

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	ALFREDO BANDA ARRIAGA and REMEDIOS NIETO RODRIGUEZ, parents, were <u>initially</u> to be distributed by <i>Order Settling First and Final Account and Report of Administrator and Allowing Ordinary Commissions and Fees and for Distribution</i> which was signed and filed on <u>3/12/2007</u> from the Decedent's estate in the amount of \$189,958.21 at 50% to each.	NEEDS/PROBLEMS/COMMENTS: Page 1B is the Motion to Have Admissions Deemed Admitted and for Monetary Sanctions filed by the Petitioners, which has been continued to <u>3/15/2012</u> at the request of Attorney Alabart.
Cont. from		
Aff.Sub.Wit.	<p>MARIA LUISA SANCHEZ, purported spouse, was subsequently distributed the Decedent's estate by <i>Minute Order</i> dated <u>11/5/2007</u> from the <i>Motion/Petition for Reconsideration of First and Final Account</i>, which states the Court confirms that it has previously granted the [<i>Motion for Reconsideration</i>] on <u>10/12/2007</u> [which found that Ms. Sanchez' <i>Motion/Petition for Reconsideration of First and Final Account</i> ought to be granted, and that the <i>Order on First and Final Account...and for Distribution</i> is <u>revoked</u>], 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. <i>Receipt on Distribution</i> for this sum was filed on 12/12/2007.</p> <p style="text-align: center;">~Please see additional page~</p>	<p><u>Note: Minute Order</u> 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 <u>2/28/2012</u>. 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.</p> <p>1. Need second and final account.</p>
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		Reviewed by: LEG
		Reviewed on: 2/17/12
		Updates: 2/23/12
		Recommendation:
		File 1A – Banda-Nieto

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><i>Maria Luisa Sanchez' Opposition to Alfredo Banda Arriaga's Motion to Have Admissions Deemed Admitted and Request for Sanctions</i> was filed on 2/21/2012.</p> <p><i>Declaration of Edward L. Fanucchi in Support of Maria Luisa Sanchez' Opposition to Alfredo Banda Arriaga's Motion to Have Admissions Deemed Admitted, etc.</i>, was filed on 2/21/2012.</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> <p><u>Note for background:</u> <i>Minute Order</i> dated 2/15/2012 from the hearing on the <i>Motion to Compel Further Responses to Form Interrogatories, Set One, and for Sanctions</i> states the Court deems the date of the verification to be consistent with the date of the DHL delivery receipt. The Court advises both counsel that it is not imposing sanctions at this time. The Court stays the motion pending how further motions are responded to.</p>
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		<p>Reviewed by: LEG</p> <p>Reviewed on: 2/17/12</p> <p>Updates: 2/23/12; 2/27/12</p> <p>Recommendation:</p> <p>File 1B – Banda-Nieto</p>	

(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	<p>PUBLIC GUARDIAN, Conservator, is petitioner.</p> <p>Account period: 4/10/10 – 12/6/11</p> <p>Accounting - \$19,921.05 Beginning POH - \$ 1,068.15 Ending POH - \$ 1,046.42</p> <p>Conservator - \$746.80 (3.90 Deputy hours @ \$96/hr and 4.90 Staff hours @ \$76/hr)</p> <p>Attorney - \$1,000.00 (less than allowed 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 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.</p> <p>Petitioner prays for an Order:</p> <ol style="list-style-type: none"> 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 	<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 2 - Davis</p>		

(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) Petitioner PETER VAGNINO III’S (Petitioners’ father and Settlor’s son, and also represented by Attorney Davidson) <i>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,</i> 2) Co-Trustee Armas’ <i>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.</i> 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 DOB: 8/20/1920	PUBLIC GUARDIAN , Conservator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Account period: 3/15/11 – 12/20/11	
	Accounting - \$13,032.39	
	Beginning POH - \$ 500.00	
	Ending POH - \$ 8,515.49	
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<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	Conservator - \$4,079.20 (36.95 Deputy hours @ \$96/hr and 7.00 Staff hours @ \$76/hr)	
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<input type="checkbox"/> Not.Cred.	Attorney - \$2,000.00 (per Local Rule)	
<input checked="" type="checkbox"/> Notice of Hrg	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.	
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<input type="checkbox"/> Pers.Serv.	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).	
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<input checked="" type="checkbox"/> Order	6. Approving, allowing and settling the first account;	
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<input type="checkbox"/> UCCJEA	9. Dispensing with further accountings as long as the conservatorship continued to meet the requirements of Probate Code §2628(b).	
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		Reviewed on: 2/17/12
		Updates:
		Recommendation:
		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:
		<u>CONTINUED FROM 01/10/12</u>
	Petitioner states:	Notes:
Cont. from 01/10/12	1. Decedent created the Jeri L. Shubin 2007 Trust (the "Trust") and a pour-over Will on August 23, 2007;	Consent of Bruce Bickel to serve as neutral third party trustee was filed on 02/01/12.
Aff.Sub.Wit.	2. Decedent amended the Trust on July 1, 2009 (the "First Amendment");	A Petition for Preliminary Distribution and Injunction filed by Roberto Garcia is set for hearing on 03/13/12.
✓ Verified	3. Decedent amended the Trust a second time on December 15, 2009 (the "Second Amendment");	
Inventory	4. Decedent amended the Trust a third and final time on December 13, 2010;	
PTC	5. Decedent died on June 29, 2011, at which time the Trust became irrevocable;	
Not.Cred.	6. Petitioner is a named beneficiary of the Trust and also was nominated as second successor trustee in the Third Amendment to the Trust;	
✓ Notice of Hrg	7. Petitioner states that Evelyn Lauderdale is the current acting trustee;	
✓ Aff.Mail	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;	
Aff.Pub.	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;	
Sp.Ntc.	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;	
Pers.Serv.	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;	
Conf. Screen	12. Petitioner states that Evelyn Lauderdale was not an authorized signer on any of these accounts;	
Letters	See Page 2 for more information	
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

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:		NEEDS/PROBLEMS/COMMENTS: <u>Continued to 4/5/2012</u> at the request of the attorney.
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> <hr/> <p>Reviewed on: 2/21/12</p> <hr/> <p>Updates:</p> <hr/> <p>Recommendation:</p> <p>File 8 - Johnson</p>
	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:	
	<ol style="list-style-type: none"> 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. 	
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg	N/A	
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order	X	
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

DOD: 3/1/2009		<p>JENNIFER HUGHES and ELIZABETH CORDERO are petitioners.</p> <p>No other proceedings</p> <p>Will dated 12/17/1982 confirms Dewey E. Johnson's ½ community property interest to him and devises the decedent's ½ community property interest into a testamentary trust. (Please see note #3.)</p> <p>Petitioner requests court confirmation that ½ interest in real properties, investment accounts, bank accounts, 2006 Lexus, personal property and furniture and furnishings belongs to him and that ½ interest passes to him.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> #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. <u>Note:</u> Petitioners state they are the Trustees of the Dewey E. Johnson Living Trust, dated April 15, 2011. It appears that based on Probate Code §13650 Petitioners do not have standing to bring this petition until they have been appointed as Dewey E. Johnson's personal representative. Supplement to the Petition (this is actually an amended petition) was signed and verified by the attorney and not by the petitioners. Probate Code §1023 states an attorney cannot sign or verify for a fiduciary. Will of Joan Helen Johnson devises her interest in the community property into a testamentary trust and <u>not</u> to her surviving spouse.
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 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 9 – Johnson	

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

DOD: 8/5/11		DAN C. MORRIS, brother, is petitioner.	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 after 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.
		40 days since DOD.	
Cont. from		No other proceedings.	
	Aff.Sub.Wit.	Decedent died intestate.	
✓	Verified	I & A - \$87,000.00	
	Inventory	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:	
	PTC	1. Archa Boozer	
	Not.Cred.	2. Dan Morris	
	Notice of Hrg	3. Barbara Meadows	
X	Aff.Mail	4. Jimmie Morris, Jr.	
	Aff.Pub.	5. Rose Mary Bryant	
	Sp.Ntc.	6. Mary Conner	
	Pers.Serv.	7. Anthony Morris	
	Conf. Screen	8. Angela Davis	
	Letters	9. Jamel Felker	
	Duties/Supp	10. Brian Felker	
	Objections	11. Jernell Sanders	
	Video Receipt	12. Dixie Tatum	
	CI Report	13. Carl Lee Ward	
	9202	14. E.C. Morris	
✓	Order	15. Angie Davenport	
	Aff. Posting	16. Cathy Sloan	
	Status Rpt	17. Jamesetta Smith	
	UCCJEA	18. Joetta Spencer	
	Citation	19. Wendy Crenshaw	
	FTB Notice	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	
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>

Miracle Zadie Peoples Age: 2 DOB: 7-29-09	TEMPORARY EXPIRES 1-24-12 SARAH BANKS , Maternal Great Aunt, is Petitioner. Father (Miracle): UNKNOWN Father (Royalty): UNKNOWN Mother: LATARA PEOPLES - <i>Consent and Waiver of Notice filed 2-14-12</i> Paternal Grandfather (Miracle): Unknown Paternal Grandmother (Miracle): Unknown Paternal Grandfather (Royalty): Unknown Paternal Grandmother (Royalty): 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. <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. 2. 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
Royalty 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		
		Reviewed by: skc
		Reviewed on: 2-21-12
		Updates:
		Recommendation:
		File 12 - Peoples

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

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.	NEEDS/PROBLEMS/COMMENTS:
		CONTINUED FROM 01/10/12
	Minute order dated 11/09/10 set this matter for status on 01/10/12.	Minute order from 01/10/12 states:
Cont. from 011012		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.
Aff.Sub.Wit.	Inventory & Appraisal was filed on 03/08/11.	As of 02/17/12, the following remains outstanding:
Verified		1. Need First Account and Petition for Final Distribution.
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: 02/17/12
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 14A - Perez

Age: 7 months DOB: 7/28/11	<p style="text-align: center;">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>Petitioner filed on 2/24/2012 a <i>Notice of Change of Address</i> indicating her new address as of 2/13/2012 is [omitted.]</p> <p style="text-align: center;">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1) Need <i>Notice of Hearing</i>.—Filed 2/24/2012.</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;--Proof of service by Mail filed 2/24/2012. • Kristi Ergo, Co-Guardian;--Proof of service by Mail filed 2/24/2012. • Devin La France, father; • Joe La France, paternal grandfather; • Perry Will, maternal grandfather; • Margaret Blowers, maternal grandmother. <p><u>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.</u></p>	
Hailey Age: 3 yrs DOB: 10/31/2008				
Brendan Age: 2 yrs DOB: 1/22/2010				
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			X
<input type="checkbox"/>	Aff.Mail			X
<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 checked="" type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		Reviewed by: LEG		
		Reviewed on: 2/17/12		
		Updates: 2/24/12; 2/27/12		
		Recommendation:		
		File 17 – La France		

Declaration in Opposition to Relief Requested and Request for Affirmative Relief filed by Co-Guardians KRISTI ERGO and KIM RHINE on 2/17/2012 states:

- Since the Guardianship was granted, the children's mother has visited more or less regularly; however, there have been significant problems with the visitation, as follows:
 1. Lisa Will (mother) would not abide by the supervised visitation rules, and initially whispered to the children and discussed the litigation with the children, telling them that she would get them back and that they would be "moving in with her at rehab." Attorney Tritt wrote Lisa a letter protesting this inappropriate sharing of information and conversation with the children (*please refer to Exhibit A for a copy of the letter dated 8/9/2011*);
 2. The oldest child, Natalie (age 4), had night terrors as a nightly occurrence prior to the permanent guardianship, which have gradually decreased in frequency but continue to occur after visitation between the children and their mother; the day after a visit the children are less responsive to instruction, very clingy and emotionally insecure; each time Lisa whispers to the children, especially Natalie and Haley (age 3), they have severe night terrors and ask for reassurance that their mother will not take them from their home and that they are safe; now that the children are approved on the Guardian's health insurance, they are set to begin counseling at the Sullivan Center for Children;
 3. When they first began working with Natalie through Jefferson Elementary School, her reading and math readiness scores in the pre-school program were below average, and Natalie has now improved (*copies of previous and current assessments attached as Exhibits B and C*);
 4. Haley was born addicted to methamphetamine by report of the CPS Social Worker, and they are working intensely with Haley, as she can have great difficulty focusing; Lisa nursed Natalie while pregnant with Haley using methamphetamine;
 5. They paid **\$150.00** for Lisa's hair follicle drug test which revealed heavy usage of methamphetamine by Lisa (*copy of test results attached as Exhibit E*); Lisa has not reimbursed them for the cost of the test;
 6. Lisa claims that she is in rehab at Spirit of Woman in a treatment program; however, they are informed that Lisa either abandoned her treatment program there or was expelled from the program for using methamphetamines; Attorney Tritt has subpoenaed the records from Spirit of Woman for the Court; they are informed that Lisa is living with another addict, "Kemo;"
 7. **They ask the Court to order Lisa to complete another hair follicle test and to reimburse them for the cost of each positive (dirty) test;**
 8. Devon LaFrance (father) was having supervised visitation with the children at McDonald's at Clovis and Herndon; however, on 9/23/2011 he became agitated, angry and verbally abusive in the presence of the children;
 9. Lisa's visits upset the children and cause a resumption of night terrors, and when the children do not respond to Lisa as she desires, Lisa will respond with little verbal digs at the children such as telling Haley she has to visit with her when she is there, even if Haley says no and does not interact with Lisa; when Haley tells Lisa no, Lisa will tell Haley they will do what Lisa wants because it is "her visit," and this does not model appropriate adult or maternal behavior for the children;
 10. When Lisa gets pushy with the children, they become withdrawn, and after such a visit they will act out, exhibit emotional fragility, and grind their teeth; they will not sleep well after such a visit, and will have difficulty sleeping alone; Co-Guardians have arranged visits with a dentist for the children to deal with the teeth grinding issue and perhaps obtain night guards for their teeth.

~Please see additional page~

Co-Guardians KRISTI ERGO and KIM RHINE request the following relief from the Court:

- Orders for therapeutic supervised visitation either at the Sullivan Center for Children with a different therapist than the children's treating therapist, or at Comprehensive Youth Services, with Lisa to bear **100% of the costs** of the visits, since she is not contributing to the support of the children;
- The visitation be no more frequent than recommended by the children's treating therapist, and in no event more frequent than one hour per week in a therapeutic setting;
- That Lisa must provide a full 12 months of random clean drug tests, at least once per month, as monitored and scheduled by Global Drug Testing Services, a Registered *Substance Abuse and Mental Health Services Administration* (SAMSHA) facility which follows chain of custody evidentiary procedures according to Federal guidelines (*please refer to Exhibit D for copy of Federal guidelines excerpt*), **prior to Lisa filing any motion** for modification of the visitation plan, [or request] to extend, increase or add visitation or for return of custody of the children to her;
- That the Court order that a failure to test within 4 hours of the time of notification to test will constitute a dirty (positive) drug test.

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 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			
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Notice of Hrg	N/A		
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Video Receipt			
CI Report			
9202			
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✓ 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>	