1 Ron C. Wade (CONS/PE) **Case No. 0226015**

Atty Bagdasarian, Gary G. (for Chris Wade – Successor Conservator/Petitioner)

Petition for Substituted Judgment to Transfer Assets to Revocable Living Trust [Prob. C. 2580(b)(6)]

Age: 65

Cont. from 110713, 120513, 012114

	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	

CHRIS WADE, successor conservator, is Petitioner.

Petitioner states:

1. The Conservatee has never been married and has no children. He has two living brothers, Gary Wade and Petitioner. The Conservatee also has a deceased brother.
2. The Conservatee lives with Petitioner and Petitioner's girlfriend, Sheila Kajitani, who is also friends with the Conservatee and has lived with the Petitioner and Conservatee for the past 26 years and has assisted in his care. However, Sheila Kajitani is not a caregiver as described under the Probate Code.
3. The purpose of this Petition is to transfer assets remaining in the name of the Conservatee to a revocable living trust in order to avoid probate costs and delay on the Conservatee's death by transferring the conservatorship estate to the trustee of The Ron C. Wade Revocable Trust (to be established) (the "Trust")
4. The primary purpose of the Trust is to provide for the Conservatee's health, support, comfort and welfare and to save the costs involved in the administration of a probate estate.
5. The Trust names Petitioner, Christopher Wade, as trustee of the Trust. The successor trustees are Sheila Kajitani and Gary Wade, in that order.
6. Conservatee's Will, dated 09/20/06, leaves his entire estate to Petitioner, Chris Wade. The Will does not mention any further distribution in the event of Chris Wade's death.
7. Conservatee has indicated that in the event of the death of Chris Wade, or his incapacity, he would want Sheila Kajitani as the successor trustee, successor executor under the will and successor beneficiary under the Trust.

Continued on Page 2

NEEDS/PROBLEMS/COMMENTS:

CONTINUED FROM 01/21/14

Reviewed by: JF

Reviewed on: 02/21/14

Updates:

Recommendation:

File 1 – Wade

8. The proposed Declaration of Trust of the Ron C. Wade Wade Revocable Trust (to be dated) provides that the sole beneficiary of the Trust would be Petitioner, Christopher Glen Wade, and the remainder beneficiaries would be Sheila Kajitani and Gary Eugene Wade, in that order.
9. This estate planning, to be completed on behalf of the Conservatee, is essential in order to carry out his testamentary desire and to minimize expenses in connection with the administration of his estate upon his death, and to minimize taxes based on the previous tax planning done in connection with the creation of the Trust.
10. Petitioner has no reason to believe that the Conservatee is opposed to the proposed action and believes that, if the Conservatee had the capacity to do so, he would take the proposed action.

Petitioner requests this Court make an Order as follows:

1. Authorizing Chris Wade, as Conservator of the Estate of Ron C. Wade, to:
   a. Execute and date the Ron C. Wade Revocable Trust;
   b. To transfer the assets listed on Exhibit D to this Petition, together with any other assets of the Conservatee, Ron C. Wade, that may come into the Conservator's knowledge and possession, to Christopher Glen Wade, Trustee of The Ron C. Wade Revocable Trust (to be dated); and
   c. To execute the Last Will and Testament of Ron C. Wade on his behalf

Declaration of Gary G. Bagdasarian in Support of Petition for Substituted Judgment to Transfer Assets to Revocable Living Trust states:

1. In connection with the Petition for Substituted Judgment to Transfer Assets to Revocable Living Trust filed 09/27/13, the Revocable Living Trust has been modified to take into account California Rules of Court 7.903.
2. A revised Declaration of Trust for Ron C. Wade is attached and meets the requirement of CRC § 7.903.

Second Declaration of Gary Bagdasarian in Support of Petition for Substituted Judgment to Transfer Assets to Revocable Living Trust filed 1-16-14 states:

- Ron C. Wade was appointed as successor conservator of the estate on 9-19-11. The prior will was executed prior to Chris Wade acting as conservator. However, it is alleged that the Conservatee had the capacity to execute a will at the time, and that his desire for distribution of his estate has remained the same since 2006.

- Sheila Kajitani has assisted in care of the Conservatee for the last 26 years and has developed a much closer bond to the Conservatee than the conservatee's other brother. Furthermore, Ms. Kajitani would not be defined as a care custodian as she received no remuneration, has had a personal relationship with the Conservatee for a substantial period, and does not provide the health and social services described in §21362 to any substantial extent, and only in conjunction with the conservator Chris Wade.

Third Declaration of Gary G. Bagdasarian in Support of Petition for Substituted Judgment to Transfer Assets to Revocable Living Trust filed 02/21/14 attaches the final Trust revision.

2 **Amelia Phyllis Nygaard (CONS/PE)** **Case No. 10CEPR00120**

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

(1) Second Account Current and Report of Conservator and (2) Petition for Allowance of Compensation to Conservator and Attorney

Age: 91

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**	
	2620(c)	n/a
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

PUBLIC GUARDIAN, Conservator, is Petitioner.

Account period: **11/21/11 – 11/21/13**

Accounting - **$186,581.73**
Beginning POH - **$108,546.68**
Ending POH - **$96,738.73**

Conservator - **$1,536.40**
(11.50 staff hours @ $76/hr. and 6.9 deputy hours @ $96/hr.)

Attorney - **$1,250.00**
(less than allowed per Local Rule)

Bond Fee - **$207.76** (ok)

Petitioner prays for an Order:

1. Approving, allowing and settling the second account;
2. Authorizing the conservator and attorney fees and commission; and
3. Authorizing payment of the bond fee.

Court Investigator Jennifer Young filed a report on 04/02/13.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: JF

Reviewed on: 02/19/14

Updates:

Recommendation:

File 2 – Nygaard

Dept. 303, 9:00 a.m. Tuesday, February 25, 2014

3 **Ramon M. Rocha (Estate)** **Case No. 12CEPR00632**

Atty **Horton, Lisa M. (for Suzie Antuna – Administrator/Petitioner)**

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

DOD: 05/19/12		
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	

SUZIE ANTUNA, Administrator, is Petitioner.

Sale Price - **$22,500.00**
Overbid - **$24,125.00**

Reappraisal - **$22,500.00**

Property - **437 9th Street Orange Cove, CA**

Publication - **The Business Journal**

Buyers - **Jimmy Antuna, Jr. and Suzie Antuna, husband and wife as joint tenants**

Broker - **None?**

NEEDS/PROBLEMS/COMMENTS:

1. The Petition is not marked at item 5 regarding commission. It appears that there was not a broker involved in this sale; however need clarification.

Reviewed by: JF

Reviewed on: 02/19/14

Updates:

Recommendation:

File 3 – Rocha

Dept. 303, 9:00 a.m. Tuesday, February 25, 2014

4 **Helen Murillo (CONS/PE)** **Case No. 12CEPR00755**

Atty **Boyajian, Thomas M. (for Irene V. Santos – Conservator)**

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

Age: 88		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	w/o
✓	**Aff.Pub.**	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	**Order**	
✓	**Aff. Posting**	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

IRENE V. SANTOS, Conservator, is Petitioner.

Sale Price - **$116,000.00**
Overbid - **$122,300.00**

Appraisal - **$80,000.00**

Property - **4864 E. Leisure Fresno, CA**

Publication - **The Business Journal**

Buyers - **Lakhvinder Paul, Sarabjit Kaur, as husband and wife joint tenants**

Broker - **$5,800.00** (5% - payable 2.5% to Remax/Gold and 2.5% to Guarantee Real Estate)

Current bond: $123,895.00, Petitioner states that no additional bond is necessary

NEEDS/PROBLEMS/COMMENTS:

1. Petitioner indicates that no additional bond is necessary; the current bond is $123,895.00. The Court may require more information as to why additional bond or blocked account are not needed.

Reviewed by: JF

Reviewed on: 02/19/14

Updates:

Recommendation:

File 4 – Murillo

Dept. 303, 9:00 a.m. Tuesday, February 25, 2014

5 Harold Cardwell (Estate) **Case No. 12CEPR00828**

Atty Matlak, Steven M. (for Alisha Sacca and Gynifer L. De Aro – Administrators)

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

DOD: 8-26-12		
	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	

ALISHA SACCA and GYNIFER L. DE ARO, Administrators with Full IAEA without bond, are Petitioners.

Accounting is waived.

I&A: $434,692.42
POH: $148,422.34 cash, two vehicles

Administrators (Statutory): Waived

Attorney (Statutory): $11,443.85

Attorney (Extraordinary): $24,842.10 (reduced from $29,226.00 pursuant to Declaration filed 1-21-14, billing/ itemization provided for legal services in connection with the sale of the decedent's sole proprietorship, short sale of encumbered residential property, defense in civil actions)

Costs: $3,960.66 (filing fees, certified copies, Fed Ed for Letters of Special Administration, Publication, postage to mail notice of administration to 18 creditors, copies from Fresno Superior Court for litigated matters, fee to obtain a legal opinion regarding insurance coverage by Global Aerospace for litigated matter, mediation fees for litigated matter)

Closing: $1,000.00

Distribution pursuant to intestate succession is to:

Alisha Sacca: $53,587.87 plus a one half undivided interest in the vehicles

Gynifer L. De Aro: $53,587.87 plus a one half undivided interest in the vehicles

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: skc
Reviewed on: 2-19-14
Updates:
Recommendation:
File 5 – Cardwell

6 Maria Cardona, Carmelita Cardona & Pedro A. Sanchez (GUARD/P)

Case No. 13CEPR00354

ProPer Sanchez, Rosa (pro per – maternal aunt/guardian)
ProPer Benitez, Rosa (pro per – sister/Petitioner)
ProPer Gutierrez, Able (pro per – brother-in-law/Petitioner)

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

Carmelita, 16		
Pedro, 11		
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: 04/07/14

ROSA BENITEZ and **ABLE GUTIERREZ,** sister and brother-in-law, are Petitioners.

Father: **PEDRO CARDONA**
Mother: **CARMEN CHILDRESS**

Paternal grandfather: JESUS CARDONA
Paternal grandmother: AUGUSTA CARDENAS

Maternal grandfather: JESUS SANCHEZ
Maternal grandmother: ROSALINDA SANCHEZ

Petitioners state that Rosa Sanchez abandoned Carmelita Cardona in Tijuana with her father, Pedro Cardona, and left her birth certificate with a third party also in Tijuana, but not known to Carmelita or her father making it difficult for her to return to the United States. Petitioners were finally able to return Carmelita to Fresno on 01/28/14. The current guardian advised Petitioners that Carmelita was no longer welcome in her home. The current guardian has permitted Pedro to stay with Petitioners also pending the termination of the guardianship so that the siblings would not be separated.

NEEDS/PROBLEMS/COMMENTS:

This petition pertains to Carmelita and Pedro only. Maria is now 18.

Note: There is currently a guardianship in place. The current guardian, Rosa Sanchez, has filed a petition to terminate the guardianship of Carmelita Cardona. The Petition to terminate is set for hearing on 04/07/14.

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 & Waiver of Notice or Declaration of Due Diligence for:
   - Carmelita Sancez (minor)
   - Rosa Sanchez (current guardian)
   - Pedro Cardona (father)
   - Carmen Childress (mother)

Reviewed by: JF	
Reviewed on: 02/19/14	
Updates:	
Recommendation:	
File 6 – Cardona & Sanchez	

7 In Re: James O. Hamilton Living Trust Case No. 13CEPR00489

ProPer Thomas, Jamie Starr (pro per – beneficiary/Petitioner)(formerly represented by Christine James of Nevada City, CA)

Atty Sanoian, Joanne (for Gary Hamilton – Trustee/Respondent)

Verified Petition for Removal of Trustee, Accounting, Surcharge, and Approval of Attorney Fees

DOD: 03/13/11

Cont. from 071813, 091713, 102213, 120313, 012114

	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	

JAMIE STARR HAMILTON, beneficiary, is Petitioner.

Petitioner states:

1. She is an heir of James O. Hamilton ("Decedent") and a beneficiary of the JAMES O. HAMILTON LIVING TRUST (the "Trust"). Gary C. Hamilton ("Respondent") is the trustee of the Trust.
2. Decedent created the Trust on 04/16/03 and amended the Trust on 12/20/07. The Trust named Gary C. Hamilton as the successor trustee upon the death of James O. Hamilton.
3. The dispositive terms of the Trust set out in Article Five of the Trust as amended on 12/20/07 state in relevant part: "Upon the death of the settlor, $1.00 shall be paid to Gary K (sic) Hamilton and $1.00 shall be paid to Terry Lee Hamilton as they are already provided for elsewhere. The balance of the trust assets shall be divided into four (4) shares and allocated as follows: 25% to Wade Hamilton, 25% to Jamie Star Hamilton Thomas, 25% to Cynthia Ann Thomas, and 22% to Allen Richard Thomas. Each share of these beneficiaries shall remain in this trust until the particular beneficiary attains the age of 60 at which time the trustee shall distribute the share in 200 monthly installments. The monthly payments shall be $1,000 per month unless the trustee must adjust the amounts depending on the trust assets. It is anticipated that by the time the first beneficiary attains the age of 60, all assets of this trust will be liquid. *If the trust does not contain assets that are liquid, the trustee shall use his or her best efforts to liquidate those assets* (emphasis added)."

Continued on Page 2

NEEDS/PROBLEMS/COMMENTS:

<u>CONTINUED FROM 01/21/14</u>
Minute order from 01/21/14 states: Charles Magill is appearing specially for Attorney Gary Motsenbocker. Ms. James and Ms. Thomas are appearing via courtcall. Counsel request a continuance.

<u>Note:</u> Status Report filed 01/06/14 attaches a copy of the Court-ordered accounting. No Petition for settlement of the accounting was filed.

1. Need Order.

Reviewed by: JF

Reviewed on: 02/19/14

Updates:

Recommendation:

File 7 – Hamilton

4. Decedent died more than 2 years ago and Respondent has failed to liquidate the assets, make a single distribution to Petitioner or provide an accounting of the trust assets.
5. At the time of Decedent's death, Petitioner was over the age of 60 (DOB: 07/10/46) and entitled to immediate distributions. Despite several requests, no accounting or distributions have been made. Petitioner believes that there was a fair amount of cash in the Trust at the time of Decedent's death and income has been received since Decedent's death.
6. In addition to the failure to account and properly distribute trust assets, Respondent has failed to liquidate trust assets.
7. The most obvious breach of trust that requires immediate removal and surcharge, is the self-dealing and conflict of interest Respondent has with regard to money owed the Trust. A big reason Respondent has not liquidated the assets of the Trust is that several of the assets are promissory notes secured by deeds of trust on properties owned by Respondent. Respondent owes the Trust in excess of $400,000 for two separate promissory notes secured by deeds of trust on properties owned by Respondent.
8. Petitioner is informed and believes that Respondent is not and has not made payments to the Trust for the promissory notes.
9. Respondent has also failed to act impartially in violation of Probate Code § 16003. Wade Hamilton, who has just attained the age of distribution has been receiving monies from Respondent. Petitioner is informed and believes that Wade Hamilton has received monies from the Trust even before reaching the age of distribution for so called "management" of the Trust. Respondent is clearly favoring Wade Hamilton over the other beneficiaries and improperly delegating trustee duties.
10. Respondent has failed in every duty required by him and has acted in a self-serving manner since the death of the Decedent. These conflicts and breaches of trust require his immediate removal as trustee.
11. The Trust states that Wade Hamilton is next in line to serve as successor trustee and if he is unwilling or unable to serve that Petitioner would serve. Based on the collusion between Respondent and Wade Hamilton, Wade Hamilton should be barred from serving as trustee. Petitioner would decline to act in favor of a disinterested third party trustee and believes that a third party trustee is the only appropriate remedy to impartially and properly administer the Trust.
12. Respondent has failed to provide an annual accounting as required by Probate Code § 16062. The Trust does not waive the requirement of an accounting. Petitioner requests the Court order Respondent to file an accounting detailing his actions as trustee within 30 days.
13. Respondent is chargeable and responsible for the breaches, self-dealing, mismanagement and misconduct as trustee of the Trust and subject to surcharges. Respondent has breached his fiduciary duties in every way and therefore Petitioner requests the Court surcharge Respondent for his abuse of office, self-dealing, and failure to use ordinary care and diligence in managing the Trust estate in an amount no less than $50,000.
14. Petitioner believes that compensation in the amount of $3,000 is reasonable for her attorney's fees for this Petition plus filing fee in the amount of $435.

Petitioner requests that:

1. Respondent be removed as Trustee of the Trust and appoint an independent 3rd party as successor Trustee;
2. The Court order Respondent to file an accounting with the Court within 30 days detailing his actions as Trustee;
3. The Court surcharge Respondent in an amount deemed reasonable by this Court for his breaches of Trust
4. The Court authorize and direct the Trustee to pay Petitioner's attorney's fees and costs.

Continued on Page 3

Response of Gary Hamilton filed 07/12/13 admits and denies certain allegations in the Petition and states:

1. Respondent has only acted in good faith with respect to the Trust and his duties as Trustee. Respondent provided his version of an accounting in October 2012 with a document titled "Assets" that was sent via certified mail to each Trust beneficiary. In this document Respondent listed what he believes are the Trust assets. Respondent has not been contacted by any beneficirary about the accounting document. Currently Respondent is preparing a subsequent accounting which he will file with the Court and distribute to the beneficiaries. Respondent has been unable to make a distribution to Petitioner because there is not enough cash in the Trust to make beneficiary distributions. Currently there is $1,500.00 cash in the Trust. While Respondent has not liquidated any trust assets, this is not due to lack of effort on his part, as he has used his best efforts to liquidate Trust assets. Respondent has been attempting to sell certain Trust real property – 638.88 acres of farmland in Choctaw County, Oklahoma (the "Oklahoma Property") in order to make the distributions to the beneficiaries. This farmland is an original asset of the Trust and was appraised at $863,000 in May 2012. Respondent believes he has an Oklahoma buyer for the Oklahoma Property and is hopeful that the sale will take place within 45 to 60 days. Once this property is sold, Respondent will be able to make distributions to the beneficiaries.
2. Respondent purchased real property from Decedent and a $100,000.00 promissory note was executed. The real property is located in Tollhouse (the "Tollhouse Property") and is subject to a Deed of Trust dated 03/29/07. Pursuant to the terms of the Promissory Note, Respondent would pay Decedent $500.00 per month. Respondent is current with the payments and he has not missed one payment on the note. The other alleged Promissory Note was secured by a Deed of Trust dated 02/05/07 for approximately 20 acres of real property in Fresno (the "Fresno Property"). The Fresno Property is currently an asset of the Trust. Originally Respondent purchased the Fresno Property from Decedent but because Respondent was unable to make payments on the property, Respondent transferred the property back into the Trust. Respondent is currently seeking to sell the Fresno Property. Therefore Petitioners allegation that Respondent owes the Trust in excess of $400,000.00 is false. Respondent is making the mandatory payments on the Tollhouse Property and he has deeded the Fresno Property back to the Trust. Petitioner's allegations that Respondent's self-dealing and conflict of interest with money owed to the Trust are baseless.
3. Respondent admits the Joel Wade Hamilton is a Trust beneficiary, however, the money that Wade has received was primarily money Wade lent to Respondent to initially fund the Trust. Respondent denies any assertion that he has favored Wade over the other beneficiaries.
4. Respondent denies that he has failed in fulfilling his fiduciary duties as Trustee of the Trust and denies he has acted in a self-serving manner, he further denies that any of his actions with respect to the Trust warrant his removal as Trustee.
5. Neither Respondent nor Wade should be barred from serving as Trustee of the Trust. If anything, respondent and Wade have acted in only the best interest of the Trust, the Trust assets, and the beneficiaries. Respondent has been making true efforts to liquidate the Trust properties.
6. Respondent denies that he should be charged for Petitioner's attorney's fees and costs.

Respondent prays for an Order denying the Petition.

Petition to Instruct Trustee as to Distribution of Assets

Peter Tym
DOD: 2-23-13

Doris Tym
DOD: 4-2-09

	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	

CENTRAL CALIFORNIA CONFERENCE OF SEVENTH-DAY ADVENTISTS, Trustee, is Petitioner.

Petitioner states the Peter & Doris Tym 2000 Family Charitable Remainder Unitrust was created between Petitioner as trustee and Peter and Doris Tym as settlors or donors. The trust agreement provides as follows:

- Confirms donors' transfer of certain parcels of real property to the trustee
- Defines "unitrust percentage" to be the amount used to determine the "unitrust amount" and states the "unitrust percentage" shall be 6.18%
- States the "unitrust recipients" shall be Peter and Doris Tym and their children, Ardyth B. Price, Sharon M. Foley, and Bonnie Lea J. Corson
- States that at the end of the period described in Paragraph 6, the then-remaining principal and income of the trust shall be distributed free of trust to Petitioner
- States that commencing January 1 of the year after the parcels referred to in above are sold by the trustee, the "unitrust amount" shall be an amount equal to the "unitrust percentage" (6.18%) multiplied by the net fair market value of the trust assets value as of the first day of each calendar year, adjusted as otherwise provided for in the trust agreement (not applicable to this petition)
- States the trustee shall pay the "unitrust amount" each taxable year of the trust in monthly installments at the end of each month, and also states that the installments are to be paid to or applied for the benefit of the donors, or the survivor of them, during their lifetimes, and upon both of their deaths, these installments are to be paid in equal shares to or for the benefit of the unitrust recipients (the donors' daughters) living at the time of such distribution.

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: skc
Reviewed on: 2-20-14
Updates:
Recommendation:
File 8 – Tym

Petitioner states that by 10-3-2000, the trustee had completed the sales of real property and on 1-31-01 began paying the unitrust amount on a monthly basis to the donors until 3-31-09. Doris Tym died on 4-2-09. Thereafter, commencing 4-30-09, Petitioner paid the monthly installments to Peter Tym until 1-31-13. Peter Tym died on 2-23-13.

Petitioner states that in the meantime, in the first few months of 2010, after Doris' death, Les Palinka, Peter Tym's independent legal counsel (also nephew) contacted Petitioner's legal counsel Grant N. Mitchell by phone and informed him that Mr. Tym wished to have the entire corpus of the trust be distributed free of trust to Petitioner as the charitable beneficiary of the trust immediately upon his death, without any portion of the unitrust amount being paid to or for the benefit of his daughters. Mr. Palinka asked Mr. Mitchell if there was something Mr. Tym could do to carry out his wishes. Mr. Mitchell informed Mr. Palinka that he would review the document.

On or about 4-20-10, Mr. Mitchell contacted Mr. Palinka and informed him that pursuant to his review, it appeared that each donor reserved the right to revoke and terminate the interests of any other unitrust recipient in his or her one-half interest. If either donor exercised this testamentary power of revocation, then at that donor's death, that donor's one half interest in the unitrust amount was to be distributed to the remaining unitrust recipient, if any, whose interests were not revoked, and if none, to Petitioner, free of trust, as the charitable beneficiary. The trust also states that a donor who is a current income recipient retains the right to direct the trustee to distribute an undivided percentage of trust assets on the last day of any taxable year to qualified exempt organizations. Petitioner is and at all times has been a qualified exempt organization as defined in the trust.

Mr. Mitchell expressed his opinion that the term "an undivided percentage" included 100% and stated that he was not advising either Mr. Palinka or Mr. Tym to take either or both of these actions; he was only responding to the inquiry of options under the agreement.

About one year later, Mr. Tym executed a Last Will and Testament which revokes and terminates the interests of any and all other unitrust recipients set forth in the trust agreement, and states that Mr. Tym was specifically, intentionally, and knowingly directing that the trustee immediately distribute Mr. Tym's one half interest in the trust corpus to Petitioner.

Petitioner states the effect of the will was to require Petitioner as trustee to distribute Mr. Tym's one half interest in the trust corpus to Petitioner as the charitable beneficiary and to use the remaining trust corpus (Doris Tym's one half interest) to or for the benefit of Sharon M. Foley and Bonnie Lea J. Corson (Ardyth M. Price having previously died), and upon their deaths, to distribute the remaining trust principal to Petitioner as the charitable beneficiary.

SEE ADDITIONAL PAGES

On 5-9-11, Mr. Palinka asked Mr. Mitchell to prepare and send Mr. Palinka a form of instruction letter whereby Mr. Tym could direct Petitioner as trustee to distribute 100% of the remaining trust assets to Petitioner as the charitable beneficiary on the last day of any trust taxable year in which Mr. Tym's death occurred. On 6-23-11, Mr. Mitchell sent Mr. Palinka a form of instruction letter and expressly informed him that it was Petitioner's understanding that Mr. Palinka was acting as Mr. Tym's attorney and that Mr. Mitchell was not acting as Mr. Tym's attorney in that matter; that Mr. Mitchell made no representations whatsoever as to what tax or other effect Mr. Tym's execution of the instruction letter may or may not have, etc.

Mr. Palinka did prepare such an instruction letter and reviewed same with Mr. Tym on 8-8-11 regard to the potential consequences of executing it. Mr. Tym expressed his desire to execute the instruction letter and did so. Mr. Palinka advise Mr. Mitchell of these facts and that he was sending the instruction letter to Mr. Mitchell via US Mail, which Mr. Mitchell received 8-10-11.

The effect of the instruction letter was to require Petitioner as trustee on the December 31 following Peter Tym's death to distribute to Petitioner as charitable beneficiary of the trust and free of trust the remaining one half interest in the trust income and principal not covered by Peter Tym's exercise of his testamentary power of revocation in his will.

On 1-1-13, and continuing through the present time, the trust corpus has consisted entirely of cash, and on 1-1-13 the cash totaled $246,888.55. On or about that date, pursuant to the trust agreement, the trustee multiplied that amount by 6.18% (the unitrust percentage) to arrive at a figure of $15,257.71 (the unitrust amount), which divided by 12 determines the monthly installment of $1,271.48 paid to Peter Tym on 1-31-13.

Shortly after Mr. Tym's death on 2-23-13, and pursuant to the instructions in his will, Petitioner subtracted Mr. Tym's one half interest in the unitrust amount leaving a remaining unitrust amount monthly installment balance of $635.74 to be divided equally between the two surviving daughters for the remaining 11 months.

Although Mr. Tym's will directed Petitioner to distribute to itself Peter Tym's one half interest upon his death, Petitioner has not distributed any portion or income thereon pending instructions from this Court. Also, although Mr. Tym's instruction letter directed Petitioner to distribute to itself, as the charitable beneficiary of the trust and free of trust on 12-31-13 the remaining one half interest in the trust principal and income not affected by Mr. Tym's will, Petitioner has not made any distributions of that principal or income thereon pending instructions from this Court.

SEE ADDITIONAL PAGES

Petitioner requests instructions directing Petitioner as trustee on how to distribute the principal and income in the trust. It is Petitioner's belief that the Court should:

A. Make a finding that in calculating the monthly installment, as of 2-28-13, on the basis of one half of the trust corpus as valued on 1-1-13, and thereafter paying the sum of $3,496.57 to the two living daughters, that Petitioner acted properly as trustee and fulfilled its obligations to make distributions to the two living daughters; and

B. Instruct Petitioner that Petitioner as trustee should forthwith distribute free of trust the entire remaining trust estate to itself as the charitable beneficiary.

Petitioner prays for an order instructing the trustee with regard to the proper administration of the trust with respect to the matters alleged herein, for costs herein, and for such other orders as the Court may deem proper.

Memorandum of Points and Authorities also provided.

9 **John & Ada Watkins Revocable Trust 11/14/90 (Trust)** **Case No.14CEPR00024**

Atty **Helon, Marvin T. (for Ada Neill Dennie – Beneficiary – Petitioner)**

Atty **Watkins, Dollie (Pro Per – Beneficiary)**

Petition for Removal of Trustee, for Surcharge of Trustee, for Order Compelling Trustee to Account and for Damages for Financial Abuse of Dependent Adult

John Watkins DOD: 9-9-10	
Ada Watkins DOD: 11-11-10	
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	

ADA NEILL DENNIE, Beneficiary, is Petitioner.

Petitioner states John and Ada Watkins had four children: **Franklin Boone Watkins, Petitioner Ada Neill Dennie, Dollie Clark Watkins, and Arthur McClay Watkins.** Arthur McClay Watkins has acted as trustee of the trust since Ada's death.

Petitioner states the trust became distributable upon the death of the surviving settlor, with the exception of the share of Franklin Boone Watkins, a developmentally disabled adult, which is to be held in a special needs trust. Franklin Boone Watkins previously resided with the settlors, and has continued to reside in the home on W. Twain in Fresno. Since the death of the surviving settlor, Petitioner has overseen and provided care for Franklin Boone Watkins, and in June 2013, Petitioner moved into the home to reside with Franklin Boone Watkins and oversee his care.

On or about 11-16-13, trustee Arthur McClay Watkins was arrested in Santa Barbara County and charged with bank robbery and assault with a deadly weapon on a police officer in connection with an armed robbery of a Wells Fargo branch in Santa Maria. He remained incarcerated on the charges until late December 2013 when he posted bail and was released with the charges pending. Petitioner is informed and believes that the trustee Arthur McClay Watkins encumbered or otherwise used the residence on W. Twain to secure his bail and release from jail. Following his release, the trustee received an email (attached) acknowledging this fact, as well as that he has personally used and/or misappropriated essentially all remaining assets of the trust. Petitioner states these actions constitute breaches and are grounds for removal of Arthur McClay Watkins as trustee as requested in this petition.

Petitioner states although the trustee has not submitted an accounting, after obtaining and reviewing available records on the settlors' resources and trust assets, Petitioner is informed and believes that at the time Arthur McClay Watkins became trustee, the trust had assets including:

- Residence on W. Twain in Fresno
- Toyota Camry with a value of approx. $15,000.00
- Cash and other liquid assets of $802,000.00

Petitioner is informed and believes that the trustee took possession of the vehicle and used it as his own, and by reason of this misappropriation, each beneficiary has suffered a loss of $3,750.00.

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/ COMMENTS:

SEE PAGE 4

Note: Pursuant to Supplement filed 2-11-14, Arthur McClay Watkins died on 2-2-14.

Note: Dollie Watkins, in pro per, filed a Notice of Lis Pendens on 2-4-14.

Reviewed by: skc

Reviewed on: 2-20-14

Updates:

Recommendation:

File 9 – Watkins

Petitioner is informed and believes that following the surviving settlor's death, the trustee distributed $150,000.00 each to himself, Petitioner, and to Dollie Clark Watkins. Petitioner is informed and believes that the trustee spent approx. $32,000.00 on repair and maintenance of the residence, and disbursed $46,800.00 for Franklin Boone Watkins' care, leaving $273,200.00 of the approx. $802,000.00 of liquid assets described above unaccounted for and/or misappropriated and/or used for the personal uses and benefit of Arthur McClay Watkins.

Of the approx. $273,200.00, Petitioner believes $95,200.00 would be the share or amount due the Franklin Boone Wakins Special Needs Trust on account of the $150,000.00 distribution to the other beneficiaries, after deducting the $46,800.00 that was paid for Franklin Boone Watkins' benefit, and $8,000.00 (1/4 of the $32,000.00) spent on the trust real estate. The remaining $178,000.00 of the $273,200.00 is due the beneficiaries equally and $44,500.00 appears lost be each beneficiary.

Petitioner is informed and believes that the trustee's misappropriations have resulted in the following damage:

- Franklin Boone Watkins Special Needs Trust: $98,950.00* loss ($95,200.00 plus $3,750.00)
  **See Examiner's Note below.*

- Ada Neill Dennie: $48,250.00 loss ($44,500.00 plus $3,750.00)

- Dollie Clark Watkins: $48,250.00 loss ($44,500.00 plus $3,750.00)

[Examiner's Note: The calculation of the loss to the Franklin Boone Watkins Special Needs Trust does not appear to include its $44,500.00 share of the $178,000.00 remainder. Examiner calculates the loss to the SNT at $143,450.00. The $95,200.00 provides equalization for having received only $46,800 when other beneficiaries received $150,000.00 + $3,750.00 + $44,500.00 = $143,450.00).]

Petitioner states Arthur McClay Watkins should be surcharged for and ordered to pay the trust estate or beneficiaries with interest from the time he became trustee on the surviving settlor's death the foregoing sums, and the amount of any and all damage or loss shown by reason of his encumbering, pledging or transferring the trust's real property for his bail and/or personal debts.

Petitioner states that more than 60 days ago, Petitioner and the other beneficiaries requested that the trustee provide an accounting for his administration of the trust as trustee. Despite request and demand, he has failed to account or report. The trustee should be ordered to provide an accounting for his administration and should be surcharged for and ordered to pay the trust estate the amount and/or value of all losses and damages shown by the accounting in addition to those hereinbefore described, together with interest thereon.

Petitioner states the trustee should be immediately removed due to the breaches described herein, including misappropriation and misuse of trust assets. Petitioner is able and willing to serve as successor trustee and requests appointment as both successor trustee of the trust as well as successor trustee of the Franklin Boone Watkins Special Needs Trust.

Petitioner states beneficiary Franklin Boone Watkins is a dependent adult as defined by W&I Code §15610.23. The trustee was aware of this, and misused and abuse his position of trust and took and/or misappropriated property of Franklin Boone Watkins for his own personal benefit with an intent to defraud and deprive Franklin Boone Watkins of property left for his benefit and needs by the settlors, and the actions described were the result of recklessness, oppression, fraud, and/or malice. As a result, Arthur McClay Watkins is liable for damages under W&I Code §15657.5 as a result of such abuse, including attorneys fees, costs and punitive damages.

SEE ADDITIONAL PAGES

Petitioner prays for an order:

1. **Removing Arthur McClay Watkins as trustee and appointing Petitioner as Successor Trustee;**
2. **Directing Arthur McClay Watkins to prepare and file with this court within 60 days a full and complete accounting for his administration of the trust as trustee;**
3. **Surcharging Arthur McClay Watkins for and ordering that he pay to the trust, with interest, all losses and damage suffered by the trust including those set forth in this petition and any and all other improper expenditures and/or losses shown by an accounting;**
4. **Determining that Arthur McClay Watkins is liable for damages for financial abuse of a dependent adult including punitive damages and attorneys fees according to proof;**
5. **Awarding Petitioner attorneys' fees and costs as allowed by law; and**
6. **For such other and further orders as the Court deems proper.**

On 2-4-14, Beneficiary Dollie Watkins filed Notice of Lis Pendens. The notice indicates a pending action to determine the relative interests in property and to prevent the sale of the property until such time the estate is settled.

Examiner's Note: *It is unclear if the Notice of Lis Pendens is referring to the present action or a separate pending action. Fresno Superior Court records do not indicate any separate action; however, as the successor trustee resided in Arroyo Grande (San Luis Obispo County), the Court may require clarification as to whether there are any pending actions in other courts regarding administration of the trust.*

The present petition filed by Ada Neill Dennie does not seek to determine interests in the property or prevent the sale, as noted in the Notice of Lis Pendens. If Dollie Watkins wishes to request specific relief, such as an injunction on a sale, a response or petition for such should be filed in order for the Court to address such request. Dollie Watkins has not filed any objection to the present petition.

Examiner notes that the present petition before the Court appears to assume equal interests among the four beneficiaries of all assets for purposes of determining loss and surcharge against Arthur McClay Watkins. Therefore, the issue of the relative interests of the beneficiaries in property does not appear to be before the Court at this time.

Update: On 2-11-14, Petitioner filed Supplement to Petition to Remove Trustee and states:

1. **Arthur McClay Watkins passed away February 2, 2014.**
2. **After Petitioner filed her petition and prior to his death, Arthur McClay Watkins signed and set to Petitioner a resignation of trustee and designation of Petitioner as successor trustee (attached).**
3. **The trust does not name anyone to succeed Arthur McClay Watkins as trustee. Section 4.8.4. of the trust authorizes and grants an acting trustee the power and authority to designate a successor trustee.**

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS:

1. Successor Trustee Arthur McClay Watkins resided in Arroyo Grande, CA, which is San Luis Obispo County. The Court may require clarification regarding Fresno as the appropriate venue pursuant to Probate Code §17002.

2. Petitioner refers to trust section 4.8.4 as Arthur McClay Watkins' authority to designate her as successor trustee; however, section 4.7, regarding bond, together with section 4.8.4, appear to authorize appointment of an individual or corporate *professional fiduciary*, and requires bond for such appointment. The trust does not appear to contemplate appointment of a nonprofessional successor except at section 1.5.1, where majority vote of beneficiaries is necessary, and bond is not addressed.

   Therefore, it appears that Court appointment pursuant to petition (as filed) is necessary, and it appears that bond would be required pursuant to the trust and Probate Code §15602(a)(3).

   As such, the Court may require clarification regarding the present value of the trust assets, and anticipated recovery, in order to fix bond for Petitioner, if appointed.

3. The Court may require authority regarding the inclusion in the petition of damages for financial abuse of a dependent adult under W&I Code §15610.30 in this trust petition. A separate civil or other action may be appropriate when punitive damages are requested.

4. If this matter goes forward, amendment may be appropriate with regard to the death of the respondent and the relief requested herein.

10 Clifford Elias Gammel (Estate) **Case No. 14CEPR00040**

Atty Rinehart, Rusty (of Campbell, Ca. for Craig Gammel – Petitioner – Nephew)

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

DOD: 09/16/2013		
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	

CRAIG GAMMEL, nephew is petitioner and request appointment as Administrator with bond.

Receipt of Bond in the amount of $270,000.00 was filed 02/07/2014

Full IAEA - ?

Decedent died intestate

Residence: Kerman
Publication: The Kerman News

Estimated value of the Estate:

Personal property	-	$20,000.00
Real Property	-	$250,000.00
Total:	**-**	**$270,000.00**

Probate Referee: Steven Diebert

NEEDS/PROBLEMS/COMMENTS:

1. Need Confidential Supplement to Duties & Liabilities of Personal Representative.

2. Petitioner states he is the issue of decedent's deceased brother. Pursuant to Local Rule 7.1.1D all deceased heirs must be listed on #8 of the petition with their date of death.

3. #5a(3) or #5a(4) was not answered regarding a registered domestic partner.

4. #5a(7) or #5a(8) was not answered regarding issue of predeceased child.

Note: If the petition is granted status hearings will be set as follows:

- **Friday, 07/25/2014 at 9:00a.m. in Dept. 303** for the filing of the inventory and appraisal **and**

- **Friday, 04/24/2015 at 9:00a.m. in Dept. 303** for the filing of the first account and final distribution.

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.

Reviewed by: LV
Reviewed on: 02/20/2014
Updates:
Recommendation:
File 10 – Gammel

11 Patrick John Hendrix (Det Succ) **Case No. 14CEPR00049**

Atty Lyon, Robirda M

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

Age:			**NEEDS/PROBLEMS/COMMENTS:**
DOD:			**OFF CALENDAR** **Calendared in Error** **Will be heard on 02/26/14**
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:** 02/20/14
	UCCJEA		**Updates:**
	Citation		**Recommendation:**
	FTB Notice		**File 11 – Hendrix**

12 Joseph A. Meme (Estate) **Case No. 14CEPR00050**

Atty Wade, David D. (of Roseville, Ca. for Kenneth Meme – Petitioner – Son)

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

DOD: 08/11/2013			**KENNETH MEME,** son/named executor without bond, is petitioner.
			Full IAEA - ?
Cont. from			Will Dated: 12/01/1989
	Aff.Sub.Wit.	x	
✓	**Verified**		Residence: Fowler Publication: Need
	Inventory		
	PTC		**Estimated value of the Estate:**
	Not.Cred.		Personal property - $19,508.00 Real property - $180,000.00
✓	**Notice of Hrg**		**Total: - $199,508.00**
✓	**Aff.Mail**	w/	Probate Referee: Steven Diebert
	Aff.Pub.	x	
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	**Letters**		
✓	**Duties/Supp**		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

Continued to 03/25/2014 at the request of Attorney Wade

1. Need date of death of the deceased spouse pursuant to Local Rule 7.1.1D.
2. Need Affidavit of Publication.
3. Will is not self-proving. Need proof of subscribing witness.

Note: If the petition is granted status hearings will be set as follows:

- **Friday, 07/25/2014 at 9:00a.m. in Dept. 303** for the filing of the inventory and appraisal **and**
- **Friday, 04/24/2015 at 9:00a.m. in Dept. 303** for the filing of the first account and final distribution.

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.

Reviewed by: LV

Reviewed on: 02/20/2014

Updates: 02/24/2014

Recommendation:

File 12 – Meme

13 Rudy Orona (Estate) Case No. 11CEPR01072

Atty **Walters, Jennifer L. (for Jennie Orona – Executor)**

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

DOD: 1-11-10	**JENNIE ORONA**, Surviving Spouse, was appointed Executor with Full IAEA without bond and Letters issued on 5-10-12. At hearing on 5-3-12, the Court set this status date for filing of the first account or petition for final distribution. Inventory and Appraisal filed 7-31-12 indicated a total estate value of $201,155.61, which consisted of $11,372.16 cash, real property, stocks, and 50% interests in vehicles/boat, and misc. personal property. **Status Report filed 12-13-13 states** the stock issue has been resolved. The stock certificates were finally liquidated and the funds deposited into the estate account. They are in the middle of drafting the first and final account and request a 60 day continuance for further status of the filing of the petition. At hearing on 12-17-13, the matter was continued to 2-25-14.	**NEEDS/PROBLEMS/COMMENTS:** **<u>Continued from 7-15-13, 10-15-13, 12-14-13</u>** **<u>Note</u>: Decedent's will makes one specific bequest and then devises the residue between his wife and two daughters.** 1. **Need first account or petition for final distribution or verified written status report pursuant to Local Rules.**
		Reviewed by: skc
		Reviewed on: 2-19-14
		Updates:
		Recommendation:
		File 13 – Orona

Cont. from 071513, 101513, 121713		
	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	

14A In Re: The Bernice C. Kasabian Trust **Case No. 13CEPR00514**

Atty Teixeira, J. Stanley (for Jennifer Kapur – Petitioner)
Atty Roberts, Greg

Status Hearing Re: Distribution to Granddaughter's Trust

Bernice C. Kasabian DOD: 1-17-13		
Cont. from 012114		
	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	

JENNIFER KAPUR, Granddaughter and beneficiary, filed a Petition to Determine Existence of Trust on 6-12-13.

Order Determining Existence of Trust filed 7-30-13 orders that Dana T. Kahler provide a true and correct copy of the trust, including the operative amendments.

Note: Proposed language ordering Dana T. Kahler to account was stricken from the order.

Minute Order 7-30-13: Mr. Roberts requests a continuance to speak with Dana Kahler. The Court grants the petition and denies the request for an accounting finding that it is premature at this time. Matter is set for Status Hearing on 9/10/13. The Court orders Dana Kahler to be personally present at the next hearing. Dana Kahler is ordered to provide evidence of any notices the he has given and/or other actions he has taken as trustee. In addition, Dana Kahler is ordered to file all documents with this court and provide copies to Mr. Teixeira and Mr. Roberts. Set on 9/10/13 at 9:00am in Dept. 303 for Status Hearing. Petition is granted before Court Trial. Order signed.

A copy of the minute order was mailed to Attorneys Teixeira and Roberts and to Dana Kahler on 8-5-13.

NEEDS/PROBLEMS/COMMENTS:

Continued from 1-21-14

Minute Order 9-10-13: Mr. Roberts indicates that he will send out the notices to the beneficiaries and complete the administration.

Minute Order 10-8-13: Mr. Roberts is appearing via CourtCall. Mr. Teixeira informs the Court that one of the amendments was not signed. Continued to 11-5-13.

Minute Order 11-5-13: Mr. Roberts advises the Court that he has the checks for the twenty beneficiaries which will be distributed within a week at which time he can begin working on the accounting. Set on 1-21-14 for Status Re Distribution to Granddaughter's Trust and Status Re Accounting.

Minute Order 1-21-14: Mr. Roberts advises the Court that Mr. Kahler has been ill so the accounting has not been completed.

As of 2-19-14, nothing further has been filed.

Reviewed by: skc
Reviewed on: 2-19-14
Updates:
Recommendation:
File 14A – Kasabian

14B **In Re: The Bernice C. Kasabian Trust** **Case No. 13CEPR00514**

Atty **Teixeira, J. Stanley (for Jennifer Kapur – Petitioner)**
Atty **Roberts, Greg**

Status Hearing Re: Accounting

Bernice C. Kasabian DOD: 1-17-13	**JENNIFER KAPUR**, Granddaughter and beneficiary, filed a Petition to Determine Existence of Trust on 6-12-13. **Order Determining Existence of Trust** filed 7-30-13 orders that Dana T. Kahler provide a true and correct copy of the trust, including the operative amendments. *Note: Proposed language ordering Dana T. Kahler to account was stricken from the order.* **Minute Order 7-30-13:** Mr. Roberts requests a continuance to speak with Dana Kahler. The Court grants the petition and denies the request for an accounting finding that it is premature at this time. Matter is set for Status Hearing on 9/10/13. The Court orders Dana Kahler to be personally present at the next hearing. Dana Kahler is ordered to provide evidence of any notices the he has given and/or other actions he has taken as trustee. In addition, Dana Kahler is ordered to file all documents with this court and provide copies to Mr. Teixeira and Mr. Roberts. Set on 9/10/13 at 9:00am in Dept. 303 for Status Hearing. Petition is granted before Court Trial. Order signed. A copy of the minute order was mailed to Attorneys Teixeira and Roberts and to Dana Kahler on 8-5-13.	**NEEDS/PROBLEMS/COMMENTS:** **<u>Continued from 1-21-14</u>** **<u>Minute Order 9-10-13</u>: Mr. Roberts indicates that he will send out the notices to the beneficiaries and complete the administration.** **<u>Minute Order 10-8-13</u>: Mr. Roberts is appearing via CourtCall. Mr. Teixeira informs the Court that one of the amendments was not signed. Continued to 11-5-13.** **<u>Minute Order 11-5-13</u>: Mr. Roberts advises the Court that he has the checks for the twenty beneficiaries which will be distributed within a week at which time he can begin working on the accounting. Set on 1-21-14 for Status Re Distribution to Granddaughter's Trust and Status Re Accounting.** ***<u>As of 2-19-14, nothing further has been filed.</u>***
		Reviewed by: skc
		Reviewed on: 2-19-14
		Updates:
		Recommendation:
		File 14B – Kasabian

Cont. from 012114		
	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	

15 Mary Margaret Walsh (Estate) **Case No. 13CEPR00686**

Atty Neilson, Bruce A. (for John Joseph Walsh Jr. and David Walsh – Executors)

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 05/29/2013	**JOHN JOSEPH WALSH JR.,** nephew, and **DAVID WALSH,** nephew, were appointed Co-Executors with full IAEA authority without bond on 09/11/2013. Letters issued on 09/12/2013. Minute Order of 09/11/2013 set this matter for hearing.	**NEEDS/PROBLEMS/COMMENTS:** **Minute Order of 01/31/2014 states that there were no appearances. Bruce Neilson is ordered to be personally present on 02/25/2014 if Inventory and Appraisal is not filed.** **Copy of Minute Order mailed to Bruce Nielsen on 02/07/2014.** 1. Need Final Inventory and Appraisal or need current written status report pursuant to Local Rule 7.5 which states all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the status report shall be served on all necessary parties.
		Reviewed by: LV
		Reviewed on: 02/20/2014
		Updates:
		Recommendation:
		File 15 – Walsh

Cont. from 013114		
	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	

16 Joaquin Valdez and Santana Valdez (GUARD/P) Case No. 05CEPR01323

ProPer **Coronado, Leticia (pro per – sister/Petitioner)**

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

Joaquin, 17			**GENERAL HEARING: 04/15/14**
Santana, 14			**LETICIA CORONADO,** sister, is Petitioner.
			Father: **JESUS VALDEZ** - *deceased*
			Mother: **BARBARA REYES DIAZ** – *personally served on 02/20/14*
Cont. from			
	Aff.Sub.Wit.		Paternal grandparents: DECEASED
✓	**Verified**		
	Inventory		Maternal grandfather: DECEASED Maternal grandmother: BERTHA REYES
	PTC		
	Not.Cred.		
	Notice of Hrg	x	**Petitioner alleges** that the children's mother threw them out. The mother has mental health and drug problems. The children no longer wish to live with their mother.
	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		

NEEDS/PROBLEMS/COMMENTS:

1. 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 & Waiver of Notice or Declaration of Due Diligence for:
   a. Joaquin Valdez (minor)
   b. Santana (minor)

Reviewed by: JF

Reviewed on: 02/20/14

Updates: 02/21/14

Recommendation:

File 16 – Valdez

17 Maria Williams-Richardson and Xazavier Williams (GUARD/P)

Case No. 12CEPR00320

Atty Williams, Jasmine T. (pro per – mother/Petitioner)

Petition for Termination of Guardianship

Xazavier, 14			**JASMINE WILLIAMS,** mother, is Petitioner.
			GENICE WHITTLE, paternal grandmother, was appointed guardian on 06/11/12. – *Personally served on 11/18/13*
			Father: **DARRELL RICHARDSON**
Cont. from 100813, 102913, 121013			Paternal grandfather: UNKNOWN
	Aff.Sub.Wit.		Maternal grandfather: GEORGE WILLIAMS Maternal grandmother: DECEASED
✓	**Verified**		
	Inventory		**Petitioner requests** that the guardianship be terminated so that Xazavier can have a stable, loving home with her where he won't run away or be picked on.
	PTC		
	Not.Cred.		
	Notice of Hrg	x	
	Aff.Mail	x	**Court Investigator Dina Calvillo filed a report on 10/02/13.**
	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		

NEEDS/PROBLEMS/COMMENTS:

This Petition pertains to Xazavier only. Maria is now 18 years old.

<u>CONTINUED FROM 12/10/13</u>
Minute Order from 12/10/13 states: Ms. Williams is appearing via CourtCall. Father objects to the petition. Ms. Williams advises the Court that she is willing to move to Fresno to be reunited with her son. Ms. Williams is ordered to keep the court investigator abreast of the status of her move to Fresno. The Court orders that there be no physical touching of Xazavier by anyone that will result in harmful contact. Matter is continued to 02/25/14. The Court orders Xazavier Williams to be present at the next hearing.

As of 02/19/14, nothing further has been filed and the following notes remain:

1. Need *Notice of Hearing*.
2. Need proof of service by mail at least 15 days before the hearing of *Notice of Hearing* with a copy of the *Petition for Termination of Guardianship* <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for:
   - Darrell Richardson (father)
   - Paternal grandfather (unknown)
   - George Williams (maternal grandfather)
   - Maurice Richardson (sibling)

Reviewed by: JF

Reviewed on: 02/19/14

Updates:

Recommendation:

File 17 – Williams - Richardson

18 Troy Watkins, Jr. (Estate) **Case No. 12CEPR00556**

ProPer Watkins, James Ray (pro per – Executor/Petitioner)

Petition for Final Distribution on Waiver of Accounting

DOD: 12/03/11		
Cont. from		
	Aff.Sub.Wit.	
	Verified	x
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
	Notice of Hrg	n/a
	Aff.Mail	n/a
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	x
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	x

JAMES RAY WATKINS, Executor, is Petitioner.

Accounting is waived.

I & A - $60,500.00
POH - $60,500.00 (no cash)

Executor - waived

Distribution, pursuant to Decedent's will, is to:

James Ray Watkins - 100% of assets

NEEDS/PROBLEMS/COMMENTS:

1. The Petition is not verified.
2. The Petition does not address Notice required pursuant to Probate Code § 9202(b) and (c) – to the Victim's Compensation Board and Franchise Tax Board.

Reviewed by: JF

Reviewed on: 02/21/14

Updates:

Recommendation:

File 18 – Watkins

Dept. 303, 9:00 a.m. Tuesday, February 25, 2014

19 John Ware (GUARD/P) **Case No. 13CEPR00991**

Atty Haggerty, Mikiela (pro per – brother/Petitioner)

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

Age: 15			**NO TEMPORARY REQUESTED**
			MIKELA HAGGITY, sister, is Petitioner.
			Father: **JOHN WARE**
Cont. from 011414			Mother: **SYLVIA IRELAND**
	Aff.Sub.Wit.		Paternal grandfather: NOT LISTED Paternal grandmother: NOT LISTED
✓	**Verified**		
	Inventory		
	PTC		
	Not.Cred.		Maternal grandfather: NOT LISTED Maternal grandmother: BARBRA IRELAND
	Notice of Hrg	x	
	Aff.Mail	x	
	Aff.Pub.		Siblings: MONTRAIL YOUNG, CLAUDIA YOUNG, RONSHA GRAVES – *Consent & Waiver of Notice filed 12/18/13;* ALEXANDER HENRY, DAVID HENRY
	Sp.Ntc.		
	Pers.Serv.		
✓	**Conf. Screen**		**Petitioner alleges** that the minor needs a guardian. His mother cannot handle all of the responsibilities of parenting.
✓	**Letters**		
✓	**Duties/Supp**		
	Objections		
	Video Receipt		**Court Investigator JoAnn Morris filed a report on 02/10/14.**
✓	**CI Report**		
	9202		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
✓	**UCCJEA**		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

CONTINUED FROM 01/14/14

Minute order from 01/14/14 states: Ms. Haggerty is instructed to give the clerk's office her contact information.

As of 02/19/14, the following remains outstanding:

1. Need *Notice of Hearing.*
2. Need proof of service at least 15 days before the hearing of *Notice of Hearing* with a copy of the *Petition for Appointment of Guardian of the Person* or Consent & Waiver of Notice or Declaration of Due Diligence for:
   a. John Ware (father) – personal service required
   b. Sylvia Ireland (mother) – personal service required
   c. Paternal grandfather – service by mail sufficient
   d. Paternal grandmother – service by mail sufficient
   e. Maternal grandfather – service by mail sufficient
   f. Barbra Ireland (maternal grandmother) – service by mail sufficient

Reviewed by: JF

Reviewed on: 02/19/14

Updates:

Recommendation:

File 19 – Ware

Dept. 303, 9:00 a.m. Tuesday, February 25, 2014

20 John K Mitchell (Spousal) **Case No. 13CEPR00998**

Atty Mitchell, Carole L. (Pro Per –Spouse – Petitioner)

Amended Spousal or Domestic Partner Property Petition

DOD: 9-25-11				
			CAROLE L. MITCHELL, Spouse, is Petitioner.	**NEEDS/PROBLEMS/COMMENTS:**
			Petitioner states a petition for probate or for administration of the decedent's estate is being filed with this petition. See #12.	**1. The decedent's will devises personal property and effects to Petitioner, but devises the residue of the estate to a testamentary trust. Therefore, it appears this Spousal Property Petition may not be the appropriate vehicle to transfer the decedent's property.**
			Will dated 6-23-80 devises the estate to a testamentary trust.	**2. Petitioner states at #12 that a petition for probate is being filed concurrently with this petition. However, Court records do not indicate any such filing. Need clarification.**
	Aff.Sub.Wit.		Petitioner requests determination of property passing to the surviving spouse without administration; however, the petition does not attach a description at #7a with the legal description of the property to be determined as passing to Petitioner.	**3. Petitioner does not attach any property description pursuant to #7a for what is being requested to be determined as passing to her.**
	Verified			**4. Petitioner's signature on the petition is not dated.**
	Inventory			**<u>Note</u>: Petitioner previously filed a petition with an Inventory and Appraisal listing numerous parcels of real property (or portions thereof); however, this document is not appropriate for this type of petition and further is not referenced in the original petition or in the amended petition. *<u>If</u>* it is these parcels that Petitioner is requesting to pass, it now appears that, pursuant to the will, the property would to a testamentary trust, not to the surviving spouse.**
	PTC			***<u>Petitioner is strongly encouraged to seek legal advice from an attorney to proceed prior to any further court date or petition</u>*.**
	Not.Cred.			
	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			
	Aff. Posting			**Reviewed by:** skc
	Status Rpt			**Reviewed on:** 2-21-14
	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 20 – Mitchell**

21A Chenu Cha and Teng Cha (GUARD) **Case No. 13CEPR01013**

Atty Xiong, Lia (pro per Petitioner/paternal aunt)
Atty Cha, Cheng (pro per Petitioner/paternal cousin)

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

Chenu age: 13 yrs			**TEMPORARY EXPIRES 2/25/14**	**NEEDS/PROBLEMS/COMMENTS:**
Teng age: 12 yrs			**LIA XIONG,** paternal aunt and **CHENG CHA,** paternal cousin, are petitioners.	1. Petition does not state why a guardianship is necessary.
			Father: **TONY CHA** – deceased.	2. Need Notice of Hearing.
Cont. from 012114			Mother: **MAI MOUA CHA** – consents and waives notice and present in court on 1/21/14.	3. Need proof of service of the Notice of Hearing or Consent and Waiver of Notice or Declaration of Due Diligence for: a. Unknown maternal grandparents.
	Aff.Sub.Wit.		Paternal grandparents – deceased. Maternal grandparents – unknown	
✓	**Verified**		Petitioners do not allege any facts as to why a guardianship is necessary and convenient.	
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg	X		
	Aff.Mail	X		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
✓	**Conf. Screen**		**Court Investigator Jennifer Young's Report filed on 1/14/14**.	
✓	**Letters**			
✓	**Duties/Supp**			
	Objections			
	Video Receipt			
✓	**CI Report**			
	9202			
✓	**Order**			
	Aff. Posting			**Reviewed by: KT**
	Status Rpt			**Reviewed on: 2/19/14**
✓	**UCCJEA**			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 21A – Cha**

21A

Dept. 303, 9:00 a.m. Tuesday, February 25, 2014

21B Pahoua Cha, Gina Cha, Bee Cha, Achee Cha & Gao Nina Cha (GUARD)

Case No. **13CEPR01013**

Atty **Cha, Dee (pro per Petitioner/paternal cousin)**

Atty **Cha, Zoua (pro per Petitioner/paternal cousin)**

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

Pahoua age: 14

Gina age: 10

Bee age: 5

Achee age: 4

Gao age: 2

Cont. from 012114

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

Temporary Expires 2/25/14

DEE CHA, and **ZOUA CHA**, paternal cousins, are petitioners.

Father: **TONY CHA** – deceased.

Mother: **MAI MOUA CHA** – personally served on 11/24/13 and present in court on 1/21/14.

Paternal grandparents – deceased.
Maternal grandparents – unknown

Petitioners state the children need a structured environment and guidance. The children have been through a lot of trauma since their father's passing. They wish to get the kids into counseling.

Court Investigator Jennifer Young's Report filed on 1/14/14.

NEEDS/PROBLEMS/COMMENTS:

4. Need proof of service of the Notice of Hearing or Consent and Waiver of Notice or Declaration of Due Diligence for:
   a. Unknown maternal grandparents.

Reviewed by: KT

Reviewed on: 2/19/14

Updates:

Recommendation:

File 21B – Cha

Dept. 303, 9:00 a.m. Tuesday, February 25, 2014

21C Pahoua Cha, Gina Cha, Bee Cha, Achee Cha & Gao Nina Cha (GUARD)

Case No. **13CEPR01013**

Atty **Cha, Toua (pro per Petitioner/paternal uncle)**

Atty **Cha, Julie (pro per Petitioner/paternal cousin)**

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

Pahoua age: 14		
Gina age: 10		
Bee age: 5		
Achee age: 4		
Gao age: 2		
Cont. from 012114		
	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	
✓	**CI Report**	
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
✓	**UCCJEA**	
	Citation	
	FTB Notice	

TOUA CHA, paternal uncle and **JULIE CHA,** paternal cousin, are petitioners.

Father: **TONY CHA** – deceased.

Mother: **MAI MOUA CHA** – present in court on 1/21/14.

Paternal grandparents – deceased.
Maternal grandparents – unknown

Petitioners state the children need a structured environment and guidance. The children have been through a lot of trauma since their father's passing. They wish to get the kids into counseling.

Court Investigator Jennifer Young's Report filed on 1/14/14.

NEEDS/PROBLEMS/COMMENTS:

5. Need proof of service of the Notice of Hearing or Consent and Waiver of Notice or Declaration of Due Diligence for:
   b. Unknown maternal grandparents.

Reviewed by: KT

Reviewed on: 2/19/14

Updates:

Recommendation:

File 21C – Cha

Dept. 303, 9:00 a.m. Tuesday, February 25, 2014

22 **Faith Hannah Rose Garcia Tello (GUARD/P)** **Case No. 13CEPR01015**

Atty **Tello, Nellie Rodriguez (Pro Per – Petitioner – Paternal Grandmother)**

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

Age: 3 months			**NO TEMPORARY REQUESTED**	**NEEDS/PROBLEMS/COMMENTS:**
			NELLIE RODRIGUEZ TELLO, paternal grandmother, is petitioner.	
			Father: **ROBERT A. TELLO**, consents and waives notice	
Cont. from 012114			Mother: **ELISA M. GARCIA,** consents and waives notice	
	Aff.Sub.Wit.		Paternal Grandfather: Abel Tello, Sr., served by mail on 01/24/2014	
✓	**Verified**		Maternal Grandfather: Roque Garcia, personally served on 12/03/2013	
	Inventory		Maternal Grandmother: Gracie Camarillo, personally served on 12/03/2013	
	PTC		**Petitioner states:** both parents are underage and need to get an education and get a job in order to support the child. Petitioner states that she will be supporting and caring for the child until both parents finish school and are able to support the child financially.	
	Not.Cred.		**Court Investigator Samantha D. Henson's report filed 01/14/2014.**	
✓	**Notice of Hrg**			
✓	**Aff.Mail**	w/		
	Aff.Pub.			
	Sp.Ntc.			
✓	**Pers.Serv.**	w/		
✓	**Conf. Screen**			
✓	**Letters**			
✓	**Duties/Supp**			
	Objections			
	Video Receipt			
✓	**CI Report**			
	9202			
✓	**Order**			
	Aff. Posting			**Reviewed by:** LV
	Status Rpt			**Reviewed on:** 02/20/2014
✓	**UCCJEA**			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 22 – Tello**

Dept. 303, 9:00 a.m. Tuesday, February 25, 2014

23A Justin James Cole (GUARD/P) **Case No. 14CEPR00119**

Atty Holden, Serenity (Pro Per – Petitioner – Maternal Aunt)

Atty Lopez, Amy L. (for Seraphino Lopez – Maternal Grandfather)

Petition for Appointment of Temporary Guardianship of the Person

Age: 6		
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	

TEMPORARY EXPIRES 02/25/2014

GENERAL HEARING 04/15/2014

SERENITY HOLDEN, maternal aunt, is petitioner.

Father: **RYAN COLE**, Declaration of Due Diligence filed 02/11/2014

Mother: **SARAH COLE,** Deceased

Paternal Grandparents: Not Listed

Maternal Grandfather: Seraphino Lopez
Maternal Grandmother: Deceased

Petitioner states: mother just died and father's absent and unable to care for the child. He has required supervised visits and restraining orders in the past and was last known to be homeless. Petitioner states that she can provide a very loving, stable and permanent home for the child.

NEEDS/PROBLEMS/COMMENTS:

Page 23B is the Temporary Petition for Guardianship filed by Seraphino Lopez, maternal grandfather.

1. Need Notice of Hearing.

2. Need proof of personal service five (5) court days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:
   - Ryan Cole (Father) – Unless the Court dispenses with notice.

Reviewed by: LV
Reviewed on: 02/21/2014
Updates:
Recommendation:
File 23A – Cole

Dept. 303, 9:00 a.m. Tuesday, February 25, 2014

23B Justin James Cole (GUARD/P) **Case No. 14CEPR00119**

Atty Holden, Serenity (Pro Per – Maternal Aunt)

Atty Lopez, Amy L. (for Seraphino Lopez – Petitioner -Maternal Grandfather)

Petition for Appointment of Temporary Guardianship of the Person

Age: 6		
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 04/15/2014

SERAPHINO LOPEZ, maternal grandfather, is petitioner.

Father: **RYAN COLE**, Consents and Waives Notice

Mother: **SARAH COLE,** Deceased

Paternal Grandfather: Daniel Cole
Paternal Grandmother: Carrie Cole

Maternal Grandmother: Leona Renee Lopez

Petitioner states: the child has been residing with him and his wife since the passing of the child's mother on 02/09/2014. Since 2009 Justin has resided a ½ mile from petitioner's home, he has been very close with his grandson. Petitioner states that he will make sure that the child will have frequent and continuing contact with his father and extended family and shall remain in his current school. Petitioner states that the child is grieving for the loss of his mother and it is his belief that the child does not need a lot of changes in his life. Petitioner can provide for the child's daily needs. Prior to the mother's passing she expressed that her son reside with petitioner. Petitioner wants the child's life to remain as much the same as it was prior the mother's death.

NEEDS/PROBLEMS/COMMENTS:

3. Need Notice of Hearing.

4. Need proof of personal service five (5) court days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:
   - Serenity Holden (Guardian)

Reviewed by: LV

Reviewed on: 02/21/2014

Updates:

Recommendation:

File 23B – Cole

Dept. 303, 9:00 a.m. Tuesday, February 25, 2014

Pro Per **Juarez, Debra T. (Pro Per Petitioner, maternal grandmother)**

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

Brooklynn Age: 3 yrs		
Rafael Age: 2 yrs		
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 set for 4/14/2014

DEBRA T. JUAREZ, maternal grandmother, is Petitioner.

Father: **SHAUN ESPINOSA**
Mother: **LETICIA JUAREZ**

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

Petitioner states she has had primary care of the children since they were born, and her home is the only stable environment they know. Petitioner states there is an urgent need for temporary guardianship because the mother has begun to make threats that she could and would take the children from Petitioner's home if and when she so chooses. Petitioner states the mother is a known drug addict and has limited contact with the children, and comes to Petitioner's home maybe twice a week but leaves the children in Petitioner's care. *[Statements on Attachment 7 to the Petition are omitted based upon their inconsistency with other filed documents.]* Petitioner states the father has only recently been released from prison and he does not see the children on a regular basis, nor has he provided for them in any capacity for at least 2 years.

NEEDS/PROBLEMS/COMMENTS:

Note: *Attachment 7* to the *Petition* contains statements that are inconsistent with the other filed pleadings, such as listing a different name for the child (Katia), and stating that Petitioner has had care of the children for more than 6 years, though the oldest child subject to this guardianship is only 3 years old.

1. Need proof of five (5) court days' notice by personal service of the *Notice of Hearing* with a copy of the *Petition for Appointment of Temporary Guardian*, or *Consent to Appointment of Guardian and Waiver of Notice*, or a *Declaration of Due Diligence*, for:
   - Leticia Juarez, mother;
   - Shaun Espinosa, father.

2. *Child Information Attachment* for each child does not list the paternal grandparents or maternal grandfather. These persons will need to be served with notice of the general hearing, or due diligence to locate them will need to be shown on a declaration of due diligence filed by Petitioner for the general hearing on 4/14/2014.

Reviewed by: LEG
Reviewed on: 2/21/14
Updates:
Recommendation:
File 24 – Espinosa