ATTENTION

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

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

Thank you for your patience.

Dept. 303, 9:00 a.m. Tuesday, February 28, 2012

1A Juventino Banda-Nieto (Estate) Case No. 05CEPR00806

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

Hearing on the Accounting

DOD: 5/14/2004		
Cont. from		
	Aff.Sub.Wit.	
	Verified	
	Inventory	
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	Notice of Hrg	
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	Video Receipt	
	CI Report	
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	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

ALFREDO BANDA ARRIAGA and REMEDIOS NIETO RODRIGUEZ, parents, were initially to be distributed by *Order Settling First and Final Account and Report of Administrator and Allowing Ordinary Commissions and Fees and for Distribution* which was signed and filed on 3/12/2007 from the Decedent's estate in the amount of **$189,958.21** at 50% to each.

MARIA LUISA SANCHEZ, purported spouse, was subsequently distributed the Decedent's estate by *Minute Order* dated 11/5/2007 from the *Motion/Petition for Reconsideration of First and Final Account*, which states the Court confirms that it has previously granted the [*Motion for Reconsideration*] on 10/12/2007 [which found that Ms. Sanchez' *Motion/Petition for Reconsideration of First and Final Account* ought to be granted, and that the *Order on First and Final Account…and for Distribution* is revoked], and specifically made a finding that the Mexico decree is the valid one. The Court approved a preliminary distribution to Ms. Sanchez in the amount of **$103,000.00**. *Receipt on Distribution* for this sum was filed on 12/12/2007.

~Please see additional page~

NEEDS/PROBLEMS/COMMENTS:

Continued to 3/15/12 at the request of the attorney.

Page 1B is the *Motion to Have Admissions Deemed Admitted and for Monetary Sanctions* filed by the Petitioners.

Note: *Minute Order* dated 1/10/2012 from the status hearing on the accounting states the Court is advised that a resolution has been reached on the accounting. Mr. Fanucchi informs the Court that the amount of funds transferred from the Perez Firm to the Public Administrator's Office is the correct amount. Ms. Kruthers informs the Court that they are prepared to do the accounting. The Court sets the hearing on the Accounting for 2/28/2012. The Clerk's Office is notified that the hearing date on the accounting is to be on 2/28/2012. If the accounting is filed by 2/28/2012, the matter will be taken off calendar.

1. Need second and final account.

Reviewed by: LEG	
Reviewed on: 2/17/12	
Updates:	
Recommendation:	
File 1A – Banda-Nieto	

Dept. 303, 9:00 a.m. Tuesday, February 28, 2012

Background:

- ***Minute Order* dated 11/5/2007 from the hearing on the *Petition for Reconsideration*** set the matter on 2/11/2008 for *Status Re: Accounting records from Mr. Perez* (which was continued to 3/3/2008, then to 6/2/2008.)
- ***Minute Order* dated 6/2/2008 from the hearing on the *Status Re: Accounting records from Mr. Perez*** states Attorney Fanucchi requests to be appointed attorney to pursue the matter against Mr. Perez; matter set for status on 6/30/2008, which was moved to 6/23/2008 by *Order Granting [Attorney Fanucchi's] Ex Parte Petition to Move Status Hearing to June 23, 2008*.
- ***Minute Order* dated 6/23/2008 from the *Status Re: Accounting records from Mr. Perez* states** Public Administrator will remain [as Administrator], and continued the matter to 8/25/2008; *Minute Order* dated 8/25/2008 from the *Status Re: Accounting records from Mr. Perez* states Attorney [Holley] Perez represents to the Court that she is having ongoing discussions with Mr. Fanucchi and feels the status hearing could come off calendar. No appearance by Attorney Fanucchi or status report filed, the Court will take the matter off calendar. *[Note: The Court did not set any further status hearings on the accounting records since the 8/25/2008 hearing.]*
- **PUBLIC ADMINISTRATOR filed on 12/31/2008 a *Final Report of Administrator*** *and Petition for Allowance of Extraordinary Fees and Payment of All Outstanding Commissions and Fees and for Final Distribution*, with hearing set for 2/9/2009; *Ex Parte Petition to Move Final Report of Administrator* was filed by Attorney Fanucchi on 1/21/2009 stating he had a schedule conflict and because of the serious matters in this case and he is the attorney most familiar pertaining to an accounting from Attorney Perez, he needs to be present at the hearing on the final report of the administrator. *Order Granting Ex Parte Petition to Move Final Report of Administrator* was signed 1/27/2009 and the matter was moved to 3/9/2009. *Minute Order* dated 3/9/2009 on the *Final Report of Administrator* continued the matter to 4/13/2009.
- ***Minute Order* dated 4/13/2009** on the *Final Report of Administrator and Petition for Allowance of Extraordinary Fees and Payment of All Outstanding Commissions and Fees and for Final Distribution* shows the petition was denied and dismissed without prejudice.
- **Following the dismissal dated 4/13/2009, Court records show the next pleading requesting an order for relief filed in this matter** is the *Petition to Vacate, Void, Strike and Revoke Any and All Prior Orders Adverse to Petitioners After the March 12, 2007 Order of Distribution, etc.,* filed on 8/17/2010 by Attorney Alabart on behalf of the Decedent's parents.
- ***Minute Order* dated 8/30/2011** states Ms. Kruthers advises the Court that there is about **$70,000.00** that is questionable. The Court directs Ms. Kruthers to prepare an accounting absent a distribution. *(Please refer to Second Additional page for account information.)*
- ***Declaration of Heather H. Kruthers Regarding Accounting by the Public Administrator* filed on 10/5/2011 states:** She is the attorney responsible for the handling of this matter for all purposes, including preparation of an account as ordered by the Court at the hearing on 8/30/2011; since this is not a final account nor a request for distribution, this declaration serves to provide the accounting schedules *(attached as Exhibit A)* showing receipts and distributions during the Public Administrator's administration of this estate. (Note: *Proof of Service* attached to the *Declaration of Heather H. Kruthers* filed 0/5/2011 shows a copy of the *Declaration* was mailed to Attorney Javier Alabart, Attorney Edward Fanucchi, and Attorney Holley Perez on 10/4/2011.)
- **Minute Order dated 11/16/2011** from the last status hearing on the accounting states Mr. Fanucchi advises the Court that an offer was made to Mr. Alabart some time ago, but there hasn't been a response. Matter continued to 1/10/2012 at 10:30 a.m.

