1A James W. Little (Estate) **Case No. 08CEPR00870**

Atty Burnside, Leigh (of DAK, for Norma G. Little – Petitioner)

Atty Milnes, Michael A (for Christopher Brian Little – Executor/Respondent)

Petition to Remove Executor, for an Accounting, for Appointment of Successor Personal Representative, for Surcharge, and to Enforce Settlement AGREEMENT
(Prob. C. 8500, 8501, 8502, 8520 et seq., 8540 et seq., 10952, 12200, 12204, 12205, and CCP 664.6)

DOD: 7/4/08

Cont. from: 091310, 100410, 102710, 120810, 021611, 033011,051811, 080311, 091411, 102611, 011112

	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	

NORMA G. LITTLE, surviving spouse, is Petitioner.

Petition states:

- Petitioner Norma Little ("Petitioner") is the surviving spouse of Decedent; they were married on 5/22/04 and were married at the time of Decedent's death;
- On 7/18/08, Respondent Christopher Little ("Respondent"), who is Decedent's brother, was appointed personal representative of Decedent's estate by the Pinal County Superior Court, state of Arizona ("Arizona court");
- On 11/12/08, the Fresno County Superior Court ("Fresno court") appointed Respondent as the California Executor with bond of $400,000.00;
- Thomas McCarville ("T. McCarville") and David McCarville ("D. McCarville") are Arizona attorneys who represent Respondent in the Arizona proceedings;
- Petitioner previously filed 3 petitions in this matter: 1) *Petition to Determine Distribution Rights*; 2) *Petition for an Order Setting Apart Probate Homestead*; and 3) *Petition for Payment of Family Allowance*, and the matters were set for trial;
- Prior to trial, the parties agreed to settle all of Petitioner's claims subject to approval from the Fresno and Arizona courts (Settlement AGREEMENT and Mutual General Release ("AGREEMENT") attached to Petition as Exhibit A);
- The AGREEMENT states in part:
  - Respondent is to file petitions for approval of the AGREEMENT in each court no later than 8/21/09; upon approval by both courts, Respondent is to distribute property to Petitioner pursuant to said AGREEMENT;
  - Settling parties are to execute or deliver any instrument, furnish any information, or **perform any other act necessary** to carry out the AGREEMENT's provisions without undue delay or expense, including appearing at court hearings concerning the status of disputes *(emphasis added in Petition);*
  - Prevailing party in an action to enforce terms of AGREEMENT is entitled to costs and reasonable attorneys' fees;
  - AGREEMENT is enforceable pursuant to CCP section 664.6.

SEE ATTACHED PAGE-

NEEDS/PROBLEMS/COMMENTS

Continued from 1/11/12. Minute Order states: Ms. Berger-Hoang and James Clark are appearing via conference call as well as Ken Pierce. Ms.Burnside informs the Court that a settlement was submitted to the court in Arizona.

Note: Notice of Lien, filed on 2/22/12 by the Dowling, Aaron firm (counsel for Norma Little), indicates the law firm is claiming a lien on any and all claims and entitlements of Norma Little in the amount of $112,393.41 as of 2/1/12.

Updates:

Reviewed: 2/27/12

Recommendation:

Reviewed by: NRN

File: 1A - Little

Dept. 303, 9:00 a.m., Wednesday, March 7, 2012

- On 9/22/09, Respondent petitioned the Fresno court to approve the AGREEMENT; on 9/29/09 he similarly petitioned the Arizona court for approval; on 12/14/09, the Fresno court approved the AGREEMENT;
- On 5/17/10, the Arizona court ordered Respondent's attorney, D. McCarville, to provide all parties with an updated accounting no later than 7/16/10; in disregard of said order, D. McCarville provided the parties with a "First Supplemental Inventory and Appraisement," instead of the court-ordered updated accounting *(note: per Declaration of Petitioner, filed 9/9/10, this Inventory filed by Respondent shows values for Decedent's property that are significantly less that the date of death values*; nearly a year has passed since the AGREEMENT was executed, and 7 months have passed since the Fresno court approved it;
- Respondent has failed to obtain the Arizona court's approval of the AGREEMENT, has failed to respond to objections filed in Arizona, and has failed to timely administer Decedent's estate, all in violation of the AGREEMENT and his fiduciary duties;
- Respondent's failure to secure Arizona court approval is due in part to D. McCarville's conflicts of interest and Respondent's failure to retain counsel without such conflicts;
    - Specifically, on 11/13/09, Respondent's attorney D. McCarville petitioned the Arizona court for instructions relating to several conflicts of interests, including:
        - D. McCarville's brother and in-laws have an ownership interest in estate assets;
        - Prior to Decedent's death, D. McCarville's brother took out a loan to improve the assets he apparently owns with the estate and is apparently owed money by the estate for this loan;
        - D. McCarville's father, T. McCarville, was previously a partner with the attorney who prepared Decedent's ante nuptial AGREEMENT and who now faces potential malpractice claims by the estate relating to the ante nuptial AGREEMENT; and
        - D. McCarville represents (in other matters) the fiduciary company, East Valley Fiduciary Services/James C. Clark, that has been appointed as guardian and conservatory of Jeremy R. Little, who is Decedent's grandson and the only party objecting to the AGREEMENT with claims adverse to Executor and Petitioner.
        - The Arizona court never issued instructions on these conflicts of interests.
- D. McCarville is delaying Respondent from timely administering Decedent's estate, in part because of conflicts of interest;
- Due to the failures of Respondent and D. McCarville, Petitioner has received none of the property to which she is entitled;
- Petitioner has sought approval from the Arizona court through her counsel, but has been unsuccessful.

