

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 10/5/2011 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 (<i>per Final Inventory & Appraisal filed on 9/13/2006</i>)
Ending POH	-	\$109,195.36 (<i>all cash</i>)

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*.

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	<p>ALFREDO BANDA ARRIAGA and REMEDIOS NIETO RODRIGUEZ, parents and Petitioners, filed a <i>Motion to Have Admissions Deemed Admitted and for Monetary Sanctions</i> on 1/20/2012.</p> <p><i>Declaration of Javier A. Alabart in Support of Motion to Have Admissions Deemed Admitted and for Attorney's Fees and Costs</i> was filed on 1/20/2012.</p> <p><i>Memorandum of Points and Authorities in Support of Motion to Have Admissions Deemed Admitted and for Monetary Sanctions</i> was filed on 1/20/2012.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued to 3/15/12 at the request of Attorney Alabart.</p> <p><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.</p>					
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		<table border="1" style="width: 100%;"> <tr> <td>Reviewed by: LEG</td> </tr> <tr> <td>Reviewed on: 2/17/12</td> </tr> <tr> <td>Updates: 2/23/12</td> </tr> <tr> <td>Recommendation:</td> </tr> <tr> <td>File 1B – Banda-Nieto</td> </tr> </table>	Reviewed by: LEG	Reviewed on: 2/17/12	Updates: 2/23/12	Recommendation:	File 1B – Banda-Nieto
Reviewed by: LEG							
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Recommendation:							
File 1B – Banda-Nieto							

(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		<p>PUBLIC GUARDIAN, Conservator, is petitioner.</p> <p>Account period: 8/20/10 – 8/24/11</p> <p>Accounting - \$19,231.28 Beginning POH - \$0 Ending POH - \$ 4,827.96</p> <p>Conservator - \$3,190.00 (27.45 Deputy hours @ \$96/hr and 7.30 Staff hours @ \$76/hr)</p> <p>Attorney - \$2,000.00 (per Local Rule)</p> <p>Bond fee - \$25.00 (o.k.)</p> <p>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.</p> <p>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).</p> <p>Petitioner prays for an Order:</p> <ol style="list-style-type: none"> 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). 	<p>NEEDS/PROBLEMS/COMMENTS:</p>	
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		<p>Reviewed by: KT</p> <p>Reviewed on: 2/17/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3 - Newman</p>		

4 Trust of Peter & Betty Vagnino

Case No. 10CEPR00337

Atty Davidson, Thornton (for Petitioner Peter Vagnino, IV and Victoria Vagnino)

Atty Burnside, Leigh (for Respondent Harvey A. Armas – Co-Trustee)

Atty Thompson, Timothy (for Respondent Catherine Thompson – Co-Trustee)

Petition for Trust Accounting

Age:	<p>PETER VAGNINO IV and VICTORIA VAGNINO, grandchildren of trust settlors, are Petitioners.</p> <p>Petitioners state:</p> <ol style="list-style-type: none"> They are the grandchildren of original settlors Peter and Betty Vagnino, who executed the Declaration of Trust dated 5/16/00 (“2000” Trust” – <i>attached as Exh. A</i>); the 2000 Trust was in fact Settlor’s Second Trust; Pursuant to the 2000 Trust, 40% is allocated to Co-Trustee Catherine Thompson (“Thompson”), 20% to Thompson’s husband Anthony, and 20% to Thompson’s son. The balance of assets are to be divided equally between the Petitioners (10% each); The 2000 Trust also name Thompson and Harvey Armas (“Armas”) as successor trustees; On 4/17/05, Armas provided Petitioners’ father, Peter Vagnino, III, and Analysis of Assets of settlor Peter Vagnino’s assets, which purported to provide a compilation of assets, his community property interest, and the allocations to the By-Pass, Family, and Community Property (<i>attached as Exh. B</i>); Settlor Betty Vagnino died on 12/14/05; Settlors’ Wills were filed with the Probate Court on 11/1/07, but the Settlor’s 2000 Trust was not; On 12/11/06, Armas provided Peter Vagnino III and Analysis of Allocation of Betty Vagnino’s estate (<i>attached as Exh. C</i>); <p style="text-align: center;"><u>SEE ATTACHED PAGE</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 1/26/12 per Attorney Thorton’s request.</u></p> <p>Note: This matter was before this Court on 8/19/10, for 1) <u>Petitioner PETER VAGNINO III’S (Petitioners’ father and Settlor’s son, and also represented by Attorney Davidson) First Amended Petition to Invalidate 2000 Amendment to Trust and Other Documents on Ground of Incapacity and Modification After Death, for Attorney Fees, Punitive Damages, for Breach of Trust and Conversion, to Remove Trustee and for Trust Accounting,</u> 2) <u>Co-Trustee Armas’ Demurrer to First Amended Petition to Invalidate Amendment to Trust and Other Documents on Grounds of Incapacity and Modification after Death, for Attorney’s Fees, Restitution, Punitive Damages, for Breach of Trust and Conversion, to Remove Trustee and for Accounting, and for 3) Co-Trustee Thompson’s Demurrer to First Amended Petition to Invalidate Amendment to Trust and Other Documents.</u> The 8/19/10 minute orders indicate the Court continued the matters for ruling. It appears that prior to said ruling, Petitioner Vagnino III filed a <i>Request for Dismissal</i> on 9/30/10, dismissing the entire action with prejudice.</p> <ol style="list-style-type: none"> Need Order.
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File 4 - Vagnino		

