

Petition for Full Authority to Administer Decedent's Estate Under the Independent Administration of Estate Act

DOD: 08/25/12	DELIA GONZALEZ , Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
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 checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	w/	
<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		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
	Petitioner states:	
	<ol style="list-style-type: none"> Letters of Administration with limited IAEA authority were issued to Petitioner on 10/15/12. These powers have not been revoked. Petitioner has discovered that Decedent had an interest in ten (10) parcels of real property. Petitioner has determined that it is in the best interest of the estate and those interested in it, that the properties be sold. Reports of Sale and Petitions for Order Confirming Sale of Real Property for three of the parcels were filed concurrently with this petition. Due to the administrative costs associated with the sale of real property under limited authority, Petitioner believes it is in the best interest of the estate and those interested in it, that she be empowered with full IAEA authority. Petitioner seeks an order from this Court to issue new Letters of Administration authorizing her to act with full IAEA authority. 	
	Petitioner prays for an Order:	
	<ol style="list-style-type: none"> Authorizing the Petitioner to administer the estate under the provisions of the Independent Administration of Estates Act from the date of this petition with full authority; and That new Letters of Administration be issued bearing the notation that Petitioner is authorized to act under the Independent Administration of Estates Act from the date of this petition with full authority. 	
		Reviewed by: JF
		Reviewed on: 02/22/13
		Updates:
		Recommendation:
		File 1A – De La Mora

Petition to Authorize and Instruct the Administrator

DOD: 08/25/12	DELIA GONZALEZ , Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont. from	Petitioner states:	
<input type="checkbox"/> Aff.Sub.Wit.	1. The Decedent and her spouse, Francisco J. De La Mora, died in an aviation accident on 08/25/12.	
<input checked="" type="checkbox"/> Verified	2. Petitioner seeks authorization to close two C corporations in which Decedent and her deceased spouse were the only shareholders:	
<input type="checkbox"/> Inventory	a. JDM Brokerage, Inc.	
<input type="checkbox"/> PTC	1. Decedent owned 50% of the stock of JDM Brokerage, Inc. The only other stockholder was her deceased husband, Francisco De La Mora.	
<input type="checkbox"/> Not.Cred.	2. JDM Brokerage, Inc. was dependent on the supervision and sales skills of Decedent's spouse. There is no person who could replace the Decedent's spouse in his capacity as owner/operator.	
<input checked="" type="checkbox"/> Notice of Hrg	3. JDM Brokerage, Inc. has no known physical assets. During its months of operation, it had an agreement to use/rent the office equipment owned by JDM Transport, Inc.	
<input checked="" type="checkbox"/> Aff.Mail W/	4. JDM Brokerage, Inc. has an undocumented outstanding obligation to JDM Transport, Inc. in the amount of \$400,000.00 over a period from 11/10/11 – 04/03/12, of which \$200,000.00 would be a liability for the share owned by the Decedent's estate. The purpose of these alleged loans were for JDM Brokerage, Inc.'s start-up costs and continuing business needs. Petitioner believes that the Decedent made no payments on this loan during her lifetime, however, since her appointment as Administrator, Petitioner has transferred \$10,000.00 to JDM Transport, Inc. in partial payment of the outstanding debt. This payment was necessary to pay the on-going expenses of JDM Transport, Inc.	
<input type="checkbox"/> Aff.Pub.	5. The Probate Referee appraised Decedent's interest in JDM Brokerage, Inc. as \$126,828.60.	
<input type="checkbox"/> Sp.Ntc.	6. JDM Brokerage, Inc. currently has a balance of approximately \$15,000.00, \$7,500.00 of which would accrue to the share owned by the Decedent's estate. Petitioner seeks authorization to take whatever steps necessary to collect these funds, including hiring a collection firm.	
<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		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
	Continued on Page 2	Reviewed by: JF Reviewed on: 02/25/13 Updates: Recommendation: File 1B – De La Mora

7. Petitioner believes it is in the best interest of the estate to close JDM Brokerage, Inc. as soon as all taxes, debts and closing costs are paid. Petitioner therefore seeks an order giving her authority over the current management and adoption of a plan of liquidation on behalf of the Decedent's estate. Petitioner also seeks authority to execute any and all documents necessary for the management and dissolution of the corporation, including, Certificate of Dissolution, Written Consent of the Directors, Written Consent of the Shareholders, Notice of Commencement of Voluntary Proceedings to Wind Up and Dissolve, Assignment, Receipt of Distribution, and Internal Revenue Service Form 996.
 8. Petitioner also seeks an order from the Court to: 1) pay the amount of the obligation due JDM Transport, Inc. from JDM Brokerage's business account, up to and including the total value of the business account, reserving only an amount necessary to pay for the costs of closing that corporation, and 2) incur any reasonable expense to collect receivables, which may include retaining the services of a collection firm.
 9. Upon confirmation of closure of JDM Brokerage, Inc., 50% of any remaining assets shall be transferred to Decedent's estate.
- b. JDM Transport, Inc.
1. Decedent owned 50% of the stock of JDM Transport, Inc. The only other stockholder is the decedent's spouse, Francisco J. De La Mora, who is also deceased.
 2. JDM Transport, Inc. was dependent on the supervision and sales skill of the Decedent's spouse. There is no other person who could replace the Decedent's spouse in his capacity as owner/operator.
 3. As of the Decedent's date of death, JDM Transport was operating at a loss. All contracts in force at the time of Decedent's death have been completed and paid in full. There are no receivables.
 4. The Probate Referee has appraised Decedent's interest in JDM Transport to be valued at \$167,331.76.
 5. There is currently an on-going audit by the Employment Development Department ("EDD"). Petitioner has been advised by the company's tax preparer that the current liability is \$55,000.00. \$27,500.00 of which is the liability of the Decedent's estate. Negotiations are on-going with the hope of reducing the amount. It is not known how long it will take to complete the EDD audit.
 6. JDM Transport's hard assets include some trucks, trailers and office equipment. Petitioner seeks authorization from this court to sell all assets for cash. The proceeds from their sale will go towards paying the on-going expense of rent, insurance, utilities, and payroll for the one remaining employee. Funds are also needed to pay off a \$75,000.00 line of credit, \$37,500.00 of which is a liability of Decedent's estate. The monthly interest payments are in excess of \$340.00 per month, of which \$170.00 is a direct cost to Decedent's estate. With the repayment of the loan owed JDM Transport by JDM Brokerage, Petitioner would have sufficient funds to pay whatever is owed EDD and close the line of credit.
 7. Petitioner believes it is in the best interest of the estate to close JDM Transport, Inc. as soon as all taxes, debts, and closing costs are paid. Petitioner therefore seeks an order authorizing her to immediately liquidate all of the corporation's assets. Petitioner seeks authority over the current management and adoption of a plan of liquidation on behalf of the Decedent. Petitioner also seeks authority to execute any and all documents necessary for the management and dissolution of the corporation, including, Certificate of Dissolution, Written Consent of the Directors, Written Consent of the Shareholders, Notice of Commencement of Voluntary Proceedings to Wind Up and Dissolve, Assignment, Receipt of Distribution, and Internal Revenue Service Form 996.
 8. Upon confirmation of closure of JDM Brokerage, Inc., 50% of any remaining assets shall be transferred to Decedent's estate.

Continued on Page 3

Petitioner prays for an Order:

1. Granting Petitioner authority over the current management of JDM Brokerage, Inc. and the adoption of a plan of liquidation on behalf of the Decedent. Said authority to include executing on Decedent's behalf, any and all documents necessary for the management and dissolution of the corporation, which may include but are not limited to, Certificate of Dissolution, Written Consent of the Directors, Written Consent of the Shareholders, Notice of Commencement of Voluntary Proceedings to Wind Up and Dissolve, Assignment, Receipt of Distribution, and Internal Revenue Service Form 996;
2. Authorizing Petitioner to pay as much of, to the total amount of, the obligation due JDM Transport, Inc. by JDM Brokerage's business account, up to and including one-half (Decedent's interest) of the total value of the business account, reserving only an amount necessary to pay any outstanding debts, taxes and costs of closing the corporation attributed to Decedent's share of the business;
3. Authorizing Petitioner to incur any reasonable expense to collect JDM Brokerage, Inc.'s receivables, which may include the services of a collection firm;
4. Depositing Decedent's 50% share of the remainder in JDM Brokerage, Inc., if any, after payment of all taxes, debts and costs incurred in closing, in the account vested in the name of the Estate of Lorena C. De La Mora;
5. Granting Petitioner authority over the current management of JDM Transport, Inc. and the adoption of a plan of liquidation on behalf of the Decedent. Said authority to include executing on Decedent's behalf, any and all documents necessary for the management and dissolution of the corporation, which may include but are not limited to, Certificate of Dissolution, Written Consent of the Directors, Written Consent of the Shareholders, Notice of Commencement of Voluntary Proceedings to Wind Up and Dissolve, Assignment, Receipt of Distribution, and Internal Revenue Service Form 996;
6. Authorizing Petitioner to immediately liquidate Decedent's share of JDM Transport, Inc.;
7. Granting Petitioner authority to execute, on Decedent's behalf, any and all documents necessary for the management and dissolution of the corporation, including, but not limited to, Certificate of Dissolution, Written Consent of the Directors, Written Consent of the Shareholders, Notice of Commencement of Voluntary Proceedings to Wind Up and Dissolve, Assignment, Receipt of Distribution, and Internal Revenue Service Form 996; and
8. Depositing Decedent's 50% share of the remainder in JDM Transport, Inc., if any, after payment of all taxes, debts and costs incurred in closing, in the account vested in the name of the Estate of Lorena C. De La Mora.

Report of Sale and Petition for Order Confirming Sale of Real Property - 922-924 W. Weldon

DOD: 08/25/12	DELIA GONZALEZ, Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Note: If Petition is granted, a status hearing will be set as follows: <ul style="list-style-type: none"> Friday, March 29, 2013 at 9:00 am in Dept. 303 for filing of additional bond (if needed) or receipt of funds into blocked account (if applicable). Note: This Petition is for Decedent's 50% interest in the real property. A Separate Report of Sale and Petition for Order Confirming Sale of Real Property has been filed on behalf of the Decedent's Spouses Estate (See Page 2C). The Sale is contingent on the purchase of both 50% interests. The buyers have agreed to purchase 100% of the real property. 1. Petitioner states that no additional bond will be required upon completion of this sale. It is unclear whether the current bond is sufficient. The Court may require more information as to the sufficiency of the bond or as to the necessity to deposit the proceeds from this sale into a blocked account.
Cont. from		
Aff.Sub.Wit.		
✓ Verified		
Inventory		
PTC		
Not.Cred.		
✓ Notice of Hrg		
✓ Aff.Mail	w/	
✓ Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
✓ Order		
✓ Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	Sale Price - \$65,500.00 Overbid - \$69,275.00 Reappraisal - \$60,000.00 Property - 922-924 W. Weldon Fresno, CA 93705 Publication - The Business Journal Buyer - Scott Eric Phillips, a married man as his separate property Broker - \$3,275.00 (5%) (2.5% or \$1,637.50 to Sonya Pineida, Mission Mortgage & Realty and 2.5% or \$1,637.50 to Carmen Phillips, Century 21 C. Watson Real Estate) Petitioner currently has bond in the amount of \$200,000.00.	
		Reviewed by: JF Reviewed on: 02/26/13 Updates: Recommendation: File 1C – De La Mora

**Report of Sale and Petition for Order Confirming Sale of Real Property –
 2995 E. Peralta Way, Fresno**

DOD: 08/25/12		DELIA GONZALEZ , Administrator, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: If Petition is granted, a status hearing will be set as follows:</p> <ul style="list-style-type: none"> Friday, March 29, 2013 at 9:00 am in Dept. 303 for filing of additional bond (if needed) or receipt of funds into blocked account (if applicable). <p>Note: This Petition is for Decedent's 50% interest in the real property. A Separate Report of Sale and Petition for Order Confirming Sale of Real Property has been filed on behalf of the Decedent's Spouses Estate (See Page 2E). The Sale is contingent on the purchase of both 50% interests. The buyers have agreed to purchase 100% of the real property.</p> <p>1. Petitioner states that no additional bond will be required upon completion of this sale. It is unclear whether the current bond is sufficient. The Court may require more information as to the sufficiency of the bond or as to the necessity to deposit the proceeds from this sale into a blocked account.</p>
		Sale Price - \$35,500.00	
		Overbid - \$37,775.00	
Cont. from			
	Aff.Sub.Wit.		
✓	Verified	Reappraisal - \$30,000.00	
	Inventory	Property - 2995 E. Peralta Way Fresno, CA 93703	
	PTC	Publication - The Business Journal	
	Not.Cred.	Buyer - Ruben Villegas and Rosa Villegas, as joint tenants	
✓	Notice of Hrg	Broker - \$1,775.00 (5%) (2.5% or \$887.50 to Sonya Pineida, Mission Mortgage & Realty and 2.5% or \$887.50 to Marissa Pena, Mission Mortgage and Realty)	
✓	Aff.Mail w/	Petitioner currently has bond in the amount of \$200,000.00.	
	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: JF</p> <p>Reviewed on: 02/26/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1E – De La Mora</p>

Petition for Full Authority to Administer Decedent's Estate Under the Independent Administration of Estate Act

DOD: 08/25/12		DELIA GONZALEZ , Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		<p>Petitioner states:</p> <p>6. Letters of Administration with limited IAEA authority were issued to Petitioner on 10/15/12. These powers have not been revoked.</p> <p>7. Petitioner has discovered that Decedent had an interest in eleven (11) parcels of real property. Petitioner has determined that it is in the best interest of the estate and those interested in it, that the properties be sold.</p> <p>8. Reports of Sale and Petitions for Order Confirming Sale of Real Property for three of the parcels were filed concurrently with this petition.</p> <p>9. Due to the administrative costs associated with the sale of real property under limited authority, Petitioner believes it is in the best interest of the estate and those interested in it, that she be empowered with full IAEA authority.</p> <p>10. Petitioner seeks an order from this Court to issue new Letters of Administration authorizing her to act with full IAEA authority.</p> <p>Petitioner prays for an Order:</p> <p>3. Authorizing the Petitioner to administer the estate under the provisions of the Independent Administration of Estates Act from the date of this petition with full authority; and</p> <p>4. That new Letters of Administration be issued bearing the notation that Petitioner is authorized to act under the Independent Administration of Estates Act from the date of this petition with full authority.</p>	<p>Reviewed by: JF</p> <p>Reviewed on: 02/26/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2A – De La Mora</p>

DOD: 08/25/12		<p>DELIA GONZALEZ, Administrator, is Petitioner.</p> <p>Petitioner states:</p> <p>3. The Decedent and his spouse, Lorena C. De La Mora, died in an aviation accident on 08/25/12.</p> <p>4. Petitioner seeks authorization to close two C corporations in which Decedent and his deceased spouse were the only shareholders:</p> <p>a. JDM Brokerage, Inc.</p> <p>b. JDM Transport, Inc.</p> <p>5. Petitioner also seeks instructions from this court as to the status of the claim filed on behalf of the Fresno County Department of Child Support Services.</p> <p>6. Re Decedent's interest in JDM Brokerage, Inc.</p> <p>a. Decedent owned 50% of the stock of JDM Brokerage, Inc. The only other stockholder was his deceased wife, Lorena De La Mora.</p> <p>b. JDM Brokerage, Inc. was dependent on the supervision and sales skills of the Decedent. There is no person who could replace the Decedent in his capacity as owner/operator.</p> <p>c. JDM Brokerage, Inc. has no known physical assets. During its months of operation, it had an agreement to use/rent the office equipment owned by JDM Transport, Inc.</p> <p>d. JDM Brokerage, Inc. has an undocumented outstanding obligation to JDM Transport, Inc. in the amount of \$400,000.00 over a period from 11/10/11 – 04/03/12, of which \$200,000.00 would be a liability for the share owned by the Decedent's estate. The purpose of these alleged loans were for JDM Brokerage, Inc.'s start-up costs and continuing business needs. Petitioner believes that the Decedent made no payments on this loan during his lifetime, however, since her appointment as Administrator, Petitioner has transferred \$10,000.00 to JDM Transport, Inc. in partial payment of the outstanding debt. This payment was necessary to pay the on-going expenses of JDM Transport, Inc.</p> <p>e. The Probate Referee appraised Decedent's interest in JDM Brokerage, Inc. as \$126,828.60.</p> <p style="text-align: center;">Continued on Page 2</p>	NEEDS/PROBLEMS/COMMENTS:
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
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<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail w/		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
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<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: JF			
Reviewed on: 02/26/13			
Updates:			
Recommendation:			
File 2B – De La Mora			

- f. JDM Brokerage, Inc. currently has accounts receivable in the amount of approximately \$15,000.00, \$7,500.00 of which would accrue to the share owned by the Decedent's estate. Petitioner seeks authorization to take whatever steps necessary to collect these funds, including hiring a collection firm.
 - g. Petitioner believes it is in the best interest of the estate to close JDM Brokerage, Inc. as soon as all taxes, debts and closing costs are paid. Petitioner therefore seeks an order giving her authority over the current management and adoption of a plan of liquidation on behalf of the Decedent's estate. Petitioner also seeks authority to execute any and all documents necessary for the management and dissolution of the corporation, including, Certificate of Dissolution, Written Consent of the Directors, Written Consent of the Shareholders, Notice of Commencement of Voluntary Proceedings to Wind Up and Dissolve, Assignment, Receipt of Distribution, and Internal Revenue Service Form 996.
 - h. Petitioner also seeks an order from the Court to: 1) pay the amount of the obligation due JDM Transport, Inc. from JDM Brokerage's business account, up to and including the total value of the business account, reserving only an amount necessary to pay for the costs of closing that corporation, and 2) incur any reasonable expense to collect receivables, which may include retaining the services of a collection firm.
 - i. Upon confirmation of closure of JDM Brokerage, Inc., 50% of any remaining assets shall be transferred to Decedent's estate.
7. Re Decedent's interest in JDM Transport, Inc.:
- a. Decedent owned 50% of the stock of JDM Transport, Inc. The only other stockholder is the decedent's spouse, Lorena C. De La Mora, who is also deceased.
 - b. JDM Transport, Inc. was dependent on the supervision and sales skill of the Decedent. There is no other person who could replace the Decedent in his capacity as owner/operator.
 - c. As of the Decedent's date of death, JDM Transport was operating at a loss. All contracts in force at the time of Decedent's death have been completed and paid in full. There are no receivables.
 - d. The Probate Referee has appraised Decedent's interest in JDM Transport to be valued at \$167,331.76.
 - e. There is currently an on-going audit by the Employment Development Department ("EDD"). Petitioner has been advised by the company's tax preparer that the current liability is \$55,000.00. \$27,500.00 of which is the liability of the Decedent's estate. Negotiations are on-going with the hope of reducing the amount. It is not known how long it will take to complete the EDD audit.
 - f. JDM Transport's hard assets include some trucks, trailers and office equipment. Petitioner seeks authorization from this court to sell all assets for cash. The proceeds from their sale will go towards paying the on-going expense of rent, insurance, utilities, and payroll for the one remaining employee. Funds are also needed to pay off a \$75,000.00 line of credit, \$37,500.00 of which is a liability of Decedent's estate. The monthly interest payments are in excess of \$340.00 per month, of which \$170.00 is a direct cost to Decedent's estate. With the repayment of the loan owed JDM Transport by JDM Brokerage, Petitioner would have sufficient funds to pay whatever is owed EDD and close the line of credit.
 - g. Petitioner believes it is in the best interest of the estate to close JDM Transport, Inc. as soon as all taxes, debts, and closing costs are paid. Petitioner therefore seeks an order authorizing her to immediately liquidate all of the corporation's assets. Petitioner seeks authority over the current management and adoption of a plan of liquidation on behalf of the Decedent. Petitioner also seeks authority to execute any and all documents necessary for the management and dissolution of the corporation, including, Certificate of Dissolution, Written Consent of the Directors, Written Consent of the Shareholders, Notice of Commencement of Voluntary Proceedings to Wind Up and Dissolve, Assignment, Receipt of Distribution, and Internal Revenue Service Form 996.

Continued on Page 3

- h. Upon confirmation of closure of JDM Brokerage, Inc., 50% of any remaining assets shall be transferred to Decedent's estate.
8. Re Claim for Child Support:
- a. Fresno County Department of Child Support Services has filed a claim in the amount of \$16,807.97. The claim is based on the findings of case no. 587846-9 County of Fresno vs. Jose Gonzalez, aka Javier Sanchez, aka Francisco J. De La Mora. Pursuant to the judgment filed on 08/19/98, the Decedent was deemed the "legal", if not biological father of Michaela Denise Gillespie and Michael Anthony Gillespie, twins born on 11/25/96.
 - b. Petitioner is the sister of the Decedent. She is aware of the alleged paternity, but the Decedent had consistently denied that he was the biological father. However, Decedent did meet with the children's mother, Beverly Gillespie, for mediation and adopted a parenting plan, which is dated 10/16/98. He also failed to comply with a court ordered blood test. Beverly Gillespie was given sole custody of the children.
 - c. The claim filed by Fresno County asserts that Michaela Denise Gillespie and Michael Anthony Gillespie have received benefits from the County and they are therefore entitled to reimbursement.
 - d. Petitioner presents the County's claim for the court to review and an instruction for payment. If the court concurs with the family court's findings, then it appears Decedent's estate is not only liable for the claim of \$16,807.97, but should be paying Beverly Gillespie the sum of \$149.00 per child per month, beginning September 1, 2012.
 - e. These children recently turned 16. Unless an agreement is reached between Beverly Gillespie and Petitioner on the issue of child support, Decedent's estate would need to stay open until the later of the child's 18th birthday or date of graduation if he/she is under the age of 19, at graduation and residing full time with Beverly Gillespie.
 - f. Petitioner seeks an order from this court to pay Fresno County's claim of \$16,807.97 and authorization to pay the previously ordered child support of \$149.00 per month per child beginning September 1, 2012 and continuing until the later of the child's 18th birthday or date of graduation if he/she is under the age of 19 at the date of graduation. Payments are contingent on the children residing full time with Beverly Gillespie and attending high school full time.

Petitioner prays for an Order:

1. Granting Petitioner authority over the current management of JDM Brokerage, Inc. and the adoption of a plan of liquidation on behalf of the Decedent. Said authority to include executing on Decedent's behalf, any and all documents necessary for the management and dissolution of the corporation, which may include but are not limited to, Certificate of Dissolution, Written Consent of the Directors, Written Consent of the Shareholders, Notice of Commencement of Voluntary Proceedings to Wind Up and Dissolve, Assignment, Receipt of Distribution, and Internal Revenue Service Form 996;
2. Authorizing Petitioner to pay as much of, to the total amount of, the obligation due JDM Transport, Inc. by JDM Brokerage's business account, up to and including one-half (Decedent's interest) of the total value of the business account, reserving only an amount necessary to pay any outstanding debts, taxes and costs of closing the corporation attributed to Decedent's share of the business;
3. Authorizing Petitioner to incur any reasonable expense to collect JDM Brokerage, Inc.'s receivables, which may include the services of a collection firm;
4. Depositing Decedent's 50% share of the remainder in JDM Brokerage, Inc., if any, after payment of all taxes, debts and costs incurred in closing, in the account vested in the name of the Estate of Francisco J. De La Mora;

Continued on Page 4

5. Granting Petitioner authority over the current management of JDM Transport, Inc. and the adoption of a plan of liquidation on behalf of the Decedent. Said authority to include executing on Decedent's behalf, any and all documents necessary for the management and dissolution of the corporation, which may include but are not limited to, Certificate of Dissolution, Written Consent of the Directors, Written Consent of the Shareholders, Notice of Commencement of Voluntary Proceedings to Wind Up and Dissolve, Assignment, Receipt of Distribution, and Internal Revenue Service Form 996;
6. Authorizing Petitioner to immediately liquidate Decedent's share of JDM Transport, Inc.;
7. Granting Petitioner authority to execute, on Decedent's behalf, any and all documents necessary for the management and dissolution of the corporation, including, but not limited to, Certificate of Dissolution, Written Consent of the Directors, Written Consent of the Shareholders, Notice of Commencement of Voluntary Proceedings to Wind Up and Dissolve, Assignment, Receipt of Distribution, and Internal Revenue Service Form 996;
8. Depositing Decedent's 50% share of the remainder in JDM Transport, Inc., if any, after payment of all taxes, debts and costs incurred in closing, in the account vested in the name of the Estate of Francisco J. De La Mora;
9. Instructing Petitioner to pay the claim filed by Fresno County Department of Child Support Services in the amount of \$16,807.97; and
10. Instructing Petitioner to pay child support to Beverly Gillespie in the amount of \$149.00 per child per month effective September 1, 2012 until such time as Michaela Denise Gillespie and Michael Anthony Gillespie reach age 18, but if not yet graduated from high school, then to the high school graduation date, but no later than age 19 or until an agreement regarding the same is reached between Petitioner and Beverly Gillespie. Payments are contingent upon the children residing with Beverly Gillespie full time and attending high school full time.

Report of Sale and Petition for Order Confirming Sale of Real Property - 922-924 W. Weldon

DOD: 08/25/12		DELIA GONZALEZ , Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Note: If Petition is granted, a status hearing will be set as follows: <ul style="list-style-type: none"> Friday, March 29, 2013 at 9:00 am in Dept. 303 for filing of additional bond (if needed) or receipt of funds into blocked account (if applicable). Note: This Petition is for Decedent's 50% interest in the real property. A Separate Report of Sale and Petition for Order Confirming Sale of Real Property has been filed on behalf of the Decedent's Spouses Estate (See Page 1C). The Sale is contingent on the purchase of both 50% interests. The buyers have agreed to purchase 100% of the real property. 1. Petitioner states that no additional bond will be required upon completion of this sale. It is unclear whether the current bond is sufficient. The Court may require more information as to the sufficiency of the bond or as to the necessity to deposit the proceeds from this sale into a blocked account.
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		Sale Price - \$65,500.00 Overbid - \$69,275.00 Reappraisal - \$60,000.00 Property - 922-924 W. Weldon Fresno, CA 93705 Publication - The Business Journal Buyer - Scott Eric Phillips, a married man as his separate property Broker - \$3,275.00 (5%) (2.5% or \$1,637.50 to Sonya Pineida, Mission Mortgage & Realty and 2.5% or \$1,637.50 to Carmen Phillips, Century 21 C. Watson Real Estate) Petitioner currently has bond in the amount of \$200,000.00.	
		Reviewed by: JF Reviewed on: 02/26/13 Updates: Recommendation: File 2C – De La Mora	

Amended Report of Sale and Petition for Order Confirming Sale of Real Property – 2114 N. Vista

DOD: 08/25/12		DELIA GONZALEZ , Administrator, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: If Petition is granted, a status hearing will be set as follows:</p> <ul style="list-style-type: none"> • Friday, March 29, 2013 at 9:00 am in Dept. 303 for filing of additional bond (if needed) or receipt of funds into blocked account (if applicable). <p>Note: This Petition is for Decedent's 50% interest in the real property. A Separate Report of Sale and Petition for Order Confirming Sale of Real Property has been filed on behalf of the Decedent's Spouses Estate (See Page 1D). The Sale is contingent on the purchase of both 50% interests. The buyers have agreed to purchase 100% of the real property.</p> <p>2. Petitioner states that no additional bond will be required upon completion of this sale. It is unclear whether the current bond is sufficient. The Court may require more information as to the sufficiency of the bond or as to the necessity to deposit the proceeds from this sale into a blocked account.</p>
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		<p>Sale Price - \$92,500.00</p> <p>Overbid - \$97,625.00</p> <p>Reappraisal - \$82,500.00</p> <p>Property - 2114 N. Vista Fresno, CA 93722</p> <p>Publication - The Business Journal</p> <p>Buyer - Jaspreet S. Gill and Sarja S. Gill as joint tenants</p> <p>Broker - \$4,625.00 (5%) (2.5% or \$2,312.50 to Sonya Pineida, Mission Mortgage & Realty and 2.5% or \$2,312.50 to Sarbarinda Khehra, Summit Realty Group)</p> <p>Petitioner currently has bond in the amount of \$200,000.00.</p>	
		<p>Reviewed by: 02/26/13</p> <p>Reviewed on:</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2D – De La Mora</p>	

3 Eugena Maru Bedoni (CONS/PE)
 Atty Sanoian, Joanne (for Petitioner/daughter Marianne Bourgeois)
 Atty Walters, Jennifer (Court appointed for Conservatee)
 Atty Magness, Marcus (for Objector Bernadette Planting)

Case No. 13CEPR00039

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

Age: 93 years		<u>TEMPORARY of the Estate only EXPIRES 2/28/13</u>		NEEDS/PROBLEMS/ COMMENTS: Court Investigator Advised Rights on 2/11/13. Voting Rights Affected Need Minute Order. Note: All accounts held at CitiBank in the name of Eugena Bedoni, individually or as Trustee of the Bedoni 2001 Living Trust were ordered into a blocked accounts pending the outcome of the temporary hearing.	
		MARIANNE BOURGEOIS , daughter, is petitioner and requests appointment as conservator of the person and estate with bond set at \$311,000.00.			
Cont. from		Estimated value of the estate: Personal property - \$265,000.00 Public Assistance - \$ 16,860.00			
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<input checked="" type="checkbox"/>	Notice of Hrg	Voting Rights Affected Petitioner states the conservatee lives with one of her daughters, Bernadette Planting and is not ambulatory. Conservatee has a living trust with Petitioner and Bernadette as Successor Co-Trustees. The Trust does not authorize the co-trustees to act individually. Conservatee's Durable Power of Attorney signed in May 2001, named Petitioner and Bernadette as Successor Co-Agents. Petitioner was just informed that sometime in January 2010 Conservatee signed another Durable Power of Attorney making Bernadette her agent. Petitioner alleges Bernadette began using the Conservatee's funds to make improvements on her home. The manager at Citibank became alarmed after \$20,000 was transferred from the Conservatee's account to Bernadette's personal checking account. After he did some investigating he discovered that over \$360,000 had come out of the account in a very short period of time. The Citibank manager contacted APS. APS learned that Bernadette has been using the Power of Attorney to access the conservatee's funds. Bernadette has also used approximately \$131,510 to purchase a home for her son, Steven Planting. After their investigation was completed APS contacted the Fresno Police Dept. because they believed the Conservatee was a victim of financial elder abuse. Petitioner believes that the conservatee is unable to manage her financial resources, unable to resist undue influence, is the victim of financial elder abuse and needs to be protected from Bernadette Planting.			
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Please see additional page				Reviewed by: KT Reviewed on: 2/25/13 Updates: 2/26/13; 2/27/13 Recommendation: File 3 - Bedoni	

Court Investigator Jennifer Daniel's Report filed on 2/19/13

Objection and Opposition to Appointment of Conservator filed by daughter Bernadette Planting on 2/25/13.

Objector alleges on or about 12/30/2010 Mrs. Bedoni executed the First Amendment to the Bedoni Family Trust Agreement (Trust), the First Codicil to the Will of Eugena Bedoni (Codicil), Durable Power of Attorney (DPA) and an Advanced Healthcare Directive and Durable Power of Attorney for Health Care (AHCD). The Trust amendment removes Petitioner as a co-successor Trustee of the Trust and names Objector as the sole successor Trustee of the Trust. The Codicil similarly names Objector as the sole executor of Mrs. Bedoni's Will as does the DPA. Neither document names Petitioner, or anyone else, as successor or agent. The AHCD names Objector as the initial agent and Stephen Planting as the alternate. Again, the Petitioner is not named in any of these documents. Presumably, if Mrs. Bedoni would have wanted Petitioner to act in any capacity she would have named her. Rather, Mrs. Bedoni removed Petitioner as an agent/trustee/executor in her estate plan.

