITH</p> <p>Petitioner states: subsequent to the filing of the Petition for Letters of Administration and hearing on 12/19/2013, it was brought to the attention of counsel for petitioner that the decedent had left a Last Will and Testament. The original Last Will and Testament date 04/24/2002, is presented for deposit with this Petition.</p> <p>Petitioner requests appointment as Executor of the estate, and revocation of the Letters of Administration issued on 12/19/2013.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note to Judge: If this order is granted the previous orders and letters dated 12/19/2013 should be revoked.</p> <p>Note: Status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Friday, 05/16/2014 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Friday, 02/20/2015 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter, the status hearing will come off calendar and no appearance will be required.</p>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit. s/p		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail w/		
<input checked="" type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters x		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order x		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
Reviewed by: LV			
Reviewed on: 02/12/2014			
Updates:			
Recommendation:			
File 7 – Crouch			

		GERI MAHAFFEY , Trustee, is petitioner.	NEEDS/PROBLEMS/COMMENTS:	
		Petition alleges: She is the current action Trustee of THE HARDAWAY LIVING TRUST , dated September 12, 2001.		
Cont. from 010814		Settlor SYLVIA HARDAWAY died on 5/22/2013.		
	Aff.Sub.Wit.			
✓	Verified			
	Inventory	Schedule A of the Trust lists among other items, three parcels of real property and three Wells Fargo Bank accounts.		
	PTC			
	Not.Cred.			
✓	Notice of Hrg	At Article IIB of the trust, the Settlor declared that "Additional property acceptable to the Trustee may be added to the Trust at any time by the Settlor . . . additional property may be listed and briefly described in an Addendum to Schedule A. . ."		
✓	Aff.Mail	W/		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen	Petitioner requests that the Court confirm that the assets generally described in Exhibits "6" and "7" including but not limited to the assets specifically listed on the property list and prepared by Petitioner attached as Exhibit "8".		
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202	Petitioner states that it was the Settlor's assumption, as evidenced from the estate planning documents and communications with the beneficiaries (her children, whose Declarations are filed simultaneously herewith) that her interests in the real and personal property where in the Trust.		
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice	Petitioner prays for an Order that: 1. The HARDAWAY FAMILY TRUST is valid; 2. The assets set forth in Exhibits "6" and "7" are assets subject to the management and control of GERI MAHAFFEY, and sole Trustee of the Trust.		
				Reviewed by: KT
				Reviewed on: 2/13/14
			Updates: 2/18/14	
			Recommendation:	
			File 8 – Hardaway	

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

DOD: 09/11/13		<p>CHERYL R. MILLER, named Executor without bond, is Petitioner.</p> <p>Full IAEA – OK</p> <p>Will dated 07/06/13</p> <p>Residence: Kerman Publication: The Kerman News</p> <p>Estimated Value of the Estate: Personal property - \$15,730.00 Real property - 51,000.00 Total - \$66,730.00</p> <p>Probate Referee: STEVEN DIEBERT</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Friday, 07/11/14 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Friday, 04/10/15 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter, the status hearing will come off calendar and no appearance will be required.</p>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit. s/p		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail w/		
<input checked="" type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: JF</p> <p>Reviewed on: 02/11/14</p> <p>Updates:</p> <p>Recommendation: SUBMITTED</p> <p>File 9 – Harold</p>	