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8. The 2000 Trust's 1st Accounting was performed by the Dritsas, Broom, McCormick LLP ("McCormick") accounting firm, and was submitted on 1/8/08 – 2 years after the last settlor Betty Vagnino's death (*1st Accounting attached as Exh. D*);
9. In October 2009, Petitioners, through their Attorney, Mr. Davidson, requested another accounting; among Petitioners' questions was the appraised value of the Settlor's home, and the fact that Settlor's interest in Tornino's (their restaurant catering business) was improperly included among the trust assets;
10. McCormick submitted a 2nd Accounting on 2/4/10; it was provided in two different versions to account for the differing values of Settlor's residence – otherwise the 2010 accountings were identical (*copies of the two accountings attached as Exh. E and F respectively*);
11. On 5/26/10, Petitioners, through Attorney Davidson, corresponded with Armas' attorney and requested that Armas produce numerous documents and provide explanations of many disparities and unexplained trust distributions;
12. Despite numerous letters on Petitioners' behalf, Armas has only produced tax returns, monthly banking statements and monthly brokerage account statements;
13. Armas has been unwilling or unable to address the many pertinent issues concerning the Trust, including but not limited to:
 - a. Life Insurance Loan Paperwork – no legal documentation has been provided by Thompson and Armas; 2005 federal tax return shows this debt was never repaid (yet the debt is listed as a loss in two places in the trust accounting – as repayment of the loan);
 - b. Itemized Accounting of Administrative Expenses (including copies of invoices) – Thompson and Armas failed to provide copies of all invoices for the administrative expenses incurred from the time Thompson received power of attorney as well as documented proof of payment;
 - c. Itemized Accounting of Stocks/Securities in Schedule F – Cash on Hand - Thompson and Armas did not provide an itemized accounting of all stocks/securities allocated to Schedule F, and also failed to provide an itemized account of all monies transferred out of Schedule F;
 - d. Withdrawal of \$120,000.00 – Thompson and Armas failed to provide an adequate explanation of these withdrawals, which were originally allocated to settlors, then allocated to care giver expenses, then to administrative expenses, and finally to the "other" Wells Fargo Account that Thomas and Armas are now associating with the \$120,000.00; they have also failed to account for the dates the money was transferred into the account and all dates the money was transferred out, and what the funds were used for;
 - e. Thompson's and her husband's whereabouts after the sale of the residence – Renovations began on the Settlor's residence ("Bluff Residence") in January 2006, and Thompson sold her personal residence in March or April 2006 (deed recorded May 2006); Bluff Residence was never listed for sale and Thompson had sole physical possession of the home from the date of Betty Vagnino's death; Thompson and Armas contend Thompson and her husband lived in a hotel but had not provided proof of this from the date their personal residence was sold until they filed the Quit Claim Deed for the Bluff Residence;

SEE ATTACHED PAGE

Cont'd:

- f. “Gains of Sales” transferred out of Petitioners’ accounts – Thompson and Armas have failed to provide an explanation as to why these gains on sales were transferred out of personal accounts; Schedule Ks never reflects these losses however;
- g. Loss of \$47,048.00 – Thompson and Armas have failed to provide an explanation as to why there is a loss of \$47,048.00 in brokerage accounts between Armas’ hand-written analysis and the 1st Accounting;
- h. Additional house appraisal - Thompson and Armas have failed to provide the additional house appraisal of \$1.1 M;
- i. Trust payment of \$3,500.00 for Tornino’s appraisal – Thompson and Armas have failed to explain a trust payment for Tornino’s appraisal when family interest in Tornino’s was willed to Thompson and bypassed the 2000 Trust;
- j. Specific Stock information – Thompson and Armas have failed to provide information on the following: 1) May 1, 2006 dividends received from Wrigley (Class B); 2) May 30, 2006 dividends received from Arlema Spons ADR; 3) November 10, 2006 dividends received from Chunghwa Telecom Co.; 4) November 11, 2006 dividends received from Idearc, Inc.; and 5) April – July 2008 in interest received on Georgian Bank CD – there is no record for any of these assets being sold, the dates of sale, carrying value, whether sold at a loss or gain, and whether any of the items were used for Stock/Securities of Schedule F;
- k. The Residence – Thompson and Armas failed to provide an explanation for the following expenses incurred due to renovations that Thompson accepts responsibility for and that are part of the renovation (consist of home maintenance expenses, property taxed, cable, pool, pet control, AT&T, water delivery, etc.); clearly these expenses were not being paid to maintain an empty house;
- l. Caregiver Expenses - Thompson and Armas have failed to provide documentation to support caregiver expenses of \$73,500.00 incurred during a 7-8 month period;
- m. Debts of Decedent settlors – Thompson and Armas have failed to provide a complete listing of all debts of settlors on the 2005 Schedule K. Only a partial listing and all debts paid before the filing of the 2005 tax return was provided.

Petitioners request the Court issue an Order: 1) for a complete accounting of the 2000 Trust; 2) for removal of Thompson and Armas as Co-Trustees; 3) for costs of suit including reasonable attorney fees.

(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	<p>PUBLIC GUARDIAN, Conservator, is petitioner.</p> <p>Account period: 3/15/11 – 12/20/11</p> <p>Accounting - \$13,032.39 Beginning POH - \$ 500.00 Ending POH - \$ 8,515.49</p> <p>Conservator - \$4,079.20 (36.95 Deputy hours @ \$96/hr and 7.00 Staff hours @ \$76/hr)</p> <p>Attorney - \$2,000.00 (per Local Rule)</p> <p>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.</p> <p>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).</p> <p>Petitioner prays for an Order:</p> <ol style="list-style-type: none"> 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:
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		File 5 – Garcia

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	ROBERTO GARCIA , Trust Beneficiary, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Petitioner states:	<u>CONTINUED FROM 01/10/12</u>
	1. Decedent created the Jeri L. Shubin 2007 Trust (the “Trust”) and a pour-over Will on August 23, 2007;	Notes:
Cont. from 01/10/12	2. Decedent amended the Trust on July 1, 2009 (the “First Amendment”);	Consent of Bruce Bickel to serve as neutral third party trustee was filed on 02/01/12.
<input type="checkbox"/> Aff.Sub.Wit.	3. Decedent amended the Trust a second time on December 15, 2009 (the “Second Amendment”);	
<input checked="" type="checkbox"/> Verified	4. Decedent amended the Trust a third and final time on December 13, 2010;	A Petition for Preliminary Distribution and Injunction filed by Roberto Garcia is set for hearing on 03/13/12.
<input type="checkbox"/> Inventory	5. Decedent died on June 29, 2011, at which time the Trust became irrevocable;	
<input type="checkbox"/> PTC	6. Petitioner is a named beneficiary of the Trust and also was nominated as second successor trustee in the Third Amendment to the Trust;	
<input type="checkbox"/> Not.Cred.	7. Petitioner states that Evelyn Lauderdale is the current acting trustee;	
<input checked="" type="checkbox"/> Notice of Hrg	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;	
<input checked="" type="checkbox"/> Aff.Mail	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;	
<input type="checkbox"/> Aff.Pub.	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;	Reviewed by: JF
<input type="checkbox"/> Sp.Ntc.	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;	Reviewed on: 02/17/12
<input type="checkbox"/> Pers.Serv.	12. Petitioner states that Evelyn Lauderdale was not an authorized signer on any of these accounts;	Updates:
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	See Page 2 for more information	

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.