Petitioner Requests an order:

1. Removing Respondent as personal representative (Executor) and revoking Letters;
2. That Respondent file an accounting within 60 days of his removal as personal representative;
3. Denying appointment of Thomas McCarville as nominated Successor Executor;
4. Appointing Petitioner Norma Little as successor personal representative, or in the alternative, appointing a neutral third party as successor personal representative;
5. Surcharging Respondent's compensation as Executor pursuant to PrC 12205;
6. Enforcing the AGREEMENT by requiring Respondent or successor personal representative to vigorously prosecute the enforcement of the AGREEMENT in the Arizona court and defend objections thereto at the expense of Decedent's estate, requiring Respondent or successor personal representative to obtain counsel who does not represent a conflict of interest with regard to the estate, and by requiring that Respondent or successor personal representative to do all acts necessary to perform the obligations of the AGREEMENT without undue delay;
7. For attorneys' fees and costs and for such other orders as the Court deems proper.

***Response to Petition*, filed by Respondent Christopher Little on 9/27/10, states:**

- The sole heirs under Decedent's Will are Decedent's son James D. Little and his grandson Jeremy Little;
- Petitioner Norma G. Little ("Petitioner) and Decedent entered into a written agreement prior to their marriage; included in this agreement was a waiver by Petitioner of any right to inherit property from Decedent's estate;
- Currently, the Arizona court has not approved the parties' 8/4/09 AGREEMENT; as such, there is no enforceable settlement of the matters and issues between Petitioner and Respondent in this Court, as the terms of the AGREEMENT are expressly conditioned upon the approval of the AGREEMENT's terms by both the Fresno Court and the Arizona Court and without both court's approval, the AGREEMENT has no force and effect.

SEE ATTACHED PAGE

- On 10/5/09, the Arizona court held a status review hearing regarding the AGREEMENT; at that hearing, Petitioner, Jim Little, and the guardian of Jeremy Little stated their objections to the AGREEMENT; a further status review was scheduled for 11/16/09;
    a. Between 11/16/09 and 4/19/10, the court held several status hearings on matters relating to the administration of the estate and petition to approve the AGREEMENT;
    b. On 5/17/10, the Arizona court ordered Respondent to provide an updated accounting by 7/16/10, with objections to the AGREEMENT to be filed by 8/20/10, and responses to the objections filed by 9/17/10;
    c. Respondent filed a 1st Supplemental Inventory with the Arizona court on 7/16/10; and thereafter filed a Petition for Approval of 1st Interim Accounting on 7/30/10;
    d. On 8/9/10, counsel for Jim Little's conservator filed an objection to Respondent's petition to approve the AGREEMENT; objections were also filed by counsel for Jeremy Little's guardian on 8/19/10, to which Jim Little filed a joinder;
    e. Jim and Jeremy Little's primary objections to the AGREEMENT focus on Petitioner's stats as an omitted spouse and the reduced value of assets of Decedent's estate;
    f. The Arizona court set a settlement conference for 10/19/10;
    g. Petitioner also filed and MSJ in the Arizona court to compel the court to approve the AGREEMENT and the matter is currently before that court;
    h. The Arizona court has also set a status review hearing on 11/1/10.
    i. Petitioner has attended all proceedings before the Arizona court.
- Petitioner has a significant conflict of interest disqualifying her from serving as personal representative because she has pending creditor's claims and Petitions now pending before this court; though a settlement has been reached through the AGREEMENT, the AGREEMENT has not been approved by the Arizona court and the matter is currently pending;
- Petitioner has not filed a petition in the Arizona court for removal of Respondent as personal representative; as such, appointment of Petitioner in the Fresno court would provide an unworkable and inconsistent administration of the Decedent's estate, and only further delay the ultimate resolution of this case;
- Finally, the hearing on David McCarville's Petition for instructions on the conflicts of interest has been continued by the Arizona court each time, and Petitioner's attorney has not objected to any such continuance;
- **Respondent requests:** An evidentiary hearing; that Petitioner Norma Little's Petition be dismissed with prejudice, and that Petitioner be required to pay Respondent's reasonable attorneys' fees and the costs of this proceeding.