~Please see additional page~

Information contained on *Exhibit A*, from the Public Administrator's *First Account*:

Account period: 9/23/2005 – 8/31/2011

Accounting	-	**$214,752.49**
Beginning POH	-	**$203,823.43** (*per Final Inventory & Appraisal filed on 9/13/2006*)
Ending POH	-	**$109,195.36** (*all cash*)

Note: Schedule entitled *Changes in Assets During the Account Period* identifies the following:

- **Two accounts that were closed per Court order (no dates indicated);**
- **The opening and closing of pooled certificate of deposit accounts at approximately 6-month to 2-year intervals on various dates at different banks; and**
- **A United Security Bank account that was closed by Robert Perez, former Trustee (no date indicated.)**

***Schedule A, Receipts* includes interest earned from the banks that hold Decedent's pooled certificates of deposit, but does not include any interest earned from the United Security Bank account, which may reflect that the account was closed prior to the Public Administrator's *First Account* period. *Final Inventory & Appraisal* filed on 9/13/2006 by the Public Administrator indicates a sum of $106,200.59 was deposited in the United Security Bank account as of the date of Decedent's death (5/14/2004), and this sum is included in the beginning property on hand of this *First Account*.**

1B Juventino Banda-Nieto (Estate) **Case No. 05CEPR00806**

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

Notice of Motion and Motion to Have Admissions Deemed Admitted and for Monetary Sanctions

DOD: 5/14/2004		
Cont. from		
	Aff.Sub.Wit.	
	Verified	
	Inventory	
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✓	Aff.Mail	
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	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

ALFREDO BANDA ARRIAGA and REMEDIOS NIETO RODRIGUEZ, parents and Petitioners, filed a *Motion to Have Admissions Deemed Admitted and for Monetary Sanctions* on 1/20/2012.

Declaration of Javier A. Alabart in Support of Motion to Have Admissions Deemed Admitted and for Attorney's Fees and Costs was filed on 1/20/2012.

Memorandum of Points and Authorities in Support of Motion to Have Admissions Deemed Admitted and for Monetary Sanctions was filed on 1/20/2012.

NEEDS/PROBLEMS/COMMENTS:

Continued to 3/15/12 at the request of the attorney.

<u>Note</u>: Case files are with Research Attorney. Examiner prepared these brief outline notes from Court records of filed documents as of 2/17/2012.

Reviewed by: LEG
Reviewed on: 2/17/12
Updates:
Recommendation:
File 1B – Banda-Nieto

1B

Dept. 303, 9:00 a.m. Tuesday, February 28, 2012

2 Marie Davis (CONS/E) **Case No. 09CEPR00029**

Atty Smith, Jane T. (for the Petitioner/conservator Public Guardian)

(1) Second and Final Account and Report of Conservator and (2) Petition for Allowance of Compensation to Conservator and Attorney and (3) for Termination of Conservatorship

Age: 78 years		
DOB: 12/31/1933		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
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	Not.Cred.	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	W/
	Aff.Pub.	
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	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: 4/10/10 – 12/6/11

Accounting - **$19,921.05**
Beginning POH - **$ 1,068.15**
Ending POH - **$ 1,046.42**

Conservator - **$746.80**
(3.90 Deputy hours @ $96/hr and 4.90 Staff hours @ $76/hr)

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

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 requests termination of the conservatorship of the estate because it is no longer necessary due to depletion of assets. Further, the conservatees LPS conservatorship of the person was terminated on 8/4/11, based on an offer of third party assistance from the conservatee's son, George Neal.

Petitioner prays for an Order:

1. Approving, allowing and settling the second and final account;
2. Authorizing the conservator and attorney fees and commissions;
3. 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: 2/17/12
Updates:
Recommendation:
File 2 - Davis

Dept. 303, 9:00 a.m. Tuesday, February 28, 2012

3 **Anita P. Newman (CONS/PE)** **Case No. 09CEPR00488**

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

(1) First Account Current and Report of Conservator and (2) Petition for Allowance of Compensation to Conservator and Attorney and for (3) Dispensation of Further Accounts (Prob. C. 2620, 2623, 2628, 2630, 2942)

Age: 79 years
DOB: 5/16/1932

Cont. from

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✓	Verified	
	Inventory	
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	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

PUBLIC GUARDIAN, Conservator, is petitioner.

Account period: 8/20/10 – 8/24/11

Accounting - **$19,231.28**
Beginning POH - **$0**
Ending POH - **$ 4,827.96**

Conservator - **$3,190.00**
(27.45 Deputy hours @ $96/hr and 7.30 Staff hours @ $76/hr)

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

Bond fee - **$25.00** (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 states that the conservatorship estates meets the requirements of Probate Code § 2628(b) to dispenses with further accountings. Petitioner requests that the court dispense with further accountings as long as conservatorship estate continues to meet the requirements of Probate Code §2628(b).

Petitioner prays for an Order:

1. Approving, allowing and settling the first account;
2. Authorizing the conservator and attorney fees and commissions;
3. Payment of the bond fee;
4. Authorize petitioner to impose a lien on the estate for any unpaid balances of authorized fees and commissions;
5. Dispensing with further accountings as long as the conservatorship estate continues to meet the requirements of Probate Code §2628(b).

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: KT
Reviewed on: 2/17/12
Updates:
Recommendation:
File 3 - Newman

Dept. 303, 9:00 a.m. Tuesday, February 28, 2012

5 Fermin Garcia (CONS/PE) **Case No. 11CEPR00072**

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

(1) First Account Current and Report of Conservator and (2) Petition for Allowance of Compensation to Conservator and Attorney and (3) Dispensation of Further Accounts

Age: 91 years		
DOB: 8/20/1920		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	
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	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: 3/15/11 – 12/20/11

Accounting - **$13,032.39**
Beginning POH - **$ 500.00**
Ending POH - **$ 8,515.49**

Conservator - **$4,079.20**
(36.95 Deputy hours @ $96/hr and 7.00 Staff hours @ $76/hr)

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

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 states that the conservatorship estates meets the requirements of Probate Code § 2628(b) to dispenses with further accountings. Petitioner requests that the court dispense with further accountings as long as conservatorship estate continues to meet the requirements of Probate Code §2628(b).

Petitioner prays for an Order:

6. Approving, allowing and settling the first account;
7. Authorizing the conservator and attorney fees and commissions;
8. Authorize petitioner to impose a lien on the estate for any unpaid balances of authorized fees and commissions;
9. Dispensing with further accountings as long as the conservatorship continued to meet the requirements of Probate Code §2628(b).

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: KT

Reviewed on: 2/17/12

Updates:

Recommendation:

File 5 – Garcia

Dept. 303, 9:00 a.m. Tuesday, February 28, 2012

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

Atty **Keeler, William J. (for Roberto Garcia – beneficiary/Petitioner)**

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 [Prob. C. §§ 850, 15642, 16064, 17200(b)]

DOD: 06/29/11		
Cont. from 01/10/12		
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✓	**Verified**	
	Inventory	
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✓	**Notice of Hrg**	
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	Video Receipt	
	CI Report	
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✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

ROBERTO GARCIA, Trust Beneficiary, is Petitioner.

Petitioner states:

1. Decedent created the Jeri L. Shubin 2007 Trust (the "Trust") and a pour-over Will on August 23, 2007;
2. Decedent amended the Trust on July 1, 2009 (the "First Amendment");
3. Decedent amended the Trust a second time on December 15, 2009 (the "Second Amendment");
4. Decedent amended the Trust a third and final time on December 13, 2010;
5. Decedent died on June 29, 2011, at which time the Trust became irrevocable;
6. Petitioner is a named beneficiary of the Trust and also was nominated as second successor trustee in the Third Amendment to the Trust;
7. Petitioner states that Evelyn Lauderdale is the current acting trustee;
8. Petitioner states that Evelyn Lauderdale is a contingent beneficiary only, in that she succeeds to the personal property of the Trust only in the event the decedent did not leave a letter of instructions governing the distribution of such property;
9. Petitioner states that Evelyn Lauderdale was present when decedent discussed her estate planning with her attorney as was aware that she was solely a contingent beneficiary and successor trustee of the Trust;
10. Petitioner states that Evelyn Lauderdale was a co-owner of a Chase bank account with the decedent due to the decedent needing assistance in paying bills as her health declined;
11. Petitioner states that decedent owned investment accounts with Merrill Lynch, John Hancock, and Wells Fargo Financial either individually or in her capacity as trustee of the Trust and Petitioner understands that certain individuals, including the Petitioner, were pay-on-death beneficiaries of one of more of these accounts;
12. Petitioner states that Evelyn Lauderdale was not an authorized signer on any of these accounts;

See Page 2 for more information

NEEDS/PROBLEMS/COMMENTS:

CONTINUED FROM 01/10/12

Notes:
Consent of Bruce Bickel to serve as neutral third party trustee was filed on 02/01/12.

A Petition for Preliminary Distribution and Injunction filed by Roberto Garcia is set for hearing on 03/13/12.

Reviewed by: JF	
Reviewed on: 02/17/12	
Updates:	
Recommendation:	
File 6 - Shubin	

13. Petitioner states that in or around May 2011, while the decedent was in the hospital, Evelyn Lauderdale went to Merrill Lynch, John Hancock, and Wells Fargo Financial, and using a durable power of attorney signed by decedent, transferred between $150,000.00 - $250,000.00 from the decedent's investment accounts into the Chase account she co-owned with the decedent;
14. Petitioner states that the decedent did not know about and did not authorize Ms. Lauderdale to make such transfers;
15. Petitioner states that upon the decedent's death, the funds in the Chase account reverted to Ms. Lauderdale by operation of law;
16. Petitioner states that after decedent's death, Ms. Lauderdale closed the Chase account without any accountings having been given to the decedent before her death or to any other person with an interest in the funds, including the Petitioner or other pay-on-death beneficiaries of the investment accounts;
17. Petitioner states that he does not know what happened to the funds that were in the Chase account when Ms. Lauderdale closed the account;
18. Petitioner states that Ms. Lauderdale's removal of the funds from the decedent's accounts, without the decedent's knowledge or consent, constituted fraud on the decedent and on the intended beneficiaries of the accounts, including the beneficiaries of the Trust;
19. Petitioner states that as a result of her wrongful conduct, Ms. Lauderdale has breached her duties as successor trustee of the Trust and holds funds removed from the investment accounts;
20. Petitioner states that Ms. Lauderdale should be removed as trustee of the Trust and should be made to account and report for the funds she took from decedent's investment accounts and for her administration of the Trust estate;
21. Petitioner further states that Ms. Lauderdale, as successor trustee of the Trust, has a fiduciary duty to administer the Trust according to the Trust Instrument and applicable law, keep trust property separate from other property not subject to the Trust and see that the Trust property is designated as property of the Trust;
22. Further, Petitioner states that the Ms. Lauderdale, as successor trustee of the Trust, has a duty to keep the beneficiaries of the Trust reasonably informed of the Trust and its administration;
23. Petitioner alleges that Ms. Lauderdale has taken possession of Trust property and titled it in her own name individually. This property includes, but is not limited to, the funds taken from decedent's investment accounts;
24. Petitioner alleges that Ms. Lauderdale intentionally chose to act to her own benefit instead of to the benefit of the beneficiaries of the Trust, all contrary to her duties and responsibilities as successor trustee;
25. Petitioner also states that Ms. Lauderdale, in her capacity as successor trustee, has intentionally sought to harm Petitioner's interest as a beneficiary of the Trust by bringing a trust contest in the unlimited civil department of Fresno Superior Court (Case No. 11CECG02841), by failing to fully disclose in her pleadings the amendments to the Trust, which grant property to the Petitioner, by failing to disclose the existence of certificates of independent review related to the amendments to the Trust which grant property to the Petitioner, by failing to object to the amendments during the decedent's lifetime despite having been present at the time of their creation, and by seeking a temporary restraining order and preliminary injunction against Petitioner enjoining him from accessing the trailer without filing an unlawful detainer action and without disclosing Petitioner's entitlement to that property under the amendments to the Trust;

26. Petitioner alleges that by her actions, Ms. Lauderdale has intentionally and willfully breached her fiduciary duties to the beneficiaries of the Trust, including Petitioner, thereby causing damage to the Petitioner and the other Trust beneficiaries;

Petitioner requests an Order:

1. Immediately removing Ms. Lauderdale as trustee of the Trust;
2. Appointing a neutral third-party as successor trustee;
3. Directing Ms. Lauderdale to prepare and file an account and report of her administration of the Trust for the period of May 1, 2011 up to and including her removal as successor trustee of the Trust, and set the account and report for hearing upon proper notice;
4. Directing Ms. Lauderdale to turn over to the successor trustee all assets in her possession or control removed from decedent's investment accounts, as well as any other assets properly belonging to the Trust;
5. Surcharging Ms. Lauderdale according to proof;
6. For damages according to proof;
7. For punitive damages in an amount warranted by Ms. Lauderdale's intentional and willful breach of her fiduciary duties;
8. For any other relief the Court deems just and proper.

Evelyn Lauderdale's Opposition to Petition to Remove Trustee and for Appointment of a Successor Trustee; For Surcharge of Trustee; For Order Directing Trustee to Return Trust Property to Trust; and for order Compelling Trustee to Account and Report filed 01/09/12 states:

Respondent, Evelyn Lauderdale specifically admits and denies the various allegations in the Petition.

Respondent states that she is in the process of preparing the statutory accounting for the Trust and states that the accounting should be finalized by late January or early February 2012. Respondent states that several of the allegations in the Petition are best responded to through the accounting and requests that the court defer ruling on this Petition until the accounting has been finalized and submitted to the parties and the Court.

Respondent states that this Petition is a response to litigation filed against the Petitioner based on his actions regarding the decedent and her assets prior to her death. Respondent alleges in that litigation that Petitioner, in a predatory manner, embarked on a scheme to lull decedent into a sense of security by promising to care for all of her needs, when Petitioner secretly intended to loot decedent, her estate and rightful beneficiaries of the assets of the estate by wrongfully coercing decedent to execute amendments to the Trust.

Respondent states that she is pursuing this litigation on behalf of the Trust to restore assets to the Trust to which omitted beneficiaries contend they are entitled. Respondent states that it is questionable whether a newly appointed "neutral" third party successor trustee would pursue such complex litigation.

Respondent further states that she has not transferred any assets of the Trust, other than as instructed by either the Fresno Police Department, her attorneys, or the decedent prior to her death and on that basis denies the suggestion of impropriety.

Respondent requests a judgment as follows:

1. Denying the Petitioners request to remove Respondent as Trustee;
2. Denying the Petitioner's request directing Respondent to prepare and file an account and report for the period beginning May 1, 2011;
3. Denying Petitioner's request that the Respondent turn over all possessions in her control to a successor Trustee;
4. Denying Petitioner's request that Respondent be surcharged;
5. Denying Petitioner's request for damages;
6. Denying Petitioner's request for punitive damages; and
7. Any other relief the Court deems proper.

7 **2003 Onella E. Speegle Revocable Trust** **Case No. 11CEPR01111**

Atty **Krbechek, Randolf**

Verified Petition for Order Instructing Trustee and Approving Final Distribution from Trust [Prob. C. 17200(b)(4), (5) & (6)]

Age:			NEEDS/PROBLEMS/COMMENTS:
DOD:			**Continued to 4/5/2012** at the request of the attorney.
Cont. from 020712			
	Aff.Sub.Wit.		
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	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		Reviewed by: KT
	Status Rpt		Reviewed on: 2/17/12
	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 7 - Speegle

Dept. 303, 9:00 a.m. Tuesday, February 28, 2012

Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	N/A
	Aff.Mail	
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	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

JENNIFER HUGHES and **ELIZABETH CORDERO**, Trustees of the Dewey E. Johnson Living Trust, are Petitioners.

Petitioners state:

Dewey E. Johnson died on 9/26/11.

Before his death, Dewey E. Johnson transferred his assets, including real and personal property to "The Trust." All of Dewey's assets including the community property interest of his predeceased spouse, Joan Johnson are listed on Exhibit A of the Trust.

Dewey Johnson did not however formally complete the transfer of the real property or the various brokerage and bank accounts by execution and delivery of separate documents of conveyance or assignment.

Petitioners request this Court confirm that the property referred to in Exhibit A to the Trust Agreement are assets subject to the Trust, and under control of the successor Trustees.

Petitioners pray for an Order:

1. The Dewey E. Johnson Trust under agreement dated 4/15/2011 is valid;
2. The assets set forth in exhibit 8 of the Petition are assets subject to the management and control of Petitioners Jennifer Hughes and Elizabeth Cordero as Successor Trustees of the Dewey E. Johnson Trust dated April 15, 2011.

NEEDS/PROBLEMS/COMMENTS:

1. **Need Order**

Reviewed by: KT
Reviewed on: 2/21/12
Updates:
Recommendation:
File 8 - Johnson

9 Joan Helen Johnson (Spousal) Case No. 12CEPR00038

Atty St. Louis, David J. (for Petitioners Jennifer Hughes and Elizabeth Cordero)

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

DOD: 3/1/2009			NEEDS/PROBLEMS/COMMENTS:
			Need amended petition based on, but not limited to, the following:
Cont. from			1. #1 of the petition does not include the names of the petitioners. 2. #2b of the petition indicates the petitioners are the personal representatives of surviving spouse, Dewey E. Johnson. Need Letters showing appointment of Petitioners as personal representatives of Dewey E. Johnson. 3. #4c of the petition was not answered re: intestate or testate. 4. #5a of the petition was not answered re: issue or no issue of a predeceased child. 5. #5b of the petition was not answered re: stepchild/foster child. 6. Petition requests a determination that property passes to the surviving spouse at #1a of the petition but box #7a of the petition was not checked. 7. Petition does not include the facts upon which petitioner bases the allegations that the property is property that should pass or be confirmed to the surviving spouse. 8. #8 of the petition states there exists a written agreement between the deceased spouse and the surviving spouse providing for a non pro rata distribution of the aggregate value of the community property however this agreement is not attached to the petition.
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		Reviewed by: KT
	Status Rpt		Reviewed on: 2/17/12
	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 9 – Johnson

Dept. 303, 9:00 a.m. Tuesday, February 28, 2012

10 John Henry Morris (Det Succ) **Case No. 12CEPR00079**

Atty Russo, Peter (for Petitioner Dan C. Morris)

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

DOD: 8/5/11		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

DAN C. MORRIS, brother, is petitioner.

40 days since DOD.

No other proceedings.

Decedent died intestate.

I & A - **$87,000.00**

Petitioner requests court determination that Decedent's 100% interest in real property and $5,000.00 pass pursuant to intestate succession, in equal shares, to:

1. Archa Boozer
2. Dan Morris
3. Barbara Meadows
4. Jimmie Morris, Jr.
5. Rose Mary Bryant
6. Mary Conner
7. Anthony Morris
8. Angela Davis
9. Jamel Felker
10. Brian Felker
11. Jernell Sanders
12. Dixie Tatum
13. Carl Lee Ward
14. E.C. Morris
15. Angie Davenport
16. Cathy Sloan
17. Jamesetta Smith
18. Joetta Spencer
19. Wendy Crenshaw
20. Gail Brame
21. Rodney Smith
22. Steven Smith
23. Samantha Smith
24. Irvin Thatch, Jr.
25. Alex Thatch
26. Clarence Thatch
27. Charles Thatch

NEEDS/PROBLEMS/COMMENTS:

Need Amended Petition based on, but not limited to, the following:

1. **The Petition must be joined by all those who succeed to the property. Therefore need an amended petition with all those succeeding to the property as petitioners.**
2. **#9a(3) of the petition was not answered re: issue of a predeceased child.**
3. **Proposed distribution appears incorrect. Pursuant to the Petition the decedent had 15 siblings, some of whom predeceased without issue and some of whom predeceased leaving issue and at least 1 who post deceased. Pursuant Probate Code §240 the property shall be divided into as many equal shares as there are living members of the nearest generation of issue then living and deceased members of that generation who leave issue then living, each living member of the nearest generation who leave issue then living receiving one share and the share of each deceased member of that generation who leave issue then living divided in the same manner among his or her then living issue.**
4. **Decedent's sister, Josephine Thatch died on 10/15/2011 <u>after</u> the decedent. Therefore her estate would be entitled to her share of this decedent's estate. Her personal representative would need to join in as a petitioner as well.**
5. **Siblings Rosie Lee Morris, Dorothy Swaggert and Jimmie Morris are listed as predeceased date unknown. Need date of death pursuant to Local Rule 7.1.1D.**

Reviewed by: KT
Reviewed on: 2/17/12
Updates:
Recommendation:
File 10 - Morris

Dept. 303, 9:00 a.m. Tuesday, February 28, 2012

11 **Ruth Galvan Rodriguez (CONS/PE)** **Case No. 07CEPR00049**

Atty **LeVan, Nancy J.**

Probate Status Hearing Re: Termination of Proceeding for Deceased Conservatee (Prob. C. § 1860, et seq.)

DOD: 1/2011		
Cont. from 091911, 110311		
	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	

ROSE MARY TORRES is conservator of the person and estate.

This status hearing was set for the filing of termination of proceedings for deceased conservatee.

Status Report filed on 9/9/2011 states the conservatee passed away in January, 2011. The Conservator states that just after her mother's funeral she had surgery and was unable to function for approximately 4 months. Now she is looking at another surgery. Conservator states she met with her attorney on 9/3/11 and now that the information has been delivered to her attorney she will be able to prepare the accounting. Conservator requests the status hearing be continued for an additional 45 days.

NEEDS/PROBLEMS/COMMENTS:

Continued from 11/3/11.

1. **Need current status report or final account.**

Reviewed by: KT
Reviewed on: 2/17/12
Updates:
Recommendation:
File 11 - Rodriguez

Dept. 303, 9:00 a.m. Tuesday, February 28, 2012

12 **Miracle Zadie Peoples and Royality Peoples (GUARD/P)** **Case No. 09CEPR00145**
Atty **Banks, Sarah (Pro Per – Maternal Great Aunt – Petitioner)**
Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Miracle Zadie Peoples **Age: 2** **DOB: 7-29-09**		
Royality Peoples **Age: 4 months** **DOB: 9-19-11**		
Cont. from 012412		
	Aff.Sub.Wit.	
✔	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✔	**Notice of Hrg**	
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	X
	Conf. Screen	
✔	**Letters**	
	Duties/Supp	
	Objections	
	Video Receipt	
✔	**CI Report**	
✔	**Clearances**	
✔	**Order**	
	Aff. Posting	
	Status Rpt	
✔	**UCCJEA**	
	Citation	
	FTB Notice	

TEMPORARY EXPIRES 1-24-12

SARAH BANKS, Maternal Great Aunt, is Petitioner.

Father (Miracle): **UNKNOWN**
Father (Royality): **UNKNOWN**

Mother: **LATARA PEOPLES**
- *Consent and Waiver of Notice filed 2-14-12*

Paternal Grandfather (Miracle): Unknown
Paternal Grandmother (Miracle): Unknown

Paternal Grandfather (Royality): Unknown
Paternal Grandmother (Royality): Unknown

Maternal Grandfather: Calvin Peoples
Maternal Grandmother: Deceased

Petitioner states the mother abuses drugs and is not able to care for the children at this time.

Court Investigator Jennifer Young filed a report on 1-24-12.

NEEDS/PROBLEMS/COMMENTS:

1. **Petitioner asks to be excused from giving notice to Maternal Grandfather Calvin Peoples. She went to relatives and tried an old number, but she has not been able to find him. Petitioner filed a Declaration of Due Diligence on 2-14-12 that indicates a phone search.**

   ***If diligence not found*, need proof of service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511.**

2. **Petitioner states the minors' fathers are unknown, but has not filed a declaration of due diligence.**

   ***If diligence not found*, need proof of personal service per Probate Code §1511 or consent and waiver of notice or declaration of due diligence on:**
   - Miracle's father
   - Royality's father

Reviewed by: skc
Reviewed on: 2-21-12
Updates:
Recommendation:
File 12 - Peoples

Dept. 303, 9:00 a.m. Tuesday, February 28, 2012

13 Mauriyana McArn & Alazha McArn (GUARD/P) Case No. 09CEPR00769

Atty McArn, Maurice (Pro Per – Father – Petitioner)
Atty King, Sheryl (Pro Per – Paternal Grandmother – Guardian)

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

Mauriyana McArn
Age: 4
DOB: 10-20-06

Alazha McArn
Age: 5
DOB: 11-14-05

Cont. from 102511, 012412

	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	

MAURICE MCARN, Father, is Petitioner.

SHERYL KING, Paternal Grandmother, was appointed Guardian on 11-18-10.
- Signed Consent to Termination and Waiver of Notice on 8-30-11

Mother: **MARIA MCCOOK**
- Signed "Consent to Appointment of Guardian and Waiver of Notice" on 11-13-11 (filed 1-17-12)

Paternal Grandfather: Mario McArn
- Notice dispensed per minute order 9-23-10
Maternal Grandfather: Myron McCook
Maternal Grandmother: Stacey Ortega

Petitioner originally filed this Petition ex parte; however, it was set for notice hearing pursuant to Probate Code §1601, and Petitioner is responsible for notice to all interested parties pursuant to Probate Code §1460(b)(5).

The order setting the matter for hearing was mailed to Petitioner on 9-8-11.

Petitioner states the Guardian is no longer able to care for the children due to health issues (pain requiring a monthly epidural shot). She is no longer able to get them to and from school or attend school meetings. The Guardian agrees that termination of the guardianship as soon as possible is in the best interest of the children.

Petitioner states he is able to provide and be an exceptional role model in the children's lives. Petitioner states he is a current student and employee at Heald College and has arranged his schedule to fit the needs of his children. In addition, he has begun the paperwork to receive Tribal TANF to be able to provide housing and essentials for them.

Court Investigator Julie Negrete filed a report on 10-18-11.

On 2-10-12, Petitioner filed a declaration with an attached printout titled: "Probation Order" dated 12-6-12.

NEEDS/PROBLEMS/COMMENTS:

<u>Minute Order 10-2-11</u>: The guardian Sheryl King is in favor of the Petition. The Petitioner informs the Court that he still has an outstanding warrant in Kings County. The Court continues the matter to 1-24-12. The Petitioner is directed to provide notice to the mother and clear up the DUI matter by the next hearing.

<u>As of 1-13-12, nothing further has been filed</u>.

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

1. **Petitioner filed a Declaration of Due Diligence regarding Stacey Ortega (Maternal Grandmother). If diligence not found, need proof of service of Notice of Hearing per Probate Code §1460.**

2. **Need status of outstanding warrant in Kings County and DUI matter per minute order 10-25-11.**

   On 2-10-12, Petitioner filed a declaration with an attached printout titled: "Probation Order" dated 12-6-12. The Court may require clarification.

Reviewed by: skc
Reviewed on: 2-21-12
Updates:
Recommendation:
File 13 - McArn

Dept. 303, 9:00 a.m. Tuesday, February 28, 2012

14A Esther Perez (Estate) **Case No. 10CEPR00695**

Atty Perez, Conrad (pro per – son/Executor)

Probate Status Hearing Re: Filing of the First Account and/or Final Distribution

DOD: 05/19/10	**CONRAD PEREZ,** son, was appointed Executor without bond and letters were issued on 11/09/10. **Minute order dated 11/09/10** set this matter for status on 01/10/12. Inventory & Appraisal was filed on 03/08/11.	**NEEDS/PROBLEMS/COMMENTS:** **<u>CONTINUED FROM 01/10/12</u>** **Minute order from 01/10/12 states:** **No appearances. The Court sets the matter for an Order to Show Cause re: Failure to File the 1st Account or Petition for Final Distribution on 02/28/12. The Court orders Conrad Perez to be present on 02/28/12.** **As of 02/17/12, the following remains outstanding:** **1. Need First Account and Petition for Final Distribution.**
		Reviewed by: JF
		Reviewed on: 02/17/12
		Updates:
		Recommendation:
		File 14A - Perez

Cont. from 011012		
	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	

Dept. 303, 9:00 a.m. Tuesday, February 28, 2012

14B Esther Perez (Estate) **Case No. 10CEPR00695**

Atty Perez, Conrad (pro per – son/Executor)

Order to Show Cause Re: Failure to File the First Account or Petition for Final Distribution

DOD: 05/19/10	**CONRAD PEREZ,** son, was appointed Executor without bond and letters were issued on 11/09/10. Inventory & Appraisal was filed on 03/08/11 **Minute Order from status hearing on 01/10/12** set this matter for an Order to Show Cause. The minute order states: No appearances. The Court sets the matter for an Order to Show Cause re: Failure to File the 1st Account or Petition for Final Distribution on 02/28/12. The Court orders Conrad Perez to be present on 02/28/12.	**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:** 02/21/12
UCCJEA		**Updates:**
Citation		**Recommendation:**
FTB Notice		**File 14B - Perez**

14B

Dept. 303, 9:00 a.m. Tuesday, February 28, 2012

15 Franklin Vasquez-Galvan, Frankie Vasquez-Galvan and Adriana Yajaira Rocha Galvan (GUARD/P) **Case No. 11CEPR00519**

Atty Perez, Teresa Maria (pro per Petitioner/maternal grandmother)

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

Age: 7 months DOB: 7/28/11		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
✓	Conf. Screen	
✓	Letters	
✓	Duties/Supp	
	Objections	
	Video Receipt	
✓	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

THERE IS NO TEMPORARY.
No temporary was requested.

TERESA MARIA PEREZ, maternal grandmother, is petitioner.

Father: **ADRIAN ROCHA** – *Declaration of Due Diligence filed on 12/27/11*.

Mother: **CLAUDIA GALVAN PEREZ**

Paternal grandparents: unknown – *Declaration of Due Diligence filed on 12/27/11*.
Maternal grandfather: Armando Galvan – *deceased*.

Petitioner states the child has been living with her since 10/2011. The child's mother was arrested due to a warrant and was deported to Mexico in 10/2011. The child is 5 months old and needs medical treatment. Petitioner states she is unable to take the child to regular doctor visits without a guardianship.

Court Investigator JoAnn Morris' Report filed on 2/17/12.

NEEDS/PROBLEMS/COMMENTS:

This petition is as to ADRIANA GALVAN only. Guardianship of Franklin and Frankie was previously granted on 8/16/11.

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. **Claudia Galvan Perez (mother)**
   b. **Adrian Rocha (father)** – *if court does not dispense with notice.*
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** – *if court does not dispense with notice.*

Reviewed by: KT
Reviewed on: 2/21/12
Updates:
Recommendation:
File 15 – Galvan & Vasquez-Galvan

Dept. 303, 9:00 a.m. Tuesday, February 28, 2012

16 Jenna Rae Kugelman (GUARD/P) **Case No. 11CEPR01127**

Atty Kugelman, Sharon (pro per Petitioner/maternal grandmother)

Atty Kugelman, Ronald (pro per Petitioner/maternal grandfather)

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

Age:		
DOD:		
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	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

Temporary Expires 02/28/12

SHARON KUGELMAN, maternal step-grandmother and **RONALD KUGELMAN,** maternal grandfather, are Petitioners.

Father: **JOSHUA GOMEZ –** *Personally served on 1/23/12.*

Mother: **RACHAEL SHEA** – *Personally service on 1/10/12.*

Maternal grandmother: Not listed
Paternal grandfather: Unknown – *Declaration of Due Diligence filed on 1/9/12.*
Paternal grandmother: Nisha (last name unknown)

Petitioners state the mother left the minor in their care and they are unable to reach her. Mother is unstable and has been moving in and out of their home. Petitioners state that they are able to provide a stable and safe home for Jenna.

Court Investigator Samantha Henson's Report filed on 2/21/12.

NEEDS/PROBLEMS/COMMENTS:

1. **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. **Maternal grandmother**
   b. **Paternal grandfather** – *if court does not dispense with notice.*
   c. **Nisha (last name unknown) paternal grandmother.**

2. **Petition does not include the name and address of the maternal grandmother. (Pursuant to the Court Investigator's Report Sharon Kugelman is the step-grandmother.)**

Reviewed by: KT
Reviewed on: 2/21/12
Updates: 2/22/12
Recommendation:
File 16 - Kugelman

Dept. 303, 9:00 a.m. Tuesday, February 28, 2012

17 Brendan La France, Hailey La France, & Natalie La France (Guard/P) Case No. 11CEPR00549

Pro Per Will, Lisa Marie (Pro Per Petitioner, mother)
Atty Tritt, Deloise E., of Tritt & Tritt (for Co-Guardians Kim Rhine and Kristi Ergo)

Petition for Visitation

Natalie Age: 4 yrs DOB: 8/30/2007		
Hailey Age: 3 yrs DOB: 10/31/2008		
Brendan Age: 2 yrs DOB: 1/22/2010		
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	

LISA M. WILL, mother, is Petitioner.

KIM RHINE, paternal grandmother, and **KRISTI ERGO**, great-aunt, were appointed guardians on 8/25/2011.

Father: **DEVIN LA FRANCE**

Paternal grandfather: Joe La France

Maternal grandfather: Perry Will
Maternal grandmother: Margaret Blowers

Petitioner states that on 12/5/2011 she entered Spirit of Woman drug rehabilitation program, for a period of 6 months. Petitioner states she is currently taking the following classes to help her get her children back: Trauma, Co-occurring Domestic Violence, Anger Management, Shame, Relapse Prevention, Parenting, and Substance Abuse.

Petitioner requests the Court consider her request to re-establish her visitation rights with her children, and requests unsupervised and liberal visits with them.

NEEDS/PROBLEMS/COMMENTS:

1) **Need *Notice of Hearing*.**

2) **Need proof of mailed service of the *Notice of Hearing* with a copy of the petition pursuant to Probate Code §§ 1460 and 1511 for the following persons:**
   - **Kim Rhine, Co-Guardian;**
   - **Kristi Ergo, Co-Guardian;**
   - **Devin La France, father;**
   - **Joe La France, paternal grandfather;**
   - **Perry Will, maternal grandfather;**
   - **Margaret Blowers, maternal grandmother.**

Note: *Minute Order* dated 8/25/2011 from the hearing on the petition for appointment of guardian states: Counsel advises the Court that visitation is not going well. A copy of the drug test results is accepted by the Court and filed. The Court finds that it would be detrimental to the minor for the mother, Lisa Will, to have custody. Mother advises the Court that she is living with her grandmother. Mother provides the following address of residence to the Court *[omitted]*. The Court orders that visitation remain supervised. Parties are ordered not to speak ill of one another around the minors. Parties are not to discuss this matter with the minors or encourage them to keep any secrets.

Reviewed by: LEG

Reviewed on: 2/17/12

Updates:

Recommendation:

File 17 – La France

Dept. 303, 9:00 a.m. Tuesday, February 28, 2012

18 Valentina Rosemary Martinez (GUARD/P) Case No. 12CEPR00125

Pro Per Duque, Tara Lynn (Pro Per Petitioner, first cousin of child's mother)
Pro Per Duque, Santos Robert (Pro Per Petitioner, non-relative, husband of Co-Petitioner)

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

Age: 1 ½ months		
DOB: 1/11/2012		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	N/A
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
✓	Conf. Screen	
	Aff. Posting	
✓	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
✓	Letters	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

General Hearing set for 4/16/2012

TARA LYNN DUQUE, first cousin of child's mother, and **SANTOS ROBERT DUQUE**, non-relative (husband of Co-Petitioner), are Petitioners.

Father: **UNKNOWN**; *Declaration of Due Diligence filed 2/14/2012;*

Mother: **GRACE MARTINEZ**; *consents and waives notice;*

Paternal grandfather: Unknown; *Declaration of Due Diligence filed 2/14/2012;*
Paternal grandmother: Unknown; *Declaration of Due Diligence filed 2/14/2012;*

Maternal grandfather: Armando Martinez, *deceased*;
Maternal grandmother: Mary Chacon

Petitioners state they request an emergency guardianship be established due to the mother's inability to provide for the child's well-being. Petitioners state CPS removed at birth three of the mother's older children from her care due to the mother's history of mental illness. Petitioners state they were notified that a guardianship may be granted to them in lieu of the child being removed from her biological family by CPS.

Petitioners request to be excused from giving notice to the father and paternal grandparents as the mother does not know the father's identity.

NEEDS/PROBLEMS/COMMENTS:

Note: Notice to the maternal grandmother is not required for this temporary hearing; however, it will be required for the general hearing on 4/16/2012.

Reviewed by: LEG
Reviewed on: 2/17/12
Updates:
Recommendation:
File 18 - Martinez

Dept. 303, 9:00 a.m. Tuesday, February 28, 2012