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

Age:		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued to 4/5/2012</u> at the request of the attorney.</p>
DOD:		
Cont. from 020712		
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		
		Reviewed by: KT
		Reviewed on: 2/17/12
		Updates:
		Recommendation:
		File 7 - Speegle

		NEEDS/PROBLEMS/COMMENTS:
	JENNIFER HUGHES and ELIZABETH CORDERO , Trustees of the Dewey E. Johnson Living Trust, are Petitioners.	<p>1. Need Order</p> <hr/> <p>Reviewed by: KT</p> <p>Reviewed on: 2/21/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 8 - Johnson</p>
Cont. from	Petitioners state:	
<input type="checkbox"/> Aff.Sub.Wit.	Dewey E. Johnson died on 9/26/11.	
<input checked="" type="checkbox"/> Verified	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.	
<input type="checkbox"/> Inventory	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.	
<input type="checkbox"/> PTC	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.	
<input type="checkbox"/> Not.Cred.	Petitioners pray for an Order:	
<input type="checkbox"/> Notice of Hrg	1. The Dewey E. Johnson Trust under agreement dated 4/15/2011 is valid;	
<input type="checkbox"/> Aff.Mail	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.	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order	X	
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

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

DOD: 8/5/11		DAN C. MORRIS , brother, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Need Amended Petition based on, but not limited to, the following:</p> <ol style="list-style-type: none"> 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. #9a(3) of the petition was not answered re: issue of a predeceased child. 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. 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. 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.
		40 days since DOD.	
		No other proceedings.	
Cont. from		Decedent died intestate.	
	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
	Inventory	I & A - \$87,000.00	
	PTC	Petitioner requests court determination that	
	Not.Cred.	Decedent's 100% interest in real property	
	Notice of Hrg	and \$5,000.00 pass pursuant to intestate succession, in equal shares, to:	
	Aff.Mail	1. Archa Boozer	
	Aff.Pub.	2. Dan Morris	
	Sp.Ntc.	3. Barbara Meadows	
	Pers.Serv.	4. Jimmie Morris, Jr.	
	Conf. Screen	5. Rose Mary Bryant	
	Letters	6. Mary Conner	
	Duties/Supp	7. Anthony Morris	
	Objections	8. Angela Davis	
	Video Receipt	9. Jamel Felker	
	CI Report	10. Brian Felker	
	9202	11. Jernell Sanders	
<input checked="" type="checkbox"/>	Order	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	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: KT
			Reviewed on: 2/17/12
			Updates:
			Recommendation:
			File 10 - Morris

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

DOD: 1/2011	<p>ROSE MARY TORRES is conservator of the person and estate.</p> <p>This status hearing was set for the filing of termination of proceedings for deceased conservatee.</p> <p>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.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 11/3/11.</p> <p>1. Need current status report or final account.</p>
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		
		<p>Reviewed by: KT</p> <p>Reviewed on: 2/17/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11 - Rodriguez</p>

<p>Miracle Zadie Peoples Age: 2 DOB: 7-29-09</p> <p>Royalty Peoples Age: 4 months DOB: 9-19-11</p> <p>Cont. from 012412</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Aff.Sub.Wit.</td><td></td></tr> <tr><td>✓ Verified</td><td></td></tr> <tr><td>Inventory</td><td></td></tr> <tr><td>PTC</td><td></td></tr> <tr><td>Not.Cred.</td><td></td></tr> <tr><td>✓ Notice of Hrg</td><td></td></tr> <tr><td>Aff.Mail</td><td>X</td></tr> <tr><td>Aff.Pub.</td><td></td></tr> <tr><td>Sp.Ntc.</td><td></td></tr> <tr><td>Pers.Serv.</td><td>X</td></tr> <tr><td>Conf. Screen</td><td></td></tr> <tr><td>✓ Letters</td><td></td></tr> <tr><td>Duties/Supp</td><td></td></tr> <tr><td>Objections</td><td></td></tr> <tr><td>Video Receipt</td><td></td></tr> <tr><td>✓ CI Report</td><td></td></tr> <tr><td>✓ Clearances</td><td></td></tr> <tr><td>✓ Order</td><td></td></tr> <tr><td>Aff. Posting</td><td></td></tr> <tr><td>Status Rpt</td><td></td></tr> <tr><td>✓ UCCJEA</td><td></td></tr> <tr><td>Citation</td><td></td></tr> <tr><td>FTB Notice</td><td></td></tr> </table>	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		<p>TEMPORARY EXPIRES 1-24-12</p> <p>SARAH BANKS, Maternal Great Aunt, is Petitioner.</p> <p>Father (Miracle): UNKNOWN Father (Royalty): UNKNOWN</p> <p>Mother: LATARA PEOPLES - <i>Consent and Waiver of Notice filed 2-14-12</i></p> <p>Paternal Grandfather (Miracle): Unknown Paternal Grandmother (Miracle): Unknown</p> <p>Paternal Grandfather (Royalty): Unknown Paternal Grandmother (Royalty): Unknown</p> <p>Maternal Grandfather: Calvin Peoples Maternal Grandmother: Deceased</p> <p>Petitioner states the mother abuses drugs and is not able to care for the children at this time.</p> <p>Court Investigator Jennifer Young filed a report on 1-24-12.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 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. <i>If diligence not found</i>, 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. Petitioner states the minors' fathers are unknown, but has not filed a declaration of due diligence. <i>If diligence not found</i>, need proof of personal service per Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: - Miracle's father - Royalty's father <p>Reviewed by: skc</p> <p>Reviewed on: 2-21-12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 12 - Peoples</p>
Aff.Sub.Wit.																																																
✓ Verified																																																
Inventory																																																
PTC																																																
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✓ Notice of Hrg																																																
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Pers.Serv.	X																																															
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✓ Letters																																																
Duties/Supp																																																
Objections																																																
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✓ CI Report																																																
✓ Clearances																																																
✓ Order																																																
Aff. Posting																																																
Status Rpt																																																
✓ UCCJEA																																																
Citation																																																
FTB Notice																																																

Mauriyana McArn Age: 4 DOB: 10-20-06	MAURICE MCARN , Father, is Petitioner. SHERYL KING , Paternal Grandmother, was appointed Guardian on 11-18-10.	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.
Alazha McArn Age: 5 DOB: 11-14-05	- Signed <i>Consent to Termination and Waiver of Notice</i> on 8-30-11	
	Mother: MARIA MCCOOK - Signed <i>Consent to Appointment of Guardian and Waiver of Notice</i> on 11-13-11 (filed 1-17-12)	
Cont. from 102511, 012412	Paternal Grandfather: Mario McArn - <i>Notice dispensed per minute order 9-23-10</i>	
<input type="checkbox"/> Aff.Sub.Wit.	Maternal Grandfather: Myron McCook Maternal Grandmother: Stacey Ortega	
<input checked="" type="checkbox"/> Verified	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).	<u>As of 1-13-12, nothing further has been filed.</u>
<input type="checkbox"/> Inventory	The order setting the matter for hearing was mailed to Petitioner on 9-8-11.	<u>The following issues remain:</u>
<input type="checkbox"/> PTC	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.	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.
<input type="checkbox"/> Not.Cred.	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.	2. Need status of outstanding warrant in Kings County and DUI matter per minute order 10-25-11.
<input checked="" type="checkbox"/> Notice of Hrg	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. The Court may require clarification.
<input checked="" type="checkbox"/> Aff.Mail W	On 2-10-12, Petitioner filed a declaration with an attached printout titled: “Probation Order” dated 12-6-12.	Reviewed by: skc
<input type="checkbox"/> Aff.Pub.		Reviewed on: 2-21-12
<input type="checkbox"/> Sp.Ntc.		Updates:
<input type="checkbox"/> Pers.Serv.		Recommendation:
<input type="checkbox"/> Conf. Screen		File 13 - McArn
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

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

DOD: 05/19/10	<p>CONRAD PEREZ, son, was appointed Executor without bond and letters were issued on 11/09/10.</p> <p>Minute order dated 11/09/10 set this matter for status on 01/10/12.</p> <p>Inventory & Appraisal was filed on 03/08/11.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 01/10/12</u></p> <p>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.</p> <p>As of 02/17/12, the following remains outstanding:</p> <ol style="list-style-type: none"> 1. Need First Account and Petition for Final Distribution.
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		
		Reviewed by: JF
		Reviewed on: 02/17/12
		Updates:
		Recommendation:
		File 14A - Perez

Age: 7 months DOB: 7/28/11	<p>THERE IS NO TEMPORARY. No temporary was requested.</p> <p>TERESA MARIA PEREZ, maternal grandmother, is petitioner.</p> <p>Father: ADRIAN ROCHA – <i>Declaration of Due Diligence filed on 12/27/11.</i></p> <p>Mother: CLAUDIA GALVAN PEREZ</p> <p>Paternal grandparents: unknown – <i>Declaration of Due Diligence filed on 12/27/11.</i></p> <p>Maternal grandfather: Armando Galvan – <i>deceased.</i></p> <p>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.</p> <p>Court Investigator JoAnn Morris’ Report filed on 2/17/12.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>This petition is as to ADRIANA GALVAN only. Guardianship of Franklin and Frankie was previously granted on 8/16/11.</p> <ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i>. 2. Need proof of personal service of the <i>Notice of Hearing</i> along with a copy of the <i>Petition or Consent and Waiver of Notice or Declaration of Due Diligence</i> on: <ol style="list-style-type: none"> a. Claudia Galvan Perez (mother) b. Adrian Rocha (father) – <i>if court does not dispense with notice.</i> 3. Need proof of service of the <i>Notice of Hearing</i> along with a copy of the <i>Petition or Consent and Waiver of Notice or Declaration of Due Diligence</i> on: <ol style="list-style-type: none"> a. Paternal grandparents – <i>if court does not dispense with notice.</i> 	
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			
		Reviewed by: KT	
		Reviewed on: 2/21/12	
		Updates:	
		Recommendation:	
		File 15 – Galvan & Vasquez-Galvan	

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

Age:	<u>Temporary Expires 02/28/12</u>		NEEDS/PROBLEMS/COMMENTS:
DOD:	SHARON KUGELMAN, maternal step-grandmother and RONALD KUGELMAN, maternal grandfather, are Petitioners.		
Cont. from	Father: JOSHUA GOMEZ – Personally served on 1/23/12.		1. Need proof of service of <i>the Notice of Hearing</i> along with a copy of the <i>Petition or Consent and Waiver of Notice or Declaration of Due Diligence</i> on: a. Maternal grandmother b. Paternal grandfather – if court does not dispense with notice. c. Nisha (last name unknown) paternal grandmother.
Aff.Sub.Wit.	Mother: RACHAEL SHEA – Personally service on 1/10/12.		
✓ Verified	Maternal grandmother: Not listed Paternal grandfather: Unknown – <i>Declaration of Due Diligence filed on 1/9/12.</i>		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.)
Inventory	Paternal grandmother: Nisha (last name unknown)		
PTC	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.		
Not.Cred.	Court Investigator Samantha Henson’s Report filed on 2/21/12.		
✓ 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			
			Reviewed by: KT
			Reviewed on: 2/21/12
			Updates: 2/22/12
			Recommendation:
			File 16 - Kugelman

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

**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		<p>LISA M. WILL, mother, is Petitioner.</p> <p>KIM RHINE, paternal grandmother, and KRISTI ERGO, great-aunt, were appointed guardians on 8/25/2011.</p> <p>Father: DEVIN LA FRANCE</p> <p>Paternal grandfather: Joe La France</p> <p>Maternal grandfather: Perry Will</p> <p>Maternal grandmother: Margaret Blowers</p> <p>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.</p> <p>Petitioner requests the Court consider her request to re-establish her visitation rights with her children, and requests unsupervised and liberal visits with them.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1) Need <i>Notice of Hearing</i>.</p> <p>2) Need proof of mailed service of the <i>Notice of Hearing</i> with a copy of the petition pursuant to Probate Code §§ 1460 and 1511 for the following persons:</p> <ul style="list-style-type: none"> • 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. <p>Note: <i>Minute Order</i> 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.</p>
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			
Reviewed by: LEG			
Reviewed on: 2/17/12			
Updates:			
Recommendation:			
File 17 – La France			

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		<p style="text-align: center;"><u>General Hearing set for 4/16/2012</u></p> <p>TARA LYNN DUQUE, first cousin of child's mother, and SANTOS ROBERT DUQUE, non-relative (husband of Co-Petitioner), are Petitioners.</p> <p>Father: UNKNOWN; <i>Declaration of Due Diligence filed 2/14/2012</i>;</p> <p>Mother: GRACE MARTINEZ; <i>consents and waives notice</i>;</p> <p>Paternal grandfather: Unknown; <i>Declaration of Due Diligence filed 2/14/2012</i>;</p> <p>Paternal grandmother: Unknown; <i>Declaration of Due Diligence filed 2/14/2012</i>;</p> <p>Maternal grandfather: Armando Martinez, <i>deceased</i>;</p> <p>Maternal grandmother: Mary Chacon</p> <p>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.</p> <p>Petitioners request to be excused from giving notice to the father and paternal grandparents as the mother does not know the father's identity.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>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.</p>
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			
		<p>Reviewed by: LEG</p> <p>Reviewed on: 2/17/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 18 - Martinez</p>	