STATUS REPORT, FILED 10/25/10 BY ATTORNEY MILNES, STATES: A mediation was conducted on 10/19/10 and a complete settlement agreement was reached between all parties, and Atty Keeler has undertaken to reduce the settlement agreement to writing as recited on the record.

Status Report, filed 3/25/11 by Counsel for Norma Little, states:

- *The 10/19/10 mediation (as referenced above) resulted in a complete settlement of all matters existing between the parties; and was confirmed by the Pinal County, Arizona Superior Court ("the settlement agreement");*
- *A draft of the settlement agreement was originally prepared in 11/10 and since then the parties have been negotiating the agreement amongst themselves;*
- *At the last status conference on 2/16/11, the agreement was still being negotiated and the Court continued the matter to 3/10/11;*
- *To date, the parties have not been able to agree upon the agreement's provisions relating to primary jurisdiction of this matter; Norma Little contends that as Decedent died in Fresno County, jurisdiction is proper in Fresno County; respondents contend jurisdiction should be set in either Pinal County, AZ or a neighboring AZ county;*
- *THEREFORE, NORMA LITTLE REQUESTS A FURTHER CONTINUANCE TO ALLOW PARTIES ADD'L TIME TO AGREE ON A SETTLEMENT AGREEMENT AND/OR PETITION THE PINAL CTY SUPERIOR COURT FOR ENFORCEMENT OF THE 11/10 SETTLEMENT AGREEMENT.*

SEE ATTACHED PAGE 1A

Status Report, filed 9/13/11 by Attorney Michael Milnes (for Executor/Respondent Christopher Little) states:

- Disputes regarding the AZ Settlement are still ongoing;
- Attorney Milnes has not been involved in the AZ settlement discussions, as what is ultimately resolved in AZ will have to return to this Court for approval (AZ court minute orders attached to Status Report and shows the case's activity for the past 3 months);
- The personal representative has also recently filed an accounting of his activities in AZ and petitions for fees, to be heard in AZ on 10/3/11, and parties to this AZ probate case have until 9/23/11 to file their objections to the accounting and/or petitions for fees;
- As such, future AZ proceedings are dependent upon what occurs as a result of these filings;
- The AZ parties have agreed that Christopher Little shall remain as Executor in both the AZ and CA probate matters;
- Attorney Milnes suggests this matter be set for a further status hearing in 60-90 days.

1B James W. Little (Estate) **Case No. 08CEPR00870**

Atty Burnside, Leigh (of DAK, for Norma G. Little – Petitioner)

Atty Milnes, Michael A (for Christopher Brian Little – Executor/Respondent)

Status Hearing Re: Exoneration of Bond and Dismissal

DOD: 7/4/08		
Cont. from		
	Aff.Sub.Wit.	
	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

This Status Hearing was set by the Court on 1/11/12, on the Petition to Remove Executor (see Page 1A). Minute Order states: Ms. Berger-Hoang and James Clark are appearing via conference call as well as Ken Peace. Ms. Burnside informs the Court that a settlement was submitted to the court in Arizona.

Need Proof of Exoneration of bond and Dismissal, or Status Report.

NEEDS/PROBLEMS/COMMENTS:

1. **Need proof of exoneration of bond and dismissal, or status report.**

Reviewed by: NRN

Reviewed on: 2/27/12

Updates:

Recommendation:

File 1B – Little

Dept. 303, 9:00 a.m., Wednesday, March 7, 2012

2 Raymond and Andrea Ortega Trust **Case No. 09CEPR00857**

Atty Kruthers, Heather H. (for Public Guardian – Former Successor Trustee)

(1) First and Final Account and Report of Successor Trustee, (2) Petition for Allowance of Compensation to Successor Trustee and Her Attorney, and for (3) Distribution (Prob. C. 15688, 16062, 16063)

	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	

PUBLIC GUARDIAN, Former Successor Trustee, is Petitioner.