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

Age: 12	TEMPORARY OF THE ESTATE ONLY EXPIRES 02/19/14	NEEDS/PROBLEMS/COMMENTS: See pages 11 and 12 for related matters
	ERNEST ESCOBEDO and CHRISTINE ESCOBEDO , paternal grandparents, are Petitioners and request appointment as Guardians of the Estate without bond and with funds to be deposited into a blocked account.	Note: Per minute order from temporary hearing on 01/14/14, Petitioners agree to withdraw their Petition for Guardianship of the Person and wish to proceed with Guardianship of the Estate only.
Cont. from	Father: ERNIE ESCOBEDO – deceased	Note: Since the Petitioners dropped their request for guardianship of the person at the hearing on 01/14/14, these notes are prepared for Guardianship of the Estate only.
<input type="checkbox"/> Aff.Sub.Wit.	Mother: VALERIE BOYD	1. Need proof of service of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of Minor</i> at least 15 days prior to the hearing <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence on:
<input checked="" type="checkbox"/> Verified	Maternal grandfather: NOT LISTED	a. Valerie Boyd (mother) – personal service required Note: Service to another person on the mother's behalf does not constitute proper service.
<input type="checkbox"/> Inventory	Maternal grandmother: ROSE BOYD	b. Maternal grandfather – service by mail is sufficient
<input type="checkbox"/> PTC	Siblings: Denaye Escobedo (9); Delaney Escobedo (15)	c. Rose Boyd (maternal grandmother) – service by mail is sufficient Note: Proof of service by mail has been filed regarding the hearing on 12/31/13; but no proof of service is on file regarding the hearing on 02/19/14
<input type="checkbox"/> Not.Cred.	Petitioners state that the father had physical custody of the minors and lived in Petitioner's home with the minors until the father's death on 11/10/13. Petitioners have concerns with the mother's ability to provide a safe and stable home for the minors. Petitioners request guardianship of the estate because it is anticipated that the children will receive SSI benefits due to the death of their father. Petitioners wish to place the SSI benefits into a blocked account to benefit the children's future education. No other assets other than the SSI benefits are anticipated.	d. Ernie Escobedo, Jr. (minor) – personal service required
<input checked="" type="checkbox"/> Notice of Hrg	Estimated Value of the Estate: \$0.00	e. Delaney Escobedo (sibling) – service by mail sufficient Note: Service to another person on Delaney's behalf does not constitute proper service.
<input type="checkbox"/> Aff.Mail		2. The Court may require clarification regarding the request for guardianship of the estate with reference to Local Rule 7.15.4: When the only asset of the estate is the receipt of public benefits, the court does not require guardianship estate.
<input type="checkbox"/> Aff.Pub.		3. If guardianship of the estate is granted, need Order to Deposit Money into Blocked Account (MC-355).
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report	n/a	
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		Reviewed by: JF
<input type="checkbox"/> Status Rpt		Reviewed on: 02/12/14
<input checked="" type="checkbox"/> UCCJEA		Updates:
<input type="checkbox"/> Citation		Recommendation:
<input type="checkbox"/> FTB Notice		File 10 – Escobedo

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

Age: 9		<p align="center">TEMPORARY OF THE ESTATE ONLY EXPIRES 02/19/14</p> <p>ERNEST ESCOBEDO and CHRISTINE ESCOBEDO, paternal grandparents, are Petitioners and request appointment as Guardians of the Estate without bond and with funds to be deposited into a blocked account.</p> <p>Father: ERNIE ESCOBEDO – deceased</p> <p>Mother: VALERIE BOYD</p> <p>Maternal grandfather: NOT LISTED Maternal grandmother: ROSE BOYD</p> <p>Siblings: Ernie Escobedo, Jr. (12); Delaney Escobedo (15)</p> <p>Petitioners state that the father had physical custody of the minors and lived in Petitioner's home with the minors until the father's death on 11/10/13. Petitioners have concerns with the mother's ability to provide a safe and stable home for the minors. Petitioners request guardianship of the estate because it is anticipated that the children will receive SSI benefits due to the death of their father. Petitioners wish to place the SSI benefits into a blocked account to benefit the children's future education. No other assets other than the SSI benefits are anticipated.</p> <p>Estimated Value of the Estate: \$0.00</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Per minute order from temporary hearing on 01/14/14, Petitioners agree to withdraw their Petition for Guardianship of the Person and wish to proceed with Guardianship of the Estate only.</p> <p>Note: Since the Petitioners dropped their request for guardianship of the person at the hearing on 01/14/14, these notes are prepared for Guardianship of the Estate only.</p> <p>4. Need proof of service of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of Minor</i> at least 15 days prior to the hearing <u>or</u> <i>Consent & Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> on:</p> <ul style="list-style-type: none"> f. Valerie Boyd (mother) – personal service required Note: <i>Service to another person on the mother's behalf does not constitute proper service.</i> g. Maternal grandfather – service by mail is sufficient h. Ernie Escobedo, Jr. (sibling) – service by mail sufficient i. Delaney Escobedo (sibling) – service by mail sufficient Note: <i>Service to another person on Delaney's behalf does not constitute proper service.</i> <p>5. The Court may require clarification regarding the request for guardianship of the estate with reference to Local Rule 7.15.4: When the only asset of the estate is the receipt of public benefits, the court does not require guardianship estate.</p> <p>6. If guardianship of the estate is granted, need Order to Deposit Money into Blocked Account (MC-355).</p>	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			w/
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			x
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			n/a
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
Reviewed by: JF				
Reviewed on: 02/12/14				
Updates:				
Recommendation:				
File 11 – Escobedo				

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

Age: 15	TEMPORARY OF THE ESTATE ONLY EXPIRES 02/19/14		NEEDS/PROBLEMS/COMMENTS:
	ERNEST ESCOBEDO and CHRISTINE ESCOBEDO , paternal grandparents, are Petitioners and request appointment as Guardians of the Estate without bond and with funds to be deposited into a blocked account.		Note: Per minute order from temporary hearing on 01/14/14, Petitioners agree to withdraw their Petition for Guardianship of the Person and wish to proceed with Guardianship of the Estate only.
	Father: ERNIE ESCOBEDO – deceased		Note: Since the Petitioners dropped their request for guardianship of the person at the hearing on 01/14/14, these notes are prepared for Guardianship of the Estate only.
Cont. from	Mother: VALERIE BOYD		7. Need proof of service of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of Minor</i> at least 15 days prior to the hearing <u>or</u> <i>Consent & Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> on:
<input type="checkbox"/> Aff.Sub.Wit.	Maternal grandfather: NOT LISTED		j. Valerie Boyd (mother) – personal service required Note: <i>Service to another person on the mother's behalf does not constitute proper service.</i>
<input checked="" type="checkbox"/> Verified	Maternal grandmother: ROSE BOYD		k. Maternal grandfather – service by mail is sufficient
<input type="checkbox"/> Inventory	Siblings: Denaye Escobedo (9); Ernie Escobedo, Jr. (12)		l. Delaney Escobedo (minor) – personal service required Note: <i>Service to another person on the minor's behalf does not constitute proper service.</i>
<input type="checkbox"/> PTC	Petitioners state that the father had physical custody of the minors and lived in Petitioner's home with the minors until the father's death on 11/10/13. Petitioners have concerns with the mother's ability to provide a safe and stable home for the minors. Petitioners request guardianship of the estate because it is anticipated that the children will receive SSI benefits due to the death of their father. Petitioners wish to place the SSI benefits into a blocked account to benefit the children's future education. No other assets other than the SSI benefits are anticipated.		m. Ernie Escobedo, Jr. (sibling) – service by mail sufficient
<input type="checkbox"/> Not.Cred.	Estimated Value of the Estate: \$0.00		8. The Court may require clarification regarding the request for guardianship of the estate with reference to Local Rule 7.15.4: When the only asset of the estate is the receipt of public benefits, the court does not require guardianship estate.
<input checked="" type="checkbox"/> Notice of Hrg			9. If guardianship of the estate is granted, need Order to Deposit Money into Blocked Account (MC-355).
<input checked="" type="checkbox"/> Aff.Mail			
<input type="checkbox"/> Aff.Pub.			Reviewed by: JF
<input type="checkbox"/> Sp.Ntc.			Reviewed on: 02/12/14
<input type="checkbox"/> Pers.Serv.	x		Updates:
<input checked="" type="checkbox"/> Conf. Screen			Recommendation:
<input checked="" type="checkbox"/> Letters			File 12 – Boyd-Escobedo
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report	n/a		
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input checked="" type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			

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

DOD:12-27-13		VICTORIA PUMO , Daughter and Named Executor without bond, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Petition to Administer Estate (DE-121). 2. Need proof of service of Notice of Petition to Administer Estate at least 15 days prior to the hearing on all persons listed in the petition pursuant to Probate Code §8110. 3. Need proof of publication pursuant to Probate Code §8120. 4. Decedent's will is not self-proving. (It is not witnessed other than by the notary.) Therefore, need Proof of Subscribing Witness (DE-131) pursuant to Probate Code §8220 or other proof pursuant to Probate Code §8221. 5. Need date of death of decedent's predeceased spouse pursuant to Local Rule 7.1.1.D. 6. Petitioner resides in Colorado. The Court may require bond if the personal representative resides outside of California. Probate Code §8571 and Cal. Rules of Court 7.201(b). If required, bond should be fixed at \$205,000.00. <p>Note: If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Friday, 04/18/2014 at 9:00a.m. in Dept. 303 for the filing of the bond <u>and</u> • Friday, 07/11/2014 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Friday, 04/10/2015 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p> <p>Reviewed by: skc</p> <p>Reviewed on: 2-12-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 13 – Fees</p>
		Petitioner is a resident of Castle Rock, Colorado.	
<input type="checkbox"/>	Aff.Sub.Wit.	X	
<input checked="" type="checkbox"/>	Verified	Full IAEA: <u>Need publication</u>	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	Will dated 10-20-05	
<input type="checkbox"/>	Not.Cred.	Residence: Fresno	
<input type="checkbox"/>	Notice of Hrg	X Publication: <u>Need publication</u>	
<input type="checkbox"/>	Aff.Mail	X	
<input type="checkbox"/>	Aff.Pub.	X	
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters	Probate Referee: Rick Smith	
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Petition to Establish the Fact of Birth

	INFANT OF PRAGUE ADOPTION SERVICE is Petitioner (verified by Stephanie Schmidt, MSW).	NEEDS/PROBLEMS/COMMENTS: Note: Due to the pending adoption proceeding, identifying details in this petition are not provided online.	
	Petitioner states the birth parents have relinquished the child to Petitioner for adoption. A birth certificate was not generated by the hospital at the time of birth. Infant of Prague Adoption Service is not able to move forward with finalizing the child's adoption until a birth certificate is obtained.		
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail	REDACTED		
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: skc
			Reviewed on: 2-12-14
		Updates:	
		Recommendation:	
		File 14 – Kusher	

Age: 4		<p align="center"><u>TEMPORARY GRANTED EX PARTE;</u> <u>EXPIRES 02/19/14</u></p> <p align="center"><u>GENERAL HEARING: 04/08/14</u></p> <p>ANN MARSHALL, maternal grandmother, is Petitioner.</p> <p>Father: FRANK SOLIS, JR. – served by mail with Notice of Hearing only on 02/10/14 Mother: MICHELA SOLIS – currently incarcerated; served by mail with Notice of Hearing only on 02/10/14</p> <p>Paternal grandfather: FRANK SOLIS, SR. Paternal grandmother: DONNA ACOSTA GALVAN</p> <p>Maternal grandfather: DARRELL HUXLEY</p> <p>Petitioner states that the mother is currently incarcerated and not scheduled to be released until 2020. The father has not been a part of Elijah's life, but recently threatened to remove him from Petitioner's care. The father is a validated Bulldog gang member with a violent criminal history. Petitioner requests temporary guardianship to ensure Elijah's safety.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Need <i>Duties of Guardian</i>. Need proof of <u>personal service</u> at least 5 court days before the hearing of Notice of Hearing with a copy of the <i>Petition for Appointment of Temporary Guardian or Consent & Waiver of Notice or Declaration of Due Diligence</i> for: <ol style="list-style-type: none"> Frank Solis, Jr. (father) Michela Solis (mother) Note: Proof of service filed 02/13/14 indicates that the parents were served by mail with the Notice of Hearing only. Service by mail is insufficient and a copy of the Petition must be served along with the Notice of Hearing. 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 answered "yes" to item 10 – Have you, or has anyone living in your home, been charged with, arrested for, or convicted of a crime involving illegal substances or alcohol, but did not provide any explanation for these positive answers. Need more information.
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail w/o		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv. x		
<input checked="" type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters x		
<input type="checkbox"/>	Duties/Supp x		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order x		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: JF</p> <p>Reviewed on: 02/12/14</p> <p>Updates: 02/13/14</p> <p>Recommendation:</p> <p>File 15 – Solis</p>	

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

Age: 2	GENERAL HEARING: 04/08/14	NEEDS/PROBLEMS/COMMENTS:
	ADRIANA BREWER , non-relative, is Petitioner.	1. Need <i>Notice of Hearing</i> .
	Father: NOT LISTED	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 or Consent & Waiver of Notice or Declaration of Due Diligence</i> for:
	Mother: EVONIESHA SMITH	a. Father (not listed)
Cont. from	Paternal grandparents: NOT LISTED	b. Evoniesha Smith (mother)
<input type="checkbox"/> Aff.Sub.Wit.	Maternal grandfather: NOT LISTED	
<input checked="" type="checkbox"/> Verified	Maternal grandmother: TRINA SMITH	
<input type="checkbox"/> Inventory	Petitioner states that she is Kylie's godmother and has been caring for Kylie on and off most of her life. Petitioner states that she is the only mother Kylie knows as her real mother has been in and out of her short life. Petitioner states that temporary guardianship is needed in order for her to be able to seek medical treatment and financial assistance to meet Kylie's needs. Also, Kylie's mother has recently stated she wanted to take Kylie again. Petitioner wants to continue to provide a safe and stable home for Kylie.	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg		
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
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<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: JF
		Reviewed on: 02/12/14
		Updates:
		Recommendation:
		File 16 – Smith

Atty Kruthers, Heather H. (for Public Guardian – Conservator of the Estate – Petitioner)

Atty Bagdasarian, Gary G. (Court appointed for Conservatee)

Atty Weinberg, Michael S. (for Conservators of the Person Michael Servantes and Sandra Servantes)

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

		TEMP GRANTED EX PARTE EXPIRES 2-19-14	NEEDS/PROBLEMS/COMMENTS: <u>THIS MATTER WILL BE HEARD AT</u> <u>10:00</u> 1. Need proof of service of Notice of Hearing on Conservators and other family members.
		GENERAL HEARING 3-18-14	
		PUBLIC GUARDIAN is Petitioner.	
		PUBLIC GUARDIAN filed for temporary and general conservatorship of the person on 2-14-14.	
		Pursuant to Order dated 2-14-14, the Court suspended the powers of Michael Servantes and Sandra Servantes as Conservators of the he Person until further order of the Court and set this date for hearing on the Public Guardian's temporary petition.	
		Petitioner states the Public Guardian was contacted in January by the conservatee's sisters, who expressed concerns of restricted visits and lack of communication with Michael and Sandy. The sisters believe Michael and Sandy are not taking care of their sister. She stated that Michael was always very rude, and he has also given Mrs. Cowling's longtime pet away. Adoline stated that she used to visit daily and prepare meals for her sister, but she has not been able to visit lately due to Michael's behavior. The family members believe she is being neglected and given only cheap protein drinks as meals. The sisters stated that in January Michael drove his mother five hours to visit Olivia. Olivia was under the impression that Mrs. Cowling was too sick to travel that distance, and when they arrived, Michael dropped her off wearing clothes that did not fit, and gave her a box of shakes, and said "just give her these." Olivia instead prepared regular meals for her sister, and she consumed 100% of her food. The family also expressed concerns that the conservators are not taking her to doctor's appointments, and Michael becomes enraged when they inquire and Sandy hangs up on her. They are concerned that she has a rash and is not being cared for.	
		SEE ADDITIONAL PAGES	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
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	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
Reviewed by: skc			
Reviewed on: 2-18-14			
Updates:			
Recommendation:			
File 1 – Cowling			

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Petitioner states Mrs. Cowling's sister Olivia also concerned that Michael gave away Mrs. Cowling's pet Chihuahua, Cheeto. Michael stated he was advised by the Public Guardian to get rid of the dog because he was dirty; however, the Public Guardian states this was the first mention of the dog and that the Public Guardian did not advise Michael to get rid of him. Olivia was also reportedly told that she could not stay at their home when she visits from Southern California, so now she is unable to visit. Olivia stated she always stayed there.

On 2-3-14, the Public Guardian received a phone call from Damian Servantes, Mrs. Cowling's grandson and Michael's son, who had originally filed for conservatorship. Damian stated that he has been receiving messages from St. Agnes Hospice, Kaiser Permanente, and a medical supply company trying to get a hold of the responsible person for Mrs. Cowling. They have left messages, but have not received calls back.

On 2-13-14, the Public Guardian received another phone call from Olivia. She stated that her sisters Rosemary and Adoline went to see Mrs. Cowling the day before, but Michael would not let them visit and told them to call the police, which Rosemary did. Michael threatened the officer telling her he was going to call her supervisor. Rosemary was able to visit, but Adoline was afraid of Michael and did not enter the house. Rosemary told Olivia that Mrs. Cowling was wrapped in a comforter and the room is bare. When Olivia calls to speak to Mrs. Cowling, Michael tells her she is too weak to speak. Olivia stated they called APS and were advised that since Michael is the conservator, they need to do what he says and try to get along with him.

Petitioner states that upon appointment as Conservator of the Estate, the Public Guardian attempted to conduct an inventory of Mrs. Cowling's estate because Michael refused entry into the house (slammed door in the deputy's face). Although the Public Guardian has been only the conservator of the estate, the deputy has had occasion to see Mrs. Cowling on occasion when at the property, and state Michael always has violent outbursts in her presence and the presence of the Conservatee.

The Public Guardian has confirmed through the phone bills and speaking with Verizon that Mrs. Cowling's phone has "Caller ID with Anonymous Call Block" which means callers must display names and numbers, and "Call Restriction" which means that specific numbers are blocked. The representative was unable to provide the numbers that were blocked. This is indicative of the conservators isolating the Conservatee.

The Public Guardian was concerned about the Conservatee's well-being even before being contacted by the family in January and asserts that the only means of ensuring the health and safety of the Conservatee is appointment as conservator of the person. The Public Guardian believes the Court Investigator has had some of the same concerns.

Examiner's Note: To date, no Inventory and Appraisal has been filed.

Court Investigator Samantha Henson filed a report on 2-18-14.