ATTENTION

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

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

Thank you for your patience.

Dept. 303, 9:00 a.m. Tuesday, March 5, 2013

1 Ollie Mae Dimery (Estate) **Case No. 06CEPR00426**

Atty Helon, Marvin T. (for Ollie Dimery-Ratliff – Administrator/Petitioner)

(1) Second and Final Account and Report of Administrator and Petition for Its Settlement and (2) for Order for Payment of Claims and (3) for Allowance of Statutory Fees and Reimbursement of Costs and (4) for Final Distribution

DOD: 03/25/02		
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	06/06/06
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

OLLIE DIMERY-RATLIFF, Administrator, is Petitioner.

Account period: 01/01/08 – 12/04/12

Accounting - $116,884.39
Beginning POH - $90,000.00
Ending POH - $57,319.68 (all cash)

Administrator (statutory) - $3,275.38

Attorney (statutory) - $3,275.38

Costs - $435.00 (filing fees)

Closing - $5,000.00

Distribution, pursuant to intestate succession and subject to creditor's claims, is to:

Ollie Dimery-Ratliff - $3,737.26
Oscar E. Ransom - $3,737.26
Patricia Dimery - $3,737.26
Ruby Dimery-Levine - $3,737.26
Ollie Dimery-Ratliff - $3,737.26 (as reimbursement from the Estate of Rosie Dimery, on account of unpaid $4,710.50 due Ollie Dimery-Ratliff from Rosie Dimery's estate. Rosie Dimery's share of distribution of any remaining closing reserve should be disbtributed on account of the amount left presently unpaid.)
Monica R. Buchannan- $1,245.76
Erica D. Scott - $713.11
($1,245.76 less claim from Victims Compensation Board in the amount of $532.65)
Bryant M. Cummings- $1,245.76

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: JF
Reviewed on: 02/27/13
Updates:
Recommendation: SUBMITTED
File 1 - Dimery

Dept. 303, 9:00 a.m. Tuesday, March 5, 2013

2 Percy Brown aka Percy Kasey Brown aka Percy K. Brown (Estate)

Case No. 08CEPR01179

Atty **Boyajian, Thomas M. (for Kenneth J. Brown – Executor/Petitioner)**

(1) Petition for Final Settlement and (2) Final Distribution, Waiver of Account, (3) Allowance of Statutory Attorney Fees, and (4) Allowance for Extraordinary Legal Services [Prob. C. 11600, 10800, 10810, 10831, 10951, 10954, 10801(a)]

DOD: 04/09/01

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	12/31/09
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	9202	
	Order	x
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	FTB Notice	

KENNETH J. BROWN, Executor, is Petitioner.

Accounting is waived.

I & A - **$55,000.00**
POH - **$55,000.00**

Executor - **waived**

Attorney - **$2,200.00** (statutory)

Attorney x/o - **$1,000.00** (for work performed in negotiating a creditor's claim dismissal and assisting the heirs in refinancing of the real property)

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

Thomas A. Brown - 100% interest in real property subject to a life estate to Kenneth J. Brown.

NEEDS/PROBLEMS/COMMENTS:

1. Need *Notice of Hearing* with proof of service by mail at least 15 days before the hearing to:
   - Thomas A. Brown
   - Karen Lewis
   - Thomas A. Markeson

   Note: Petitioner filed a proof of service – civil reflecting that a copy of the Petition has been mailed to Thomas Markeson and Karen Lewis; however the Notice of Hearing (form DE-120) has been adopted for **mandatory use in estate matters** and the proof of service filed is insufficient pursuant to Probate Code § 1211. Also, it does not appear that Thomas A. Brown was given notice and has not waived notice.

2. Need Order.

Reviewed by: JF
Reviewed on: 02/28/13
Updates:
Recommendation:
File 2 - Brown

Dept. 303, 9:00 a.m. Tuesday, March 5, 2013

3A **Andrew Wendell Clark (GUARD/E)** **Case No. 10CEPR01110**

Atty **Sanoian, Joanne (for Mark L. Clark – Father – Guardian – Petitioner)**

(1) First Account and Report of Guardian, (2) Petition for Its Settlement, for (3) Attorney Fees and Reimbursement of Costs Advanced (Prob. C. 2620, 2640, Local Rules 7.16A, CRC 7.750-7.752)

Age: 8

Cont. from 111412, 120512, 012313, 020813

	Aff.Sub.Wit.	
✓	Verified	
✓	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	W
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✓	Letters	4-21-11
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	2620(c)	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

MARK L. CLARK, Father and Guardian of the Estate, is Petitioner.

Account period: 4-21-11 through 4-30-12

Accounting: $63,498.34
Beginning POH: $62,466.08
Ending POH: $57,227.20
($1,025.20 cash, remaining funds equities and taxable bonds; account blocked)

Conservator: Not addressed

Attorney: $2,546.50

Costs: $460.50

Petitioner prays for an Order:

1. Settling and allowing this account and report and approving and confirming the acts of Petitioner as Guardian;
2. Authorizing payment of the attorney fees and costs;
3. Such other orders as the Court deems proper.

Attorney Lisa Horton filed a Declaration on 1-18-13.
See Page 2.

NEEDS/PROBLEMS/COMMENTS:

Note: There are 2 matters on the 9:00 calendar:

3A-continued hearing on the account

3B-status hearing re: receipt for blocked account

There is also a separate hearing scheduled at 10:30 re: Surcharge.

Minute Order 12-5-12: The Court indicates to counsel that it is concerned with whether or not there is an obligation to surcharge Mark Clark. The Court continues the matter to 1/23/13 for further hearing on the First Account. The issue of surcharge to be addressed at the next hearing. Continued to 1-23-13

Minute Order 1-23-13: The Court orders that all non-bond assets be liquidated and placed in a blocked. The Court will entertain an order shortening time, If there are any issues regarding fees for liquidation. Ms. Sanoian is directed to submit documentation regarding any losses. The Court on its own motion sets the matter for a two hour hearing on the issue of surcharge for 3/5/13. Continued to 2/8/13; Set on 2/8/13 for: Status Hearing Re: Receipt for the Blocked Account. (See Page 3B.) Additional hearing dates: 3/5/13 @ 10:30A Dept. 303 for: Hearing Re: Surcharge

Examiner notes previously noted:

1. Guardianship Estate funds are held in a blocked account as ordered; however, Petitioner states the account consists of cash, equities, and taxable bonds. The account incurred a loss in this first account period of $1,955.14, which was more than the receipts from dividends, etc., during this period.

   Examiner notes that the Court order does not appear to include authorization of these types of investments.

   Need clarification with reference to Petitioner's duty to manage the estate in interest-bearing, insured accounts (Probate Code §2453, Duties, etc.).

   The Court may also require bond, including cost of recovery pursuant to Probate Code §2320(c)(4) and Cal. Rules of Court 7.207, of $64,085.41 as a blocked account does not protect from losses on investments.

Reviewed by: skc

Reviewed on: 2-27-13

Updates:

Recommendation:

File 3A - Clark

Dept. 303, 9:00 a.m. Tuesday, March 5, 2013

Declaration of Lisa Horton in Support of the First Account and Report of Guardian states:

- The Court asked how the investments complied with the requirements of §2574, and why there was a loss if the assets were ordered to be deposited in a blocked, interest-bearing, insured account per §2453.
- Ms. Horton had previously informed Eric Stine, Vice President of Wedbush, via email on 11-8-12 and telephone on 11-13-12 that the court has several issues with the guardianship estate assets and the loss of value on those assets. She asked Mr. Stine to draft a letter explaining the nature of the account and investments and address the loss to provide an explanation to the Court at the next hearing on 12-5-12. However, a letter was never received.
- At the 12-5-12 hearing date, the matter was continued to 1-23-13 for further explanation and the possibility of surcharge against the guardian.
- Attorney Horton states that on or about 6-7-11, she provided Wedbush a copy of the guardianship order and stated that the account must be in compliance with Probate Code §2574. The receipt for blocked account was signed by the sales office supervisor at Wedbush on 9-1-11. Wedbush was aware that the guardianship assets were to be deposited and invested pursuant to both Probate Code §§ 2453 and 2574. Attorney Horton personally spoke with Eric Stine on 4-6-11 and he told her that he has six guardianship accounts with Wedbush and was familiar with the Probate Code and requirements. However, it was subsequently discovered that guardianship account does not comply with both sections.
- Despite her attempts, Eric Stine will not discuss the account with Attorney Horton any longer and did not provide his counsel's information as requested.
- An analysis of the account shows $29,000.00 in taxable bonds. §2574 authorizes investments in direct obligations of the United States maturing no later than five years from the investment. According to bank statements, the bonds in the account mature in 2016, 2017, and 2018. As the initial date of investment was 2011, there are two sets of bonds that do not mature within five years of the investment.
- The other portion of the account is made up of various equities. The fact that the account is subject to a blocking order does not completely negate §2574. If an account is blocked, then there are no withdrawals or deposits without court order. §2453 requires interest-bearing, insured account. This does not prevent a guardian from investing pursuant to §2574.
- Attorney Horton believes any assets not invested in bonds per §2574 must be placed into an interest-bearing, insured account. Although §2574 allows for investment in "securities listed on an established stock or bond exchange", without the ability to buy, sale, trade or liquidate pursuant to the blocking order, securities could not effectively be managed.
- Attorney Horton believes the best way to bring this guardianship account into compliance is to liquidate the equities and deposit the proceeds into a blocked CD with an insured financial institution. The taxable bonds should be kept as is to prevent unnecessary losses, and as they mature, the proceeds should be deposited into the blocked account with the other funds.
- The guardian relied in good faith on the representations of Eric Stine and Wedbush. Attorney Horton believes that a surcharge order against the guardian is not necessary as Wedbush did not comply with the court's order.

Status Report filed 2-5-13 states on 1-30-13, a letter was sent via mail and email to Eric Stine at Wedbush. An email response was received the same day stating that court order or power of attorney is required for trading authorization from the attorney. On 1-31-13, Guardian Mark Clark communicated that he is informed and believes there will be no fees associated with liquidation of non bond assets, but that Wedbush requires court order. Order After Hearing for the 1-23-13 hearing was filed 2-8-13.

3B **Andrew Wendell Clark (GUARD/E)** **Case No. 10CEPR01110**

Atty **Sanoian, Joanne (for Mark L. Clark – Father – Guardian – Petitioner)**

Status Hearing Re: Receipt for the Blocked Account

Age: 8		
Cont. from 020813		
	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	
	2620(c)	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

MARK L. CLARK, Father and Guardian of the Estate, filed his First Account for Account period: 4-21-11 through 4-30-12.

At continued hearing on 1-23-13, the Court ordered that all non-bond assets be liquidated and placed in a blocked account and set this status hearing re Receipt.

Minute Order 1-23-13: The Court orders that all non-bond assets be liquidated and placed in a blocked. The Court will entertain an order shortening time, If there are any issues regarding fees for liquidation. Ms. Sanoian is directed to submit documentation regarding any losses. The Court on its own motion sets the matter for a two hour hearing on the issue of surcharge for 3/5/13. Continued to 2/8/13; Set on 2/8/13 for: Status Hearing Re: Receipt for the Blocked Account. Additional hearing dates: 3/5/13 @ 10:30A Dept. 303 for: Hearing Re: Surcharge

NEEDS/PROBLEMS/COMMENTS:

Continued from 2-8-13

The following issue remains:

1. **Need receipt for blocked account per minute order 1-23-13.**

Reviewed by: skc

Reviewed on: 2-27-13

Updates:

Recommendation:

File 3B - Clark

Dept. 303, 9:00 a.m. Tuesday, March 5, 2013

3C Andrew Wendell Clark (GUARD/E) **Case No. 10CEPR01110**

Atty Sanoian, Joanne (for Mark L. Clark – Father – Guardian – Petitioner)

Hearing Re: Surcharge

	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	

MARK W. CLARK, Father, is Guardian of the Estate.

Guardian filed an accounting on 10-1-12. At continued hearing on 1-23-13, the Court set this special hearing regarding the issue of surcharge.

NEEDS/PROBLEMS/COMMENTS:

This matter is set at 10:30 a.m.

Note: There are 2 matters on the 9:00 calendar:

3A-continued hearing on the account

3B-status hearing re: receipt for blocked account

This hearing scheduled at 10:30 re: Surcharge was set separately pursuant to Minute Order 1-23-13.

Reviewed by: skc

Reviewed on: 2-27-13

Updates:

Recommendation:

File 1 - Clark

3C

Dept. 303, 9:00 a.m. Tuesday, March 5, 2013

4 **Byrum C. & Wanda H. Bingham Trust (Trust)** **Case No. 11CEPR00918**

Atty **Boyett, Deborah K. (Guardian Ad Litem for Wanda H. Bingham)**

Petition for Compensation of Guardian Ad Litem and Reimbursement of Costs [Prob. C. 1003(c)]

	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	

DEBORAH K. BOYETT, Court appointed Guardian Ad Litem for Wanda H. Bingham, is Petitioner.

Petitioner was court appointed as Guardian Ad Litem for Mrs. Bingham on 2-23-12 and continues to serve in that role.

On 7-16-12, the Court entered its order fixing and allowing attorney fees for $7,633.00 for services rendered from 2-23-12 through 6-12-12. That compensation has been received.

Since that date, Petitioner has performed services including multiple communications and meetings with Wells Fargo Bank as Trustee, Randy Grace as Co-Trustee, Attorneys Leigh Burnside for Wells Fargo Bank, Robert Sullivan for Randy Grace, David Roberts for Joan St. Louis (successor conservator), Paul Chambers (Mrs. Bingham's estate planning attorney), and Mrs. Bingham. Petitioner has reviewed multiple items of correspondence regarding the trust and allocation of Co-Trustees' responsibilities, statements and reports provided by Wells Fargo, reviewed court filings related to 2012 gifting and creation of the Wanda Bingham Irrevocable Trust, and attended the court hearing on the same. Itemization attached.

Petitioner requests payment from the Byram C. and Wanda H. Bingham Family Trust for 19.10 hours, including preparation of this petition, and an estimated 1 hour to attend this hearing, at $250.00/hour, plus costs of $482.73, for a total of **$4,525.00**.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: skc

Reviewed on: 2-27-13

Updates:

Recommendation:

File 4 - Bingham

Dept. 303, 9:00 a.m. Tuesday, March 5, 2013

5 Charles Stanley Jones (Estate) **Case No. 12CEPR00257**

Atty Arthur, Susan K. (for Dennis Brown – Administrator – Petitioner)

(1) First and Final Account and Report of Administrator With Will Annexed and Petition for Its Settlement, (2) for Allowance of Compensation for Ordinary and Extraordinary Services, and (3) for Final Distribution [Prob. C. 10951]

DOD: 8-6-11		
	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	

DENNIS BROWN, Administrator with Will Annexed, with Full IAEA without bond, is Petitioner.

Account period: 8-6-11 through 1-25-13

Accounting: $202,871.79
Beginning POH: $171,177.66
Ending POH: $149,010.61 (cash)

Administrator (Statutory): $7,052.44

Administrator (Extraordinary): $3,177.50 (for maintenance and extensive cleanup of the decedent's home for sale, estate tax preparation, sale of home. Per Exhibit H, Petitioner requests $25/hr for a total of 127.10 hours)

Attorney (Statutory): $7,052.44

Attorney (Extraordinary): $1,000.00 (Per local rule) (See #1)

Costs: $435.00 (filing)

Closing: $5,000.00 (reserve for closing expenses and as a reserve for any liabilities that may be determined to be due, including possible taxes, etc.

Petitioner states all creditor claims filed with the estate have been allowed; however, none have been paid yet due to the insolvency of the estate. Petitioner proposes payment on a prorated schedule pursuant to Exhibit A and Exhibit F as follows:

State of California DHS $121,033.26 (96.60%)
Fresno Credit Bureau $112.77 (0.09%)
California Business Bureau $651.52 (0.52%)
Kings Credit Services $37.59 (0.03%)
Grant Mercantile Agency $3,458.09 (2.76%)

NEEDS/PROBLEMS/COMMENTS:

1. **Attorney requests $1,000.00 in extraordinary fees for the sale of the real property with reference to Local Rule 7.18.A. However, 7.18.A. allows this compensation for court-confirmed sales only.**

   The Court may require further justification for extraordinary compensation pursuant to Local Rule 7.18.A. and Cal. Rules of Court 7.702-7.703.

Reviewed by: skc
Reviewed on: 2-27-13
Updates:
Recommendation:
File 5 - Jones

6 **Elizabeth Bremer (Estate)** **Case No. 12CEPR00562**

Atty **Roberts, Gregory J. (for Sigrid Anderson – Administrator – Petitioner)**

(1) Petition for Final Distribution on Waiver of Accounting and (2) for Allowance of Fees

DOD: 6-6-12			**SIGRID ANDERSON**, Daughter and Administrator with Full IAEA without bond, is Petitioner. Accounting is waived. I&A: $198,677.19 POH: $181,391.61 cash plus gold bullion valued at $16,375 and remaining personal property items valued at $75.00 Administrator (Statutory): Waived Attorney (Statutory): $6,965.84 **Distribution pursuant to intestate succession:** Sigrid Anderson: $174,425.77 cash plus gold bullion valued at $16,375 and remaining personal property items valued at $75.00	**NEEDS/PROBLEMS/COMMENTS:**
	Aff.Sub.Wit.			
	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			
	Aff. Posting			**Reviewed by:** skc
	Status Rpt			**Reviewed on:** 2-27-13
	UCCJEA			**Updates:**
	Citation			**Recommendation: SUBMITTED**
	FTB Notice			**File 6 - Bremer**

Dept. 303, 9:00 a.m. Tuesday, March 5, 2013

7 Rafael De La Mora (GUARD/PE) **Case No. 12CEPR00784**

Atty Sanoian, Joanne (Petitioner – Attorney for Guardians)

Petition for Attorney Fees

Age: 17		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	W
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

JOANNE SANOIAN, Petitioner, represents Guardians of the Person and the Guardian of the Estate of the minor Rafael De La Mora.

Delia Gonzalez, Rafael De La Mora Martin, and Maria De Jesus Gomez Munoz were appointed Co-Guardians of the Person, and Delia Gonzalez was appointed Guardian of the Estate, on 10-31-12.

Petitioner asks that she be paid a total of $12,535.00 ($4,178.50 from each minor's estate) for her services to the guardians, including establishment of temporary and permanent guardianships for all three minors, preparations of guardianship questionnaires for each of the guardians, attendance at hearings, office and telephone conferences with clients regarding distributions to the minors, telephone conferences and email correspondence with other attorneys related to the matter, preparation of Response to Amended Petition for Visitation, preparation of application for Primerica life insurance proceeds, preparation of orders and receipts for deposits of money into blocked accounts. Petitioner states the sum of $117,353.88 is currently on deposit in this guardianship estate account.

Attorney Joanne Sanoian:
11.40 hours @ $300/hr ($3,420)

Associate Lisa Horton:
31.30 hours @ $200/hr ($6,260)

Paralegal 28.55 hours @ $100/hr ($2,855)

Note: Costs (reimbursement for filing fees) are not requested from Rafael's estate; however, filing cost of $105.15 is requested from Francisco's estate, and $435 is requested from Fernando's estate.

NEEDS/PROBLEMS/COMMENTS:

1. **Pursuant to Probate Code §2640(a), a petition for attorney fees may be brought after the filing of the I&A, or any other period of time as the court for good cause orders. In this case, only a partial I&A has been filed.**

   The Court may require clarification regarding good cause for bringing this petition prior to the filing of the Final I&A, and also prior to the filing of the first account, as is usual practice in this Court pursuant to Local Rule 7.16.

2. **Petitioner states the sum of $117,353.88 is currently on deposit, and this amount is reflected on the Partial I&A filed 12.18.12. With reference to §2640 and #1 above, the Court may require further information *for this file* regarding what additional assets are expected for each minor. (The original petition indicated $0 for the estimated estate value.) At this time, a status hearing is set for 12-6-13 re: receipt of assets from estate.**

3. **Need Order, plus Order for Withdrawal of Funds from Blocked Account (MC-358).**

Reviewed by: skc

Reviewed on: 2-28-13

Updates:

Recommendation:

File 7 – De La Mora

Dept. 303, 9:00 a.m. Tuesday, March 5, 2013

Atty Sanoian, Joanne (Petitioner – Attorney for Guardians)

Petition for Attorney Fees and Reimbursement for Costs Advanced

Age: 15

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

JOANNE SANOIAN, Petitioner, represents Guardians of the Person and the Guardian of the Estate of the minor Francisco De La Mora.

Delia Gonzalez, Rafael De La Mora Martin, and Maria De Jesus Gomez Munoz were appointed Co-Guardians of the Person, and Delia Gonzalez was appointed Guardian of the Estate, on 10-31-12.

Petitioner asks that she be paid a total of $12,535.00 ($4,178.50 from each minor's estate) for her services to the guardians, including establishment of temporary and permanent guardianships for all three minors, preparations of guardianship questionnaires for each of the guardians, attendance at hearings, office and telephone conferences with clients regarding distributions to the minors, telephone conferences and email correspondence with other attorneys related to the matter, preparation of Response to Amended Petition for Visitation, preparation of application for Primerica life insurance proceeds, preparation of orders and receipts for deposits of money into blocked accounts. Petitioner states the sum of $117,353.88 is currently on deposit in this guardianship estate account.

Attorney Joanne Sanoian:
11.40 hours @ $300/hr ($3,420)

Associate Lisa Horton:
31.30 hours @ $200/hr ($6,260)

Paralegal 28.55 hours @ $100/hr ($2,855)

Note: Costs (reimbursement for filing fees) are not requested from Rafael's estate; however, filing cost of $105.15 is requested from Francisco's estate, and $435 is requested from Fernando's estate.

NEEDS/PROBLEMS/COMMENTS:

4. **Pursuant to Probate Code §2640(a), a petition for attorney fees may be brought after the filing of the I&A, or any other period of time as the court for good cause orders. In this case, only a partial I&A has been filed.**

   The Court may require clarification regarding good cause for bringing this petition prior to the filing of the Final I&A, and also prior to the filing of the first account, as is usual practice in this Court pursuant to Local Rule 7.16.

5. **Petitioner states the sum of $117,353.88 is currently on deposit, and this amount is reflected on the Partial I&A filed 12.18.12. With reference to §2640 and #1 above, the Court may require further information *for this file* regarding what additional assets are expected for each minor. (The original petition indicated $0 for the estimated estate value.) At this time, a status hearing is set for 12-6-13 re: receipt of assets from estate.**

6. **Need Order, plus Order for Withdrawal of Funds from Blocked Account (MC-358).**

Reviewed by: skc

Reviewed on: 2-28-13

Updates:

Recommendation:

File 8 – De La Mora

Petition for Attorney Fees and Reimbursement for Costs Advanced

Age: 13		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	w
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

JOANNE SANOIAN, Petitioner, represents Guardians of the Person and the Guardian of the Estate of the minor Fernando De La Mora.

Delia Gonzalez, Rafael De La Mora Martin, and Maria De Jesus Gomez Munoz were appointed Co-Guardians of the Person, and Delia Gonzalez was appointed Guardian of the Estate, on 10-31-12.

Petitioner asks that she be paid a total of $12,535.00 ($4,178.50 from each minor's estate) for her services to the guardians, including establishment of temporary and permanent guardianships for all three minors, preparations of guardianship questionnaires for each of the guardians, attendance at hearings, office and telephone conferences with clients regarding distributions to the minors, telephone conferences and email correspondence with other attorneys related to the matter, preparation of Response to Amended Petition for Visitation, preparation of application for Primerica life insurance proceeds, preparation of orders and receipts for deposits of money into blocked accounts. Petitioner states the sum of $117,353.88 is currently on deposit in this guardianship estate account.

Attorney Joanne Sanoian:
11.40 hours @ $300/hr ($3,420)

Associate Lisa Horton:
31.30 hours @ $200/hr ($6,260)

Paralegal 28.55 hours @ $100/hr ($2,855)

Note: Costs (reimbursement for filing fees) are not requested from Rafael's estate; however, filing cost of $105.15 is requested from Francisco's estate, and $435 is requested from Fernando's estate.

NEEDS/PROBLEMS/COMMENTS:

7. **Pursuant to Probate Code §2640(a), a petition for attorney fees may be brought after the filing of the I&A, or any other period of time as the court for good cause orders. In this case, only a partial I&A has been filed.**

   The Court may require clarification regarding good cause for bringing this petition prior to the filing of the Final I&A, and also prior to the filing of the first account, as is usual practice in this Court pursuant to Local Rule 7.16.

8. **Petitioner states the sum of $117,353.88 is currently on deposit, and this amount is reflected on the Partial I&A filed 12.18.12. With reference to §2640 and #1 above, the Court may require further information *for this file* regarding what additional assets are expected for each minor. (The original petition indicated $0 for the estimated estate value.) At this time, a status hearing is set for 12-6-13 re: receipt of assets from estate.**

9. **Need Order, plus Order for Withdrawal of Funds from Blocked Account (MC-358).**

Reviewed by: skc
Reviewed on: 2-28-13
Updates:
Recommendation:
File 9 – De La Mora

10 Helen Bagdasarian (Det Succ) **Case No. 13CEPR00071**

Atty **Esraelian, Robyn L. (for Sam Bagdasarian and Renee Lynn Yahnian – Petitioners)**

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

DOD: 07/04/12			**SAM BAGDASARIAN** and **RENEE LYNN YAHNIAN,** son and daughter, are Petitioners. 40 days since DOD. No other proceedings. I & A - $125,000.00 Will dated ??? (date not complete) Petitioners request Court determination that decedent's 100% interest in real property located at 114 S. Sixth Street, Fowler, CA pass to them pursuant to Decedent's Will.
Cont. from			
	Aff.Sub.Wit.	x	
✓	**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		

NEEDS/PROBLEMS/COMMENTS:

1. Decedent's Will is not dated and not self-proving. Need Affidavit of subscribing witness.
   Note: Although the will is not being admitted to probate, this summary proceeding does necessarily include a determination of validity. See Probate Code §13151 and commentary.

2. Need date of death of Martha Ann Bittikofer pursuant to Local Rule 7.1.1D.

Reviewed by: JF

Reviewed on: 02/28/13

Updates:

Recommendation:

File 10 - Bagdasarian

Dept. 303, 9:00 a.m. Tuesday, March 5, 2013

11 Donald Robert Hall (Estate) **Case No. 13CEPR00072**

Atty Lucich, Nicholas L. Jr. (for Steven D. Hall – son/Petitioner)

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

DOD: 11/22/12		
Cont. from		
	Aff.Sub.Wit.	s/p
✓	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	

STEVEN D. HALL, son/named alternate Executor without bond, is Petitioner.

Full IAEA – OK

Will dated 05/27/91

Residence: Fresno
Publication: The Business Journal

Estimated Value of the Estate:

Personal property	- $70,000.00
Real property	- 60,000.00
Total	**- $130,000.00**

Probate Referee: **STEVEN DIEBERT**

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: JF
Reviewed on: 02/28/13
Updates:
Recommendation: SUBMITTED
File 11 – Hall

Dept. 303, 9:00 a.m. Tuesday, March 5, 2013

12 Donald H. Bennett (Estate) **Case No. 13CEPR00086**

Atty Orlich, Shanna N. (of Phoenix, AZ, for J. Lavonne Bennett – Wife – Petitioner)

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

DOD: ***not provided***	**J. LAVONNE BENNETT**, Wife, is Petitioner / named executor without bond. Petitioner is a resident of Litchfield Park, Arizona. Full IAEA: *Need publication* Will dated 3-25-04 has been admitted to informal probate in the Superior Court of Arizona, County of Maricopa. Residence: Litchfield Park, Arizona Publication: *Need publication* **Estimated Value of Estate:** Real property: $200,000.00 Probate Referee: Steven Diebert **<u>Note</u>: If the petition is granted, status hearings will be set as follows:** • Friday 7-12-13 at 9:00a.m. in Dept. 303 for filing of the Inventory and Appraisal • Friday 7-11-14 at 9:00a.m. in Dept. 303 for the filing of the first account or petition for final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.	**NEEDS/PROBLEMS/COMMENTS:** **<u>Note</u>: This is an ancillary proceeding pursuant to Probate Code §12500 et seq. Petitioner was appointed as Personal Representative of the Estate of Donald H. Bennett in Maricopa County, AZ, in Case No. PB2012-002127, and the original will was admitted to informal probate there.** **1. Need Confidential Supplement to Duties (Form DE-147S).** **2. Need clarification: #3 of petition is blank re date of death and place of death.** **3. Pursuant to the decedent's will, the residue of the estate is devised to the trustee of a trust. Need proof of service of Notice of Petition to Administer Estate on the trustee pursuant to Probate Code §8110. If the petitioner and the trustee are the same person, notice is also required to trust beneficiaries pursuant to Probate Code §1208.** **4. Need publication pursuant to Probate Code §§ 12530, 8120, Local Rule 7.9.** **5. Pursuant to Probate Code §8571 and Cal. Rules of Court 7.201(b), the Court may require bond if the proposed personal representative resides outside California or for other good cause, even if the will waives bond. If required, need bond of $200,000.00.**
		Reviewed by: skc
		Reviewed on: 2-28-13
		Updates:
		Recommendation:
		File 12 - Bennett

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

Dept. 303, 9:00 a.m. Tuesday, March 5, 2013

13 David Caywood-Hernandez & Vincent Caywood-Sanchez (GUARD/P)

Case No. 12CEPR00779

Atty **Campos, Denise (pro per – maternal aunt/Guardian)**
Atty **Caywood, Shayna (pro per – sister/Petitioner)**

Petition for Appointment of Temporary Guardianship of the Person

David, 15		
Vincent, 13		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
✓	**Pers.Serv.**	
✓	**Conf. Screen**	
	Letters	x
✓	**Duties/Supp**	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	x
	Aff. Posting	
	Status Rpt	
✓	**UCCJEA**	
	Citation	
	FTB Notice	

GENERAL HEARING 04/16/13

SHAYNA CAYWOOD, sister, is Petitioner.

Father: **N/A**

Mother: **SHANNON BENNETT –** *Personally served 02/22/13; Consent & Waiver of Notice filed 02/20/13*

Paternal grandparents: **N/A**

Maternal grandparents: **N/A**

Siblings: Airica Diaz, Miranda Diaz

Petitioner alleges the boys are currently living in a home where they feel unwelcome and are being verbally abused. They have expressed intentions of running away from their current home and are rebelling in school and at home because of the negative home environment.

NEEDS/PROBLEMS/COMMENTS:

Note: There is currently a guardianship of these minors in place. A Petition to terminate the guardianship has been filed by the guardian and is set for hearing on 04/16/13, therefore there is no vacancy at guardian at this time.

1. Need ***Notice of Hearing***.
2. Need proof of personal service at least 5 court days before the hearing of ***Notice of Hearing*** with a copy of the ***Petition for Appointment of Temporary Guardianship*** or Consent & Waiver of Notice or Declaration of Due Diligence for:
   - Father (listed as N/A)
   - David (minor)
   - Vincent (minor)

Reviewed by: JF

Reviewed on: 02/28/13

Updates:

Recommendation:

File 13 – Caywood-Hernandez & Caywood-Sanchez

14 **David Parker and Damascus Charles Murray (GUARD/P)** **Case No. 12CEPR00811**

Atty **Hester, Sherri D. (Pro Per – Maternal Grandmother – Petitioner)**

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

Age: 10			**TEMP EXPIRES 3-5-13**
	Aff.Sub.Wit.		
✓	**Verified**		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	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		

SHERRI D. HESTER, Maternal Grandmother, is Petitioner.

Father: **UNKNOWN**
- Notice dispensed 1-14-13
Mother: **LOVVE WILLIAMS**
- Notice dispensed 1-14-13

Paternal Grandfather: Unknown
Paternal Grandmother: Unknown
Maternal Grandfather: David Williams

Petitioner states she has been the primary care provider for Damascus and his siblings for the last seven years due to their mother's drug abuse and inability to care for her children.

Court Investigator Jennifer Daniel filed a report on 2-26-13.

NEEDS/PROBLEMS/COMMENTS:

<u>Note</u>: This petition is for minor Damascus only. Petitioner was previously granted guardianship of this minor's sibling David on 11-13-12.

1. **If notice is not dispensed, need Notice of Hearing and 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 on:**
   - Maternal Grandfather David Williams
   - Paternal Grandparents (unknown)

2. **Petitioner lists her address as 438 E. Shaw #211; however, this is not a residence address. Need verification of residence address.**

Reviewed by: skc
Reviewed on: 2-28-13
Updates:
Recommendation:
File 14 – Parker

Dept. 303, 9:00 a.m. Tuesday, March 5, 2013

16 Elizebeth May Fincel (GUARD/P) **Case No. 13CEPR00017**

Atty Easterwood, Gail Marie (Pro Per – Maternal Grandmother – Petitioner)

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

Age: 12		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	w/o
	Aff.Pub.	
	Sp.Ntc.	
✓	Pers.Serv.	w
✓	Conf. Screen	
✓	Letters	
✓	Duties/Supp	
	Objections	
	Video Receipt	
✓	CI Report	
✓	Clearances	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

TEMP EXPIRES 3-5-13

GAIL EASTERWOOD, Maternal Grandmother, is Petitioner.

Father: **DALE FINCEL**
- Notice dispensed 1-17-13

Mother: **MELISSA JOHNSON**
- Personally served 1-5-13
- Objection filed 1-16-13

Paternal Grandfather: Unknown
Paternal Grandmother: Pat Fincel
- Deceased

Maternal Grandfather: Richard Hansen
- Served by mail 1-9-13

Petitioner states the mother is a drug addict and continues to use drugs and not seek help for her addiction. She was kicked out of both Pathways to Recovery and Westcare. The Court has already given Petitioner custody of Elizabeth's younger siblings due to the mother's drug addiction per attached family law order.

Objection by Melissa Johnson (Mother) filed 1-16-13 states she feels her mother and sister are abusive to the children and if guardianship is necessary, she would like them to be with her friend Alicia Diel.

Court Investigator Jo Ann Morris filed a report on 2-26-13.

NEEDS/PROBLEMS/COMMENTS:

1. **The minor is now 12, which means service of Notice of Hearing is required by Probate Code §1511 or consent and waiver of notice by the minor.**
2. **Notice of Hearing to the maternal grandfather did not include a copy of the petition per Probate Code §1511. The Court may require further service.**
3. **If notice is not dispensed, need proof of services of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 on the paternal grandparents.**

Reviewed by: skc

Reviewed on: 2-28-13

Updates:

Recommendation:

File 16 - Fincel

Dept. 303, 9:00 a.m. Tuesday, March 5, 2013