Account period: 4-2-10 through 11-4-11

Accounting: $700,658.15
Beginning POH: $655,754.00
Ending POH: $657,909.94
($2,155.94 is cash)

Public Guardian/Former Trustee: $4,426.60 (37.60 Deputy hours @ $96.00/hr and 10.75 Staff hours @ $76.00/hr)

Attorney: $1,500.00
(Less than the former local rule allowed)

Bond fee: $177.84 (ok)

Because there is not enough cash to pay Public Guardian and Attorney, Petitioner requests a lien be placed on the trust estate, including the real properties, for the balance of the fees and commissions.

Petitioner prays for an order:

1. Approving, allowing and settling the account;
2. Authorizing the trustee's and attorney's compensation;
3. Authorizing payment of the bond fee; and
4. Authorizing a lien on the trust estate, including real properties, for any unpaid balance of fees and commissions.

NEEDS/PROBLEMS/COMMENTS:

Background: Per the trust, the trustees are required to pay to or apply for the benefit of Eddie Ortega, son of Trustors, for the duration of his life, after which time the trust is to be distributed to other sibling beneficiaries.

On 3-18-10, on petition by the current Successor Trustee Natalie C. Ortega Sullivan, the Court removed Co-Trustees Rachel Dominguez and Connie Ortega Ariaz and appointed the Public Guardian as Successor Trustee. In addition, Rachel Dominguez was found to have misappropriated funds and was surcharged $330,612.28.

On 10-19-11, on petition by the current Successor Trustee Natalie C. Ortega Sullivan and agreement between family members, the Court removed the Public Guardian as Successor Trustee and appointed Natalie C. Ortega Sullivan as Successor Trustee.

Minute Order 10-19-11: Counsel advises the Court that the family has signed an agreement to have Natalie handle the trust. He further advises that there are eight homes all together and three of them are on Dakota. The Court grants the petition. The Court advises counsel that it will be expecting some closure as to Rachel at the First Accounting.

The Order dated 10-19-11 also requires the Successor Trustee to file annual accountings detailing her acts as successor trustee.

Note: Natalie C. Ortega Sullivan resides in Haverhill, Massachusetts.

Reviewed by: skc

Reviewed on: 2-28-12

Updates:

Recommendation:

File 2 - Ortega

Dept. 303, 9:00 a.m., Wednesday, March 7, 2012

3 Rose Arzoomanian (Estate) Case No. 10CEPR00116

Atty Koligian, Robert (for Elizabeth Serian – Sister – Executor – Petitioner)

Waiver of Accounting and (2) Petition for Allowance of Commissions and Fees and (3) for Final Distribution [Prob. C. §10954]

DOD: 11-19-09		
	Aff.Sub.Wit.	
✓	Verified	
✓	Inventory	
✓	PTC	
✓	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	W/O
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✓	Letters	5-20-10
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	FTB Notice	

ELIZABETH SERIAN, Sister and Executor with no IAEA powers and no bond, is Petitioner.

Accounting is waived.

I&A: $116,860.20
POH: $111,434.20 (real property plus $1,434.20 in cash)

Executor (Statutory): $4,505.81

Attorney (Statutory): $4,505.81

Costs: $1,386.92 (Filing, publication, certified copies, etc.)

Closing: $500.00

Decedent's will devises her estate equally between her two sisters (Petitioner and Ann Martinson of Brooklyn Center, Minnesota). The two heirs signed "Agreement Re Purchase of Residence and Sale of Real Property" that provides for the purchase of Ann's interest by Petitioner for a total of $30,000.00 (after various credits). Petitioner requests that the Court ratify this agreement and that it become part of the final order of the Court.

Petitioner requests the Court enter order for payment of the fees and costs on the latter of 60 days after execution of the final distribution order or the agreement between the heirs. Petitioner represents that she has been pre-approved for a loan that will satisfy the obligations of the attorney's fees and costs, her executrix' fees, and the payment to her sister for purchase of the residence pursuant to the agreement.

Distribution pursuant to Decedent's will and Agreement Re Purchase of Residence and Sale of Real Property:

Ann Martinson: $467.10 cash plus an undivided one-half interest in the real property, which shall be controlled by the terms and conditions of the Agreement.

Elizabeth Serian: $467.10 cash plus an undivided one-half interest in the real property, which shall be controlled by the terms and conditions of the Agreement.

NEEDS/PROBLEMS/ COMMENTS:

Note: Examiner fixed the order by placing a signature line for the Judge after the last attachment pursuant to Local Rule 7.6.1.E.