Since moving to Fresno, Objector, with the help of her son Stephen, has cared for Mrs. Bedoni making her life full of love and activity. Since Mrs. Bedoni moved to Fresno, she has only been visited once by any of her other children – the Petitioner in February 2012.

Prior to moving Fresno, it was common knowledge in the family that Objector's home would need improvements suitable for Mrs. Bedoni. The bathrooms needed improvements to be accessible and safe for Mrs. Bedoni. The doorways needed widening to accommodate Mrs. Bedoni's wheelchair. Windows needed to be replaced (the windows were in such a state that the house was not insulated and subject to extreme temperature depending on the season). The driveway needed to be widened so that there was room for Mrs. Bedoni's chair and the car. In addition, other improvements were made at Mrs. Bedoni's direction.

For example, in order to allow Mrs. Bedoni participate in gardening, Objector and Stephen have begun constructing raised beds so that Mrs. Bedoni can garden and be outside. Mrs. Bedoni authorized Objector to spend the trust assets for any and all improvements on Objector's house. All home improvements have been or are near completion. No trust assets will be used on any further improvements.

On or about March of 2012, Mrs. Bedoni loaned Stephen \$131,500.00 to purchase a home for Stephen. The home was in the same neighborhood as the Objector's and was being sold on a short sale. Objector was prepared to take equity out of her home to purchase the home for Stephen, but Mrs. Bedoni insisted that she loan them the funds. As a result the funds were transferred out of the Trust Account. The Trust authorizes the Trustee to lend trust assets.

In December 2010, Objector's husband and Stephen's father, Paul Planting, was killed by a car while walking through a crosswalk. Objector and Stephen commenced a wrongful death action. By the time the loan was made it was clear that Stephen and Objector were going to receive a settlement in approximately the same amount as the sale price. It was always understood that the proceeds of the settlement would be used to repay Mrs. Bedoni. Objector has been informed by the attorney for the settlement that the settlement funds should be disbursed on or about March 7, 2013. Objector and Stephen will repay the loan with interest. Therefore the transaction will result in a net benefit to the Trust.

Please see additional page

3 (additional page 2 of 3) Eugena Maru Bedoni (CONS/PE) Case No.13CEPR00039

Objection and Opposition to Appointment of Conservator filed by daughter Bernadette Planting on 2/25/13 (cont.):

Objections to Appointment of Conservator of the Person. Pursuant to Probate Code § 1801(a), the Court must determine, by clear and convincing evidence, that Mrs. Bedoni is unable to provide properly for her personal needs for physical health, food, clothing and shelter before a conservatorship of the person may be established. Here, the appointment of a conservatorship of the person is unnecessary. Objector is providing Ms. Bedoni with excellent care. Mrs. Bedoni in her own words, "is perfectly happy" in Objector's home. There is no evidence to suggest that Mrs. Bedoni should be moved or that she is not being appropriately cared for. Mrs. Bedoni nominates Objector as her agent under AHCD and Stephen Planting as the successor agent. The same individuals are nominated as conservator of her person in the AHCD. As such, the Petition for Appointment of Conservator of the Person should be denied.

Objections to Appointment of Conservator of the Estate. Pursuant to Probate Code § 1801(b), the court must determine by clear and convincing evidence, that Mrs. Bedoni is unable to manage her own financial resources or resist fraud or undue influence before a conservatorship of her estate may be established. Here there is no evidence that Mrs. Bedoni lacks testamentary capacity and is unable to resist fraud and undue influence. Quite to the contrary, the Probate Investigator's report supports a finding that Mrs. Bedoni has testamentary capacity.

A competent testator may dispose of his or her property as he or she wishes, without regard to the desires of prospective beneficiaries or the view of anyone else. *Estate of Marham (1941) 46 Cal.App.2d 307*. A person has testamentary capacity if she: (1) understands the nature of the testamentary act, (2) understands and recollects the nature and situation of her property, and (3) remembers and understands her relations to living descendants, spouse, parents, and others whose interests are affected by the testamentary act. (Probate Code c216100(a))

Mrs. Bedoni understands the nature of her dispositive acts. According to the Court Investigator, Mrs. Bedoni can recollect and state that she directed Ms. Bedoni [sic] to use her assets for the purposes that are at issue here. Mrs. Bedoni recollects and understands the nature and situation of her property. Mrs. Bedoni knows where she has accounts (Citibank, Wells Fargo, and a credit card) (Investigator's Report 1/23/12; Investigator's Report 2/19/13).

Objection and Opposition to Appointment of Conservator filed by daughter Bernadette Planting on 2/25/13 (cont.):

Mrs. Bedoni understands the relations of her living family. Mrs. Bedoni knows she lent money to her grandson and she stated that home improvements were done at the house with her approval. Mrs. Bedoni is also able to decide when she wants to take Objector and Stephen out for dinner.

Objection. Not Least Restrictive Alternative. Finally, even if the Court could make the required findings under Probate Code 1801, no conservatorship of the person or estate shall be granted unless the court makes an express finding that granting of the conservatorship is the least restrictive alternative needed for protection of Mrs. Bedoni. Mrs. Bedoni has a valid durable power of attorney for property management and an advanced health care directive (which includes a durable power of attorney for health care) pursuant to which she has planned for her current and future needs. Hence, the facts will not support a finding that a conservatorship is the least restrictive alternative needed to protect Mrs. Bedoni.

Please see additional page

Objection and Opposition to Appointment of Conservator filed by daughter Bernadette Planting on 2/25/13 (cont.):

Objection to Court Blocking Trust Account – No Jurisdiction. Prior to the hearing on the temporary conservatorship this Court ordered Mrs. Bedoni's trust account at Citibank blocked. Such order was extended at the hearing on the temporary conservatorship to the hearing on the instant petition. This order must not be extended. The court has no jurisdiction over the Trust Account and it was improper to order the account blocked in the first place.

Declaration of Court Appointed Counsel Jennifer L. Walters filed on 2/26/13. Attorney Walters states that it is her opinion that the Conservatorship of the person be denied as Mrs. Bedoni is very happy and content living in her daughter Bernadette's home. Attorney Walters feels that the conservatorship of the estate should be denied as well. She states that although there have been some issues regarding expenditures in the past relating to Mrs. Bedoni's trust, those issues are not really before the court as they are matters of a trust action and should be dealt with accordingly. Attorney Walters states she did take those actions into account when looking at the global issue of Mrs. Bedoni's care. It would appear that Bernadette has used funds to remodel her home, purchase a home for her son, etc., with Mrs. Bedoni's funds and Attorney Walters states she did address this with Mrs. Bedoni and Bernadette. It appears that the Trust will be paid back for the funds to purchase the home, and in regards to the improvements to the home, they appear reasonable. Some improvements include a ramp to the front door, expanding some openings and fixing bathrooms. The home Mrs. Bedoni lives in is not one of grandeur, but an older home that needed improvements to allow for Mrs. Bedoni to reside there. In addition, Mrs. Bedoni is pleased with the home and its improvements.

Additionally, Attorney Walters does not agree with appointing the Public Guardian in this case. This would be an additional cost and potential disruption to the Conservatee. It appears unnecessary to get the Public Guardian involved at this time.

Age: 18 years		<p>THERE IS NO TEMPORARY. No temporary was requested.</p> <p>KATHY RIVERA, mother, is petitioner and requests appointment as Conservator of the Person with Medical Consent Powers.</p> <p>Declaration of Peter Nakaguci, M.D</p> <p>Voting Rights Affected.</p> <p>Petitioner states the proposed conservatee is diagnosed with cerebral palsy and is a paraplegic. She was born with three quarters of her brain damaged, is fed through a tube and is wheelchair bound. She is never left unsupervised and requires constant care and supervision.</p> <p>Court Investigator Charlotte Bien's Report filed 2/11/13</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator Advised Rights on 2/7/13.</p> <p>Voting Rights Affected Need Minute Order.</p>
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		<p>Reviewed by: KT</p> <p>Reviewed on: 2/25/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4 - Rivera</p>	

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

DOD: 2/24/12		<p>MARY JO CARDOZA, daughter, is petitioner.</p> <p>40 days since DOD.</p> <p>No other proceedings.</p> <p>I & A - \$80,000.00</p> <p>Will dated 1/14/12 devises decedent's ½ interest in real property to Mary Jo Cardoza.</p> <p>Petitioner requests Court determination that Decedent's ½ interest in real property located in Selma California passes to her pursuant to Decedent's Will.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 2/21/13. Minute order states Michelle Cardoza objects to the Petitioner. The Court directs Mr. Knudson to meet with Michelle Cardoza. Matter continued to 2/28/13 for the appropriate signature to be provided as indicated on the examiner notes. As of 2/26/13 the following issues remain:</p> <ol style="list-style-type: none"> 1. Notice of Hearing was mailed to Tislar Cardoza however the decedent's granddaughter's name is Tisha Cardoza. 	
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<p>Reviewed by: KT</p> <p>Reviewed on: 2/22/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 7 - Scharer</p>				

Petition for Appointment of Temporary Conservatorship of the Person

Age: 84 years	<p>Temporary Granted Ex Parte On 2/20/13. TEMPORARY EXPIRES ON 2/28/13</p> <p>GENERAL HEARING 3/28/13</p> <p>STANLEY GREENBERG, son, and CHERYL TAYLOR, daughter, are petitioners and request appointment as temporary conservators of the person.</p> <p>Petitioners state the proposed conservatee suffers from Advanced Alzheimer's Disease and Dementia. She now resides and Serenity Living Care, Inc. The proposed conservatee has 5 children, two which (Petitioners herein) are Agents under a Durable Power of Attorney. Two of the conservatee's other three children, Michelle Torres and Nadine Walker claim that the care the proposed conservatee is receiving is not satisfactory and have threatened to remove her from the facility either to the conservatee's residence or some other facility. Petitioners do not believe that any movement of the proposed conservatee would be in her best interest.</p> <p>Court Investigator Jennifer Young's Report filed on 2/26/13</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need proof of personal service of the Notice of Hearing along with a copy of the Petition on:</p> <p>a. Yvette C. Greenberg (proposed conservatee) – Probate Code 2250(e)(2). – Note: proof of service indicates the proposed conservatee was served with a copy of the petition but there is no indication that the proposed conservatee was personally served with the Notice of Hearing for this temporary hearing.</p>	
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