1 Ila V. Shumaker (CONS/PE) **Case No. 02CEPR00382**

Atty Kruthers, Heather H. (for Public Guardian – Conservator/Petitioner)

(1) Fifth and Final Account and Report of Conservator, (2) Petition for Allowance of Compensation to Conservator and Attorney, and (3) Distribution (Prob. C. 1860, 2620, 2623, 2630, 2631, 2942)

DOD: 08/14/10		
Cont. from 102711, 120811		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	w/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

PUBLIC GUARDIAN, Conservator, is Petitioner.

Accounting period: **10/27/09 – 08/14/10**

Accounting - **$12,636.22**
Beginning POH - **$3,416.22**
Ending POH - **$4,831.00**

Subsequent to the final account period: **08/15/10 – 09/15/11**

Accounting - **$5,067.72**
Beginning POH - **$4,831.00**
Ending POH - **$4,246.12**

Conservator - **$646.20** (4.70 Deputy hours @ $96/hr. and 5.00 staff hours @ $76/hr. less $185.00)

Attorney - **$1,500.00** (per Local Rule)

Bond fee - **$37.50** (ok)

Petitioner requests that due to the insufficiency of the estate to pay the fees and commissions that a lien be imposed upon the estate for any unpaid balances of the authorized fees and commissions.

Petitioner requests that non cash assets of the decedent (two burial plots and personal effects) be distributed to Donald Shumaker.

Petitioner prays for an Order:

1. Approving, allowing and settling the fifth and final account;
2. Authorizing the conservator and attorney fees and commissions;
3. Authorizing payment of the bond fee;
4. Authorizing petitioner to impose a lien on the estate for any unpaid balances of authorized fees and commissions; and
5. Authorizing distribution of the balance of property on hand.

Small Estate Declaration under Probate Code § 13101 by Shirley Perkins, daughter, filed 02/08/12 requests that decedent's two burial plots be distributed to her. Ms. Perkins states in her declaration that her siblings, Donald Shumaker, Edward Shumaker, and Karl Shumaker, have all verbally consented to this distribution.

NEEDS/PROBLEMS/COMMENTS:

CONTINUED FROM 12/08/11

Reviewed by: JF
Reviewed on: 02/14/12
Updates:
Recommendation:
File 1 - Shumaker

2 Mary Juarez (CONS/PE) **Case No. 0623107**

Atty Kruthers, Heather H (for Petitioner/Conservator Public Guardian)

Dept. 303, 9:00 a.m. Thursday, February 23, 2012

DOD: 4/25/2011		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	W/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

PUBLIC GUARDIAN, Conservator, is petitioner.

Account period: 8/27/2006 – 4/25/2011

Accounting - **$96,646.11**
Beginning POH - **$ 817.63**
Ending POH - **$ 3,630.17**

Subsequent account period: 4/25/2011 – 8/26/11

Accounting - **$9,250.53**
Beginning POH - **$3,630.17**
Ending POH - **$9,250.53**

Conservator - **$2,648.00**
(16.5 Deputy hours @ $96/hr and 14.0 Staff hours @ $76/hr)

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

Bond fee - **$125.00** (o.k.)

Petitioner prays for an Order:

1. Approving, allowing and settling the fifth and final account;
2. Authorizing the conservator and attorney fees and commissions;
3. Payment of the bond fee;
4. Distributing the remaining cash on hand ($4,082.53) to the Department of Health Services in partial satisfaction of their creditor's claim.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: KT
Reviewed on: 2/10/12
Updates:
Recommendation:
File 2 - Juarez

3 **Benjamin Fimbrez (CONS/PE)** **Case No. 08CEPR00533**

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

(1) Second and Final Account and Report of Conservator (2) Petition for Allowance of Compensation to Conservator and Attorney (Prob. C. 1860, 2620, 2623, 2630, 2942)

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

PUBLIC GUARDIAN, Conservator, is petitioner.

Account period: 8/1/09 – 5/12/11

Accounting - **$18,331.18**
Beginning POH - **$ 787.34**
Ending POH - **$ 3,783.07**

Account period: 5/13/11 - 11/30/11

Accounting - **$6,025.63**
Beginning POH - **$3,783.07**
Ending POH - **$2,271.79**

Conservator - **$992.40**
(XXX Deputy hours @ $96/hr and XXX Staff hours @ $76/hr)

Attorney - **$1,000.00**
(less than allowed per Local Rule)

Bond fee - **$50.00** (o.k.)

Petitioner request that due to the insufficiency of the estate to pay the fees and commissions that a lien be imposed upon the estate for any unpaid balances of the authorized fees and commissions.

Petitioner prays for an Order:

5. Approving, allowing and settling the second and final account;
6. Authorizing the conservator and attorney fees and commissions;
7. Payment of the bond fee;
8. Authorize petitioner to impose a lien on the estate for any unpaid balances of authorized fees and commissions.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: KT
Reviewed on: 2/10/12
Updates:
Recommendation:
File 3 – Fimbrez

4 **Re: Jeri L. Shubin 2007 Trust (Trust)** **Case No. 11CEPR01018**

Atty **Keeler, William J. (for Roberto Garcia – Beneficiary)**

Dept. 303, 9:00 a.m. Thursday, February 23, 2012

Atty Phillips, John W. (for Evelyn Lauderdale – Trustee/Petitioner)

Petition to Determine Validity of Purported First and Third Amendments to Trust and to Impose Constructive Trust (Prob. C. 17200, et seq., 21350, et seq; and 21360 et seq)

DOD: 06/29/11		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	w/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
✓	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	x
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

EVELYN LAUDERDALE, Trustee of the Jeri L. Shubin 2007 Trust, is Petitioner.

Petitioner alleges:

1. Jeri L. Shubin (the "Decedent"), died June 29, 2011, a resident of Fresno County, and left property in Fresno County.
2. On August 23, 2007, Decedent executed a Declaration of Trust known as the Jeri L. Shubin 2007 Trust that called for distribution of its assets as follows:
   a. Personal property to be distributed pursuant to a letter of instruction to the trustee, or in the absence of such a letter, in equal shares to James Shubin and Gary Shubin;
   b. Real property located at 4104 E. Washington, Fresno to Rick Davis;
   c. Any residue, 1/3 to Gary Shubin, 1/3 to James Shubin, and 1/3 to various charities.
3. On July 1, 2009, the Decedent executed a document purported to be the first amendment to the trust. This amendment passes personal property to Marlene Gunion in the absence of a letter to the Trustee; real property at 4104 E. Washington, Fresno to Rick Davis; 31.9 acres of real property to William Buchnoff; real property at 1582 N. Humboldt, a 1991 trailer, a 1997 Ford Explorer, and Bank of America bank account ending in 04563 to Roberto Garcia; and the residue of the estate to be divided 1/3 to Gary Shubin (with certain restrictions), 1/3 to James Shubin (with certain restrictions), and $250,000.00 of the remaining 1/3 to charities named in the original trust, with the balance to Roberto Garcia.
4. On December 15, 2009 the Decedent executed a Second Amendment to her Trust adding a specific distribution of real property located at 2045 W. San Ramon, Fresno to Marlene Gunion.

Cont'd on Page 2

NEEDS/PROBLEMS/COMMENTS:

1. **Need Order.**

Notes:

Consent to Serve as Neutral Third Party Successor Trustee by Bruce Bickel was filed 02/01/12.

Roberto Garcia filed a Petition for Preliminary Distribution and Injunction on 01/27/12 that is set for hearing on 03/13/12.

There is also a hearing on 02/28/12 on Mr. Garcia's Petition to Remove Trustee and for Appointment of Successor Trustee; (2) for Surcharge of Trustee; (3) for Order Directing Trustee to Return Trust Property to Trust; (4) and for Order Compelling Trustee to Account and Report that was continued from 01/10/12.

Reviewed by: JF

Reviewed on: 02/15/12

Updates: 02/16/12

Recommendation:

File 4 - Shubin

5. On December 13, 2010, Decedent executed a document purported to be a Third Amendment to her Trust. This Third Amendment revokes the second Amendment and affirms the First, except that it passes the personal property to Petitioner (Evelyn Lauderdale) in the absence of a letter of instruction; passes the 1991 trailer and real property located at 2045 W. San Ramon, Fresno to Roberto Garcia; and passes the residue of the Trust 1/3 to Gary Shubin (with certain restrictions), 1/3 to James Shubin (with certain restrictions), and the remaining 1/3 to the charities originally designated in the Trust.
6. On May 17, 2011, Decedent executed a Fourth Amendment to the Trust which appointed Petitioner to act as Co-Trustee with the Decedent.

Petitioner request that the Court rescind and nullify the purported First and Third Amendments to the Trust on the following grounds:

A. First Ground: Lack of Capacity
   1. At the time of the alleged execution of the purported Trust Amendments, the Decedent was not of sound and disposing mind. The Decedent did not have the sufficient mental capacity to understand the nature of her actions in executing the purported Trusts, understand and recollect the nature and situation of her property, or remember or understand her relationship to her family members.
B. Second Ground: Undue Influence
   1. The purported Trust Amendments were executed as a direct result of undue influence exerted on the Decedent by Roberto Garcia. This undue influence consisted of the following:
      a. Roberto Garcia was a confidant to the Decedent for approximately 3 years before and up to the time of her death;
      b. Mr. Garcia had a friendly and confidential relationship with Decedent, who trusted and had confidence in Mr. Garcia;
      c. Mr. Garcia took over the decedent's financial affairs'
      d. At the time the amendments were signed and at the time of the Decedent's death, she was aged and infirm, and suffered from memory problems. As a result of these mental infirmities, Decedent was easily influenced and controlled by Mr. Garcia;
      e. Mr. Garcia actively procured the purported Trust as part of a pattern of conduct aimed at gaining control of the Decedent's major assets;
      f. During the last few months of the Decedent's life, Mr. Garcia took active steps to isolate Decedent and prevent her from having contact with family members;
      g. The Trust Amendments confer an undue benefit on Mr. Garcia. Mr. Garcia "moved in" on the Decedent during the last few years of her life, taking over ever greater control of the Decedent's life and financial affairs. Before becoming a confidant to the Decedent, Mr. Garcia had been a stranger to the Decedent.
C. Third Ground: Duress and Menace
   1. The apparent consent of Decedent to the First and Third Amendments to the Trust was obtained by Mr. Garcia's duress and menace. Decedent made statements to persons during the course of executing the purported Amendments that she feared Mr. Garcia and feared not executing the purported Amendments. Petitioner alleges that Mr. Garcia coached and practiced with Decedent what she was supposed to tell the attorney who drafted the purported Amendments, as well as another attorney who executed Independent Certificate of Reviews relating to the Decedent's will. Decedents will passes her entire estate to her Trust. Petitioner states that the Decedent would not have consented to the First and Third Amendments absent the conduct of Mr. Garcia.

D. Fourth Ground: Prohibited Transferee.
   1. Probate Code § 21350 et seq. prohibits Mr. Garcia from succeeding to any interest under the purported First and Third Amendments to the Trust as he was a care custodian to the Decedent as defined under Section 15610.7 of the Welfare and Institutions Code, and the Decedent would have been a dependent adult under the definition set forth in Welfare and Institutions Code § 15160.23 had she been between the ages of 18 and 64. Petitioner further alleges that an independent attorney did review the Decedent's will with her, but according to the Certificates of Independent Review, did not review the purported trust amendments with her.

E. Fifth Ground: Prohibited Transferee.
   1. Mr. Garcia is prohibited by Probate Code § 21360 et seq. from succeeding to any interest under the purported first and third amendments to the trust, as he was a care custodian of the Decedent as defined under section 21362 of the Probate Code and the Decedent was a dependent adult as defined under Probate Code § 21366(a). Petitioner alleges that the purported transfers are presumed to be the product of fraud and undue influence by virtue of Probate Code § 21380, subjecting Mr. Garcia to all costs, including reasonable attorney fees, should he fail to rebut the presumption (See Probate Code § 21380(d)).
   2. Because of the Decedent's lack of capacity, Mr. Garcia's exertion of undue influence, menace and duress over the Decedent, and/or because he was a prohibited transferee, Mr. Garcia holds title to trust assets as well as income therefrom, as constructive trustee for the benefit of persons entitled to distribution of the Decedent's estate. Those assets include cash and other personal property according to proof.

Petitioner prays for an order:
1. Finding the purported First and Third Amendments to the Trust void due to the mental incapacity of the Decedent;
2. Finding the purported First and Third Amendments to the Trust void due to the undue influence of Mr. Garcia;
3. Finding the purported First and Third Amendments to the Trust void due to the duress and/or menace of Mr. Garcia over the Decedent;
4. Declaring that Mr. Garcia holds any and all assets of the Trust that he has received already in trust, for the person entitled to distribution of the estate of the Decedent;
5. For costs of suit herein, including attorney fees, to the extent allowed by law;
6. Finding that Mr. Garcia is a prohibited transferee pursuant to Probate Code § 21350 et seq. and invalidating those provisions of the purported first and third Amendments to the Trust that purport to make gifts to Mr. Garcia.

Objection to Petition to Determine Validity of Purported First and Third Amendments to the Trust and to Impose Constructive Trust filed 02/16/12 by Roberto Garcia denies all of the allegations in the Petition except:
1. That the first amendment purports to convey 31.9 acres to William Buchnoff. Mr. Garcia alleges that the first amendment actually purports to convey 39.1 acres to William Buchnof.
2. That the fourth amendment purports to appoint Petitioner to act as co-trustee with the Decedent.
3. That Mr. Garcia had a friendly relationship with the Decedent.
4. That the address for the SPCA stated in the Petition is correct. Mr. Garcia also admits that McCormick Barstow has filed a request for special notice on behalf of the SPCA.

Mr. Garcia makes the following affirmative defenses:
1. The Petition and each and every cause of action therein does not state facts sufficient to constitute a cause of action against the Respondent.

2. Petitioner lacks sufficient legal standing to maintain each and every cause of action alleged in the Petition.
3. The acts, errors and omissions of Petitioner constitute unclean hands and therefore bar any relief.
4. Petitioner is estopped from pursuing the causes of action set forth in the Petition.
5. The causes of action stated in the petition were not timely filed and are barred by the applicable statute of limitation set forth by California law, including, but not limited to: the California Code of Civil Procedure, California Civil Code, and the California Probate Code.
6. Petitioner has not brought and served in a timely manner but has delayed in bringing and serving suit until a substantial time after the alleged causes of action accrued. This delay worked to the Respondent's prejudice and thus this action and any claim purported therein is barred by the Doctrine of Laches.

Respondent prays for a judgment:

1. That Petitioner take nothing on the basis of her Petition to Determine the Validity of the Purported First and Third Amendments to the Trust and to impose constructive trust;
2. That the first and third amendments be found to be valid trust amendments;
3. That the Respondent be awarded costs of suit herein incurred; and
4. That the Respondent be awarded reasonable attorneys' fees to the extent permissible by contract or statute.

5 Leslie Morrison (Det Succ) Case No. 12CEPR00005

Atty **Walters, Jennifer L., of Walters & Moshrefi (for Petitioners Daniel Calderon, Adrian Calderon, Carolina Calderona, and Bianca Palmero-Calderon)**

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

DOD: 12/12/2010		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

DANIEL CALDERON, ADRIAN CALDERON, BIANCA CALDERON and CAROLINA CALDERON, children, are Petitioners.

40 days since DOD

No other proceedings

I & A - **$99,000.00**

Holographic Will dated 10/1/2010 devises the subject real property equally between Decedent's four children.

Petitioner requests Court determination that Decedent's 100% interest in real property located at 1924 7th Street, Sanger, passes to the Petitioners pursuant to Decedent's will.

***Disclaimer of Intestate Succession Rights* filed 1/30/2012** signed by Petitioner Bianca Palmero-Calderon states she disclaims all her interest in the subject real property which she is entitled to take by intestate succession from the Decedent.

NEEDS/PROBLEMS/COMMENTS:

1. **Pursuant to Probate Code § 13152(a)(7), Item 14 of the *Petition* does not list the following persons designated in the Decedent's Will to receive property, who should be served with notice of the hearing on this *Petition* pursuant to Probate Code § 13153:**
   - **Darian Palmero;**
   - **Elyssa L. Palmero;**
   - **Decedent's grandchildren.**

2. **Petitioner Blanca Palmero-Calderon disclaims her intestate succession rights in a signed *Disclaimer* filed 1/30/2012 (she is silent regarding her rights under Decedent's Holographic Will attached to the *Petition*). However, there is no provision in the Probate Code allowing disclaimers of interest in a summary proceeding such as a petition to determine succession. Therefore, Petitioner Blanca Palmero-Calderon must succeed to her devised interest in the subject property. Need revised proposed order reflecting the correct distribution of 1/4th interest in the real property to each petitioner.**

Reviewed by: LEG
Reviewed on: 2/10/12
Updates:
Recommendation:
File 5 – Morrison

Dept. 303, 9:00 a.m. Thursday, February 23, 2012

6 Robert Snyder (CONS/PE) **Case No. 12CEPR00028**

Atty Walters, Jennifer L. (for Petitioner/sister Catherine Snyder)
Atty Wright, Janet L (court appointed for the Conservatee)
Atty Rube, Melvin (for Objector/spouse Kristin Snyder)
Atty Motsenbocker, Gary (for son Ross Snyder)

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

Age: 53 years
DOB: 5/24/1958

Cont. from

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

TEMPORARY EXPIRES 2/23/12

CATHERINE SNYDER, sister, is petitioner and requests appointment as Conservator of the person, with medical consent and dementia powers for the administration of dementia medications and of the estate.

Estimated value of the estate:
Personal property - $15,000.00

Declaration of John Kirby, M.D., 1/5/12 supports medical consent powers however **does not** address the administration of dementia medications.

Petitioner states the proposed conservatee suffered a stroke on 12/4/2011, leaving him partially paralyzed and unable to speak. Proposed conservatee is married, however, he and his wife are estranged and she is not informed of his medical or financial wishes. His wife has a problem with alcohol and as lost her license for a hit and run accident she was involved in. Petitioner is requesting conservatorship to take care of her brother's interests. She is a nurse and works in a hospital setting.

Please see additional page

NEEDS/PROBLEMS/COMMENTS:

A competing Petition for Appointment as Conservator has been filed by proposed conservatee's son, Ross Snyder and is set for hearing on 3/27/12.

1. **Need Citation.**
2. **Need proof of personal service of the Citation with a copy of the Petition on:**
   a. **Robert Snyder (proposed conservatee).**
3. **Need Confidential Conservator Screening form for Catherine Snyder.**
4. **Petition does not include information about the bond. Temporary appointment required bond of $22,128.33. Therefore bond should be set at $22,128.33.**
5. **Capacity Declaration of John M. Kirby does not include the dementia attachment. Therefore the request for administration of dementia medications cannot be granted.**

Court Investigator Dina Calvillo to provide:

1. **Court Investigator's Report**
2. **Advisement of Rights**

Reviewed by: KT
Reviewed on: 2/14/12
Updates: 2/16/12
Recommendation:
File 6 - Snyder

Objections to the Appointment of Catherine Snyder as Conservator of the Person and Estate filed by Kristen Snyder, proposed consersvatee's spouse, on 2/10/12. Kristin Snyder objects to the appointment of Catherine Snyder stating the spouse or a person nominated by the spouse has a higher statutory preference than petitioner for appointment as conservator of the person. However, given her marital difficulties with the conservatee she feels her appointment as conservator would only exacerbate the current animosity being exhibited by conservatee's extended family (petitioner, conservatee's mother and brothers) toward the conservatee's immediate family (son, daughter and Objector) and would not be in the best interest of the conservatee. Objector does believe that it would be in the best interest of the conservatee to have their son, Ross Snyder, or an impartial fiduciary appointed as the conservator of the person. Therefore, pursuant to Probate Code §1811 Objector nominates Ross Snyder to be the conservator of the conservatee's person. If Ross Snyder is unable or unwilling to act as conservator, then Objector nominates Bruce Bickel as the conservator of the conservatee's person.

Objector objects to the establishment of a conservatorship of the estate. Objector and conservatee are legally married and have been since September 12, 1981. Although Objector and conservatee are having marital problems, Objector is not a party to any action or proceeding against the conservatee for legal separation, dissolution of marriage, annulment, or adjudication of nullity of their marriage.

Objector believes that as the spouse of the conservatee, she is entitled as a matter of law under Probate Code §3051(a) and Probate Code §3051(b)(1) to manage and control the community property of the conservatee and Objector; that as a matter of law under Probate Code §3051(b)(2), all of the community property of the conservatee and Objector is not a part of the conservatorship estate; and that Objector does not consent to any portion of the community property of the conservatee and Objector to be included in and subject to Probate Code §3071, to be managed, controlled, and disposed of as part of the conservatorship estate of the conservatee.

Objector prays for an order as follows:

1. That a conservatorship of the person be established for Robert Snyder;
2. That the petition of Catherine Snyder to be appointed as conservator of the person of Robert Snyder be denied.
3. That Ross Snyder be appointed as conservator of the person of Robert Snyder, or in the alternative that Bruce Bickel, a private fiduciary be appointed as conservator of the person of Robert Snyder;
4. That the petition of Catherine Snyder for the establishment of a conservatorship of the estate and for appointment as conservator of the estate of Robert Snyder be denied.

Consent of Bruce Bickel to act as the conservator of the person of Robert Snyder filed on 2/14/12.

7 **Anngelene Gong-Chun (Estate)** **Case No. 12CEPR00035**

Atty **Petty, Teresa B (for Petitioner Ernest Ong)**

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

DOD: 8/28/11			**EARNEST ONG**, brother-in-law, is petitioner and requests appointment as Administrator without bond.
Cont. from			Full IAEA – o.k.
	Aff.Sub.Wit.		
✓	Verified		Decedent died intestate.
	Inventory		
	PTC		Residence: Clovis
	Not.Cred.		Publication: Fresno Business Journal
	Notice of Hrg		
✓	Aff.Mail	W/	
✓	Aff.Pub.		**Estimated Value of the Estate:**
	Sp.Ntc.		Personal property - $29,000.00
	Pers.Serv.		Real property - $56,754.16
	Conf. Screen		**Total - $85,754.16**
✓	Letters		**Probate Referee: RICK SMITH**
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:
Reviewed by: KT
Reviewed on: 2/15/12
Updates: 2/16/12
Recommendation: SUBMITTED
File 7 – Gong-Chun

Dept. 303, 9:00 a.m. Thursday, February 23, 2012

8 **Roxanne Ruiz (GUARD/E)** **Case No. 12CEPR00058**

Atty **Janian, Paulette** **(for Petitioner/mother**

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

Age: 14 years DOB: 2/10/1998		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	W/O
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
✓	Conf. Screen	
✓	Letters	
✓	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	N/A
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

THERE IS NO TEMPORARY.
No temporary was requested.

GRACIELA MARTINEZ RUIZ aka GRACE RUIZ, mother, is petitioner and requests appointment as guardian of the estate without bond.

Estimated Value of the Estate:
Personal property - $135,000.00

Petitioner requests that all funds be placed into a blocked account.

Petitioner states a guardianship of the estate is necessary because the minor is the beneficiary of her sister's life insurance policy.

NEEDS/PROBLEMS/COMMENTS:

1. **Need proof of personal service of the *Notice of Hearing* along with a copy of the petition or *Consent and Waiver of Notice* on the minor Roxanne Ruiz.** (Note: *The minor has nominated the petitioner but has not waived notice.*)
2. ***Notice of Hearing* does not indicate that it was service with a copy of the Petition as required by Probate Code §1511.**
3. **Need Order**
4. **Need Letters**
5. **Need Order to Deposit Funds into Blocked Account.**

Reviewed by: KT
Reviewed on: 2/15/12
Updates:
Recommendation:
File 8 - Ruiz

Dept. 303, 9:00 a.m. Thursday, February 23, 2012

9 Anaya Moreno, Phillip Ockletree & Phineas Okeletree (GUARD/P)
Case No. 09CEPR00409
Atty Garcia, Patricia Ann (pro per Petitioner/maternal grandmother)
Petition for Appointment of Guardianship of the Person

Phillip age: 3 years DOB: 12/17/2008		
Phineas age: 1 year DOB: 3/30/2010		
Cont. from 011912		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	X
✓	Conf. Screen	
✓	Letters	
✓	Duties/Supp	
	Objections	
	Video Receipt	
✓	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

TEMPORARY EXPIRES 1/19/12

PATRICIA GARCIA, maternal aunt, is petitioner.

Father: **NOT LISTED** (per CI report father is PHILLIP OCKLETREE) – *Declaration of Due Diligence filed on 1/19/2012*.

Mother: **URSULA REYES-** *Declaration of Due Diligence filed on 1/19/2012*.

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

Petitioner states mom is unfit, on drugs and partying. Father is nowhere to be found.

Court Investigator Charlotte Bien's Report filed on 12/20/11.

NEEDS/PROBLEMS/COMMENTS:

This Petition is as to PHILLIP OKELTREE and PHINEAS OKELTREE only. Guardianship of Anaya Moreno was previously granted to petitioner.

Continued from 1/19/12. Minute order states examiner notes are provide to Petitioner. Petitioner is directed to cure the defects. The Court orders that the father is have no visits with the minors. *As of 2/10/12 the following issues remain:*

1. **Need *Notice of Hearing*.**
2. **Need proof of personal service of the *Notice of Hearing* along with a copy of the Petition or *Consent and Waiver of Notice* or *Declaration of Due Diligence* on:**
   a. **Phillip Ockletree (father)**
   b. **Ursula Reyes (mother)**
3. **Need proof of service of the *Notice of Hearing* along with a copy of the Petition or *Consent and Waiver of Notice* or *Declaration of Due Diligence* on:**
   a. **Paternal grandparents**
   b. **Maternal grandfather**
4. **Petition does not include the names and addresses of the father, paternal grandparents or maternal grandfather.**

Reviewed by: KT
Reviewed on: 2/10/12
Updates:
Recommendation:
File 9 – Moreno & Ockletree

10A Nona Lee Johnson (Estate) **Case No. 09CEPR00917**

Atty Johnson, Kenneth D. (pro per – Administrator)
Atty Johnson, Suzanne G. (pro per – Administrator)

Petition for Final Distribution Amended

DOD: 04/22/09		
Cont. from 121511		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
	Notice of Hrg	n/a
	Aff.Mail	n/a
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	01/14/10
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

KENNETH JOHNSON and **SUZANNE JOHNSON,** Co-Administrators, are Petitioners.

Account Period: **04/22/09 – 10/31/10**

Accounting	-	**$253,737.45**
Beginning POH	-	**$101,203.57**
Ending POH	-	**$0**
Administrators	-	waive

Distribution, pursuant to intestate succession, is to:

Suzanne G. Johnson	-	$45,913.22
Julia M. Glick	-	$45,913.22
Kenneth D. Johnson	-	$45,913.22

(Note: Distribution of funds was made by the personal representatives without court approval. A receipt from each beneficiary was filed on 11/03/11)

NEEDS/PROBLEMS/COMMENTS:

<u>CONTINUED FROM 12/15/11</u>
Minute Order from 12/15/11 states: No appearances. The Court sets the matter for an Order to Show Cause on 02/23/12. The Court orders Kenneth Johnson and Suzanne Johnson to be present on 02/23/12.

As of 02/15/12, the Petitioner has not filed any new documents.

1. **The Petition states that the beginning property on hand was $101,203.57; however, the Inventory & Appraisal states that the estate assets at the time of the decedent's death was $211,783.29. Need explanation as to why the beginning property on hand is not the amount of the Inventory & Appraisal.**

Reviewed by: JF
Reviewed on: 02/15/12
Updates:
Recommendation:
File 10A - Johnson

10B Nona Lee Johnson (Estate) **Case No. 09CEPR00917**

Atty Johnson, Kenneth D. (pro per – Administrator)

Atty Johnson, Suzanne G. (pro per – Administrator)

Order to Show Cause

DOD: 04/22/09	**KENNETH JOHNSON** and **SUZANNE JOHNSON,** were appointed as Co-Administrators and Letters were issued on 01/14/10. Inventory & Appraisal was filed on 07/22/10. An Amended Petition for Final Distribution was filed 11/03/11 and set for hearing on 12/15/11. **Minute Order dated 12/15/11** continued the hearing on the Amended Petition for Final Distribution to 02/23/12 and set this Order to Show Cause hearing on 02/23/12. Kenneth Johnson and Suzanne Johnson were ordered to be present on 02/23/12. **Clerk's Certificate of Mailing filed 12/16/11** states that a copy of the 12/15/11 Minute Order was mailed to Kenneth Johnson and Suzanne Johnson.	**NEEDS/PROBLEMS/COMMENTS:**
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		**Reviewed by:** JF
Status Rpt		**Reviewed on:** 02/15/12
UCCJEA		**Updates:**
Citation		**Recommendation:**
FTB Notice		**File 10B - Johnson**

Dept. 303, 9:00 a.m. Thursday, February 23, 2012

11 Jacob Anthony Reyes Bautista (GUARD/P) **Case No. 10CEPR00191**

Atty Bautista, Maria (pro per Guardian)

Atty Bautista, Anthony (pro per Petitioner/father)

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

Age: 6 years		
DOB: 2/21/2006		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

ANTHONY BAUTISTA, father, is petitioner.

MARIA BAUTISTA, paternal grandmother, was appointed guardian on 5/3/10.

Mother: **ANNA REYES –** *Declaration of Due Diligence filed on 12/23/11*.

Paternal grandfather: Antonio Bautista
Maternal grandfather: Pedro Reyes
Maternal grandmother: Patricia Reyes

Petitioner states at the time the guardianship was established he was not financially stable and was still attending school. Petitioner states he is now financial stable and has a job. He would like to have his son live with him and take full responsibility for his son.

Current visitation schedule per minute order dated 5/3/10:

Father has supervised visits every other Saturday 10 a.m. to 12 p.m.

Mother has supervised visits every other Saturday (alternating with father's visits) 10 a.m. to 12 p.m.

Court Investigator Jennifer Daniel's Report filed on 2/8/12.

NEEDS/PROBLEMS/COMMENTS:

1. **Need *Notice of Hearing.***
2. **Need proof of service of the *Notice of Hearing* or *Declaration of Due Diligence* on:**
   a. **Maria Bautista (guardian/paternal grandmother)**
   b. **Antonio Bautista (paternal grandfather)**
   c. **Pedro Reyes (maternal grandfather)**
   d. **Patricia Reyes (maternal grandmother)**
   e. **Anna Reyes (mother)** *if court does not dispense with notice.*

Reviewed by: KT

Reviewed on: 2/15/12

Updates:

Recommendation:

File 11 - Bautista

Dept. 303, 9:00 a.m. Thursday, February 23, 2012

12 Jeremiah Colasanti (GUARD/P) **Case No. 11CEPR00713**

Atty Bryant, Heidi (pro per Petitioner/guardian)

Atty Boyer, Patricia Anne

Status Hearing re Visitation

Age: 6 years **DOB: 6/12/05**	**HEIDI BRYANT**, guardian, is petitioner. Father: **JOSHUA COLASANTI** Mother: **JENNA COLASANTI** **Petitioner filed a Petition to Modify Visitation on 12/7/11 which stated** the maternal grandmother **PATRICIA BOYER** has a history of abusing her medication and has called for Jeremiah heavily under the influence of her medication. When they spoke, it was difficult to understand what she was saying. She allowed Jeremiah to speak to her, and when he got off the phone, he said his grandmother doesn't sound good. In addition, Patricia Boyer has mentioned bringing Jeremiah out of Fresno County for their visits. Petitioner is concerned for Jeremiah's safety being alone and traveling with Patricia Boyer being heavily under the influence. **Petitioner requested** to be allowed to supervise the visits because Jeremiah's safety is greatly at risk and she is very worried and scared for him. **Court Investigator Jennifer Young's Report filed on 2/18/12.**	**NEEDS/PROBLEMS/COMMENTS:** **Minute Order from 1/5/12 states the Court grants the petition [*Petition to Modify Visits filed 12/7/11*] until further order of the court. The Court orders a Court Investigator conduct an investigation of all the parties.** **<u>Note</u>: Patricia Boyer lives in Merced.**
		Reviewed by: KT
		Reviewed on: 2/15/12
		Updates:
		Recommendation:
		File 12 - Colasanti

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

13 Destiny Cedano, Alexis Cedano, Victor Cedano, Gabriel Cedano, Noah Cedano, Jayden Cedano, Victoria Cedano, Reyna Cedano and Jonah Cedano (GUARD/P) Case No. 11CEPR00795

Atty Barbosa, Judy (pro per Petitioner/maternal aunt)
Atty Barbosa, Maximino (pro per Petitioner/maternal uncle)
Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 3 years (twins) DOB: 12/9/2008			
Cont. from 1/19/12			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	X	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		

Temporary Expires on 2/23/12

JUDY BARBOSA and MAXIMINO BARBOSA, maternal aunt and uncle, are petitioners.

Father: **VICTOR CEDANO** - *deceased*

Mother: **JENNIFER CEDANO**

Paternal grandfather: Unknown
Paternal grandmother: Jenny Hernandez – *deceased.*
Maternal grandfather: Pete Gutierrez – *deceased.*
Maternal grandmother: Judy Coronado

Petitioners state mom is in jail and is not able to care for her children at this time.

Court Investigator Dina Calvillo's Report filed on 1/13/12.

NEEDS/PROBLEMS/COMMENTS:

This petition is as to VICTORIA CEDANO and REYNA CEDANO only.

Guardianship of the other minors has been previously granted to other relatives.

Continued from 1/19/12. As of 2/16/12 the following issues remain:

1. **Need *Notice of Hearing*.**
2. **Need proof of personal service of the *Notice of Hearing* along with a copy of the Petition or *Consent and Waiver of Notice* on:**
   a. **Jennifer Cedano (mother) –** *Petitioners state mother is in jail therefore they are unable to serve her.*
3. **Need proof of service of the *Notice of Hearing* along with a copy of the Petition or *Consent and Waiver of Notice* or *Declaration of Due Diligence* on:**
   a. **Judy Coronado (maternal grandmother)**

Reviewed by: KT
Reviewed on: 2/16/12
Updates:
Recommendation:
File 19 - Cedano

14 Donnie De'monty Marquise Maiden, Jr (GUARD/P) Case No. 11CEPR01109
Atty Williams, Phyllis Louise (pro per Petitioner/paternal grandmother)
Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 3 years DOB: 6/19/08		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	X
✓	Conf. Screen	
✓	Letters	
	Duties/Supp	X
	Objections	
	Video Receipt	
	CI Report	X
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

Temporary Expires 2/23/12

PHYLLIS LOUISE WILLIAMS, paternal grandmother, is Petitioner.

Father: **DONNIE DE'MONTY MARQUISE MAIDEN** – *incarcerated in Phoenix, AZ*

Mother: **FELICIA RAMIREZ**

Paternal Grandfather: Donnie Maiden
Maternal Grandfather: Unknown
Maternal Grandmother: Unknown

Petitioner states the father had sole custody of the minor. Father is now incarcerated and is unable to care for the minor. Petitioner states she has been actively involved in the minor's life since birth. A guardianship is necessary so that the Petitioner can provide the minor with the proper care and support.

NEEDS/PROBLEMS/COMMENTS:

1. **Need *Notice of Hearing.***
2. **Need proof of personal service of the *Notice of Hearing* along with a copy of *the Petition or Consent and Waiver of Notice* or *Declaration of Due Diligence* on:**
   a. **Donnie De'Monty Marquise Maiden (father)**
   b. **Felicia Ramirez (mother)**
3. **Need proof of service of the *Notice of Hearing* along with a copy of the Petition or *Consent and Waiver of Notice* or *Declaration of Due Diligence* on:**
   a. **Donnie Maiden (paternal grandfather)**
   b. **Maternal grandfather**
   c. **Maternal grandmother**
4. **Need Duties of Guardian**
5. **UCCJEA is incomplete. Need minor's residence information from 2007 to 10/28/2011.**

Court Investigator JoAnn Morris to provide:

1. **Court Investigator's Report**
2. **Clearances**

Reviewed by: KT
Reviewed on: 2/15/12
Updates:
Recommendation:
File 14 - Maiden

15 Jalia Lor, Kyleeh Lor, Kia Lor, Loukai Lor, Makayla Lor & Hailey Lor **(GUARD/P)** **Case No. 11CEPR01120**

Pro Per **Thao, See Kong (Pro Per Petitioner, maternal grandmother)**

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

Jalia Age: 11 years DOB: 3/23/2000		
Kyleeh Age: 8 years DOB: 1/29/2004		
Kiya Age: 7 years DOB: 12/20/2004		
Loukai Age: 5 years DOB: 1/5/2007		
Makayla Age: 3 years DOB: 9/15/2008		
Hailey Age: 1 ½ years DOB: 6/2/2010		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	W/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	X
✓	**Conf. Screen**	
	Aff. Posting	
✓	**Duties/Supp**	
	Objections	
	Video Receipt	
✓	**CI Report**	
✓	**Clearances**	
✓	**Order**	
✓	**Letters**	
	Status Rpt	
✓	**UCCJEA**	
	Citation	
	FTB Notice	

NO TEMPORARY REQUESTED

SEE KONG THAO, maternal grandmother, is Petitioner.

Father: **CHIA NENG LOR**; *incarcerated*;

Mother: **ARXIA THAO LOR**; *consents and waives notice*;

Paternal grandfather: Xee Lor
Paternal grandmother: Chia Yang

Maternal grandfather: Vang Neng Thao; *sent notice by mail on 1/5/2012*;

Clowey Lor, sibling (age 13), was sent notice by mail on 1/5/2012;

Petitioner states CPS urged her to seek guardianship of the children (*please refer to Dept. of Social Services Safety Plan dated 10/17/2011 filed on1/9/2012*), and Petitioner has had the children in her care since 9/20/2011 when Petitioner took the children to her home out of concern for their well-being. Petitioner states the mother did not send the children to school regularly, the mother keeps chickens in her house, the house is dirty, and there is no food in the house. Petitioner states she regularly took the children groceries and made sure they went to doctor appointments, and now that they are living with her she makes sure they attend school and that their needs are met. Petitioner states the father is currently incarcerated for drugs and she suspects the mother may be using drugs as well. Petitioner states she will continue to provide the children with a stable home free of drugs and with plenty of food, and that the children are happy to be with her in her home.

Petitioner filed on 12/23/2011 a copy of an arrest report regarding the proposed wards' father, Chia Lor, indicating he was arrested on 11/14/2011 for felony possession of a controlled substance, and his planned release date is 3/11/2012.

Petitioner requests to be excused from giving notice to the paternal grandfather, Xee Lor, who resides in Laos but his whereabouts there are unknown to anyone.

Court Investigator Jennifer Young's *Report* was filed on 2/15/2012.

NEEDS/PROBLEMS/COMMENTS:

Note: Petitioner indicates she is seeking guardianship of six of the seven children who need a guardian; one of the children, CLOWEY LOR (age 13), will be the subject of a petition for guardianship brought by the Petitioner's daughter. Court records show no petition on behalf of that child has been filed as of 2/17/2012.

1. Need proof of personal service of the *Notice of Hearing* with a copy of the *Petition for Appointment of Guardian*, or *Consent to Appointment of Guardian and Waiver of Notice*, or a *Declaration of Due Diligence*, for:
   - **Chia Neng Lor, father.**
2. Need proof of service by mail of the *Notice of Hearing* with a copy of the *Petition for Appointment of Guardian*, or *Consent to Appointment of Guardian and Waiver of Notice*, or a *Declaration of Due Diligence*, for:
   - **Chia Yang, paternal grandmother;**
   - **Xee Lor, paternal grandfather, *if Court does not excuse notice to him as requested.***

Reviewed by: LEG
Reviewed on: 2/15/12
Updates: 2/17/12
Recommendation:
File 15 – Lor

Dept. 303, 9:00 a.m. Thursday, February 23, 2012

16A James T. Berry (Estate) **Case No. 10CEPR00638**

Atty Gallegos, Alfred A. (for Daniel M. O'Quinn – Administrator/Petitioner)

Report of Sale and Petition for Order Confirming Sale of Real Property - 200 Tyler Street

DOD: 04/15/10		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
	Aff.Mail	x
✓	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	x
✓	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

DANIEL M. O'QUINN, Administrator without bond, is Petitioner.

Sale Price - **$10,000.00**
Overbid - **$1,000.00**

Reappraisal - **$26,000.00**

Property - 200 Tyler St. Coalinga, CA

Publication - The Business Journal

Buyer - RICHARD A. McCABE, as his separate property

Broker - None

Declaration of Daniel M. O'Quinn, Administrator filed 01/19/12 states that the property is in a dilapidated and uninhabitable condition and he estimates that it would cost tens of thousands of dollars to correct the habitability issues (roofing, windows, lack of appropriate heat, flooring issues) and to remove junk from the premises. Based on the condition of the home, Petitioner has deemed it appropriate to sell the property to a willing investor in an as-is condition. Petitioner made inquiries to investors and was able to obtain a bid on the property. Petitioner also made inquiries with real estate brokers who market properties in the Coalinga area; however, the decision was made not to use the services of a broker because commissions and other expenses would reduce the funds available to the estate, it was also inferred, but not directly stated, by the brokers that the anticipated sales price of the property would not generate enough commission in relation to the amount of effort marketing the property would take. Petitioner states that he was granted full IAEA authority to sell the property and is also authorized by decedent's will to sell the property without a prior order of the court, but due to the circumstances, decided to seek court approval of the sale so that any interested party could express their concerns regarding the sale. Petitioner states that although the offer is less than ½ the appraised value of the property, it is his opinion that the offer is fair and reasonable given the current condition of the property, especially since the estate does not have sufficient assets to make repairs to the property to make it more marketable.

NEEDS/PROBLEMS/COMMENTS:

1. **Petition is not signed by attorney.**
2. **Pursuant to Probate Code § 10308(c) - Need proof of service by mail at least 15 days before the hearing of the *Notice of Hearing* on:**
   - Richard A. McCabe (purchaser)
   - Wells Fargo Card Services (Request for Special Notice filed 11/12/10)
3. **The sales price is only 38.46% of the appraised value of the property. Probate Code § 10309 states that no sale of real property at private sale shall be confirmed by the Court unless the sum offered is at least 90% of the appraised value. Need reappraisal for sale or higher offer.**
4. **Need Order.**

Reviewed by: JF

Reviewed on: 02/16/12

Updates:

Recommendation:

File 16A - Berry

Dept. 303, 9:00 a.m. Thursday, February 23, 2012

16B James T. Berry (Estate) **Case No. 10CEPR00638**

Atty Gallegos, Alfred A. (for Daniel M. O'Quinn – Administrator/Petitioner)

Report of Sale and Petition for Order Confirming Sale of Real Property - 220 Tyler Street

DOD: 04/15/10		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
	Aff.Mail	x
✓	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	x
✓	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

DANIEL M. O'QUINN, Administrator without bond, is Petitioner.

Sale Price	-	**$10,000.00**
Overbid	-	**$1,000.00**
Reappraisal	-	**$22,000.00**
Property	-	220 Tyler St. Coalinga, CA
Publication	-	The Business Journal
Buyer	-	RICHARD A. McCABE, as his separate property
Broker	-	None

Declaration of Daniel M. O'Quinn, Administrator filed 01/19/12 states that the property is in a dilapidated and uninhabitable condition and he estimates that it would cost tens of thousands of dollars to correct the habitability issues (roofing, windows, lack of appropriate heat, flooring issues) and to remove junk from the premises. Based on the condition of the home, Petitioner has deemed it appropriate to sell the property to a willing investor in an as-is condition. Petitioner made inquiries to investors and was able to obtain a bid on the property. Petitioner also made inquiries with real estate brokers who market properties in the Coalinga area; however, the decision was made not to use the services of a broker because commissions and other expenses would reduce the funds available to the estate, it was also inferred, but not directly stated, by the brokers that the anticipated sales price of the property would not generate enough commission in relation to the amount of effort marketing the property would take. Petitioner states that he was granted full IAEA authority to sell the property and is also authorized by decedent's will to sell the property without a prior order of the court, but due to the circumstances, decided to seek court approval of the sale so that any interested party could express their concerns regarding the sale. Petitioner states that although the offer is less than ½ the appraised value of the property, it is his opinion that the offer is fair and reasonable given the current condition of the property, especially since the estate does not have sufficient assets to make repairs to the property to make it more marketable.

NEEDS/PROBLEMS/COMMENTS:

5. **Petition is not signed by attorney.**
6. **Petition states that the appraised value of the property is $22,000.00; however, according to the Inventory & Appraisal filed 12/28/11, the property is valued at $26,000.00.**
7. **Pursuant to Probate Code § 10308(c) - Need proof of service by mail at least 15 days before the hearing of the *Notice of Hearing* on:**
   - Richard A. McCabe (purchaser)
   - Wells Fargo Card Services (Request for Special Notice filed 11/12/10)
8. **The sales price is only 38.46% of the appraised value of the property. Probate Code § 10309 states that no sale of real property at private sale shall be confirmed by the Court unless the sum offered is at least 90% of the appraised value. Need reappraisal for sale or higher offer.**
9. **Need Order.**

Reviewed by: JF

Reviewed on: 02/16/12

Updates:

Recommendation:

File 16B – Berry

Dept. 303, 9:00 a.m. Thursday, February 23, 2012

17 Justin Carpio (GUARD/P) **Case No. 12CEPR00143**

Atty Aguiniga, Francisco (pro per – step-father/Petitioner)

Petition for Appointment of Temporary Guardianship of the Person

Age: 12
DOB: 06/11/99

Cont. from

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

GENERAL HEARING 04/09/12

FRANCISCO AGUINIGA, step-father, is Petitioner.

Father: **UNKNOWN** – *declaration of due diligence filed 02/16/12*

Mother: **IRENE CARPIO** – *declaration of due diligence filed 02/16/12*

Paternal grandparents: NOT LISTED
Maternal grandparents: NOT LISTED

Siblings: JUAN AGUINIGA (6), VALERIE AGUINIGA (15)

Petitioner states that the minor has not been in school for a year, his mother left him and his siblings in a motel parking lot. Petitioner states that the child needs stability instead of moving from place to place. Petitioner states that he loves the minor as his own and does not want him to live away from his siblings.

NEEDS/PROBLEMS/COMMENTS:

1. **Need *Notice of Hearing.***
2. **Need proof of personal service at least 5 court days before the hearing of *Notice of Hearing* with a copy of the *Petition for Temporary Guardianship* or Consent and Waiver of Notice or Declaration of Due Diligence for:**
   - Irene Carpio (mother) – *Declaration of Due Diligence states that Petitioner has looked for her, but no one has seen her.*
   - Father (unknown)
   - Justin Carpio (minor)
3. **UCCJEA is incomplete, need child's residence information for the past 5 years.**

Reviewed by: JF
Reviewed on: 02/15/12
Updates:
Recommendation:
File 17 - Carpio

Dept. 303, 9:00 a.m. Thursday, February 23, 2012