Reviewed by: skc

Reviewed on: 2-28-12

Updates:

Recommendation:

File 3 - Arzoomanian

Dept. 303, 9:00 a.m., Wednesday, March 7, 2012

4A **Lee & Jacqueline Johnson 1988 (Trust)** **Case No. 11CEPR00420**

Atty **Bickel, Bruce (Pro Per – Successor Trustee)**

Review of Bond Issue and Inventory and Appraisal

Cont. from 110811, 011812		
	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	

BRUCE BICKEL, a licensed fiduciary, was appointed Successor Trustee of the Trust on 8-10-11 with bond of $3,600,000.00.

The Court set this status hearing for review of the bond and to determine its adequacy pursuant to an Inventory and Appraisal to be filed prior to the hearing.

Bond of $3,600,000.00 was filed 9-19-11.

Status Report filed 1-13-12 states the trustee is in the process of obtaining values for the assets of the trust, including the cabin at Fish Camp. An appraisal has been forwarded to the Mariposa County Probate Referee by Fresno County Probate Referee Steven Diebert; however, there is apparently a holdup in obtaining this value.

The trustee requests at least 30 days to obtain a value and file an inventory and appraisal.

NEEDS/PROBLEMS/COMMENTS:

<u>Minute Order 11-8-11</u>: The Court continues the matter to 1-18-12 and set further status hearing for 3-7-12 for the filing of the first account. The Court advises counsel that if the bond amount turns out to be adequate and the inventory and appraisal is filed by 1-18-12, the matter can be taken off calendar.

<u>Minute Order 1-18-12</u>: Counsel requests a continuance. Matter continued to 3-7-12.

<u>As of 2-27-12, the following issue remains</u>:

1. **Bond of $3,600,000.00 was filed 9-19-11; however, as of 2-27-12, there has been no documentation filed regarding adequacy of the bond.**

   Therefore, need Inventory and Appraisal or other sufficient documentation (declaration, etc).

Reviewed by: skc	
Reviewed on: 2-27-12	
Updates:	
Recommendation:	
File 4A - Johnson	

Dept. 303, 9:00 a.m., Wednesday, March 7, 2012

4B **Lee & Jacqueline Johnson 1988 (Trust)** **Case No. 11CEPR00420**

Atty **Bickel, Bruce (Pro Per – Successor Trustee)**

Status Hearing Re: Filing of the First Account

	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	X
	UCCJEA	
	Citation	
	FTB Notice	

BRUCE BICKEL, a licensed fiduciary, was appointed Successor Trustee of the Trust on 8-10-11 with bond of $3,600,000.00.

The Court set status hearing for review of the bond and to determine its adequacy pursuant to an Inventory and Appraisal to be filed prior to the hearing, which was continued to this date (Page 4A).

Bond of $3,600,000.00 was filed 9-19-11.

On 11-8-11, the Court set this status hearing for filing of the first account.

Status Report filed 1-13-12 states the trustee is in the process of obtaining values for the assets of the trust, including the cabin at Fish Camp. An appraisal has been forwarded to the Mariposa County Probate Referee by Fresno County Probate Referee Steven Diebert; however, there is apparently a holdup in obtaining this value. The trustee requested at least 30 days to obtain a value and file an inventory and appraisal.

NEEDS/PROBLEMS/COMMENTS:

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

Reviewed by: skc

Reviewed on: 2-27-12

Updates:

Recommendation:

File 4B - Johnson

Dept. 303, 9:00 a.m., Wednesday, March 7, 2012

5 **Pamela A. Ritchie (Det Succ)** **Case No. 12CEPR00061**

Atty **Herold, Kim M. (for Megan Beard – Petitioner)**

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

DOD: 11-14-11				NEEDS/PROBLEMS/COMMENTS:
			JACLYN OHMSTEAD, MEGAN BEARD and EMMA BEARD, children of Decedent, are Petitioners.	
			40 days since DOD	
	Aff.Sub.Wit.		No other proceedings	
✔	**Verified**			
✔	**Inventory**		I&A: $75,000.00	
✔	**PTC**			
	Not.Cred.		Will dated 2-15-11 devises the estate equally between Decedent's three children (Petitioners).	
✔	**Notice of Hrg**			
✔	**Aff.Mail**	W		
	Aff.Pub.		Petitioners request Court determination that Decedent's 100% interest in certain real property in Fresno passes to them in undivided 1/3 interests each pursuant to Decedent's will.	
	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:** 2-28-12
	UCCJEA			**Updates:**
	Citation			**Recommendation: SUBMITTED**
	FTB Notice			**File 5 - Ritchie**

Dept. 303, 9:00 a.m., Wednesday, March 7, 2012

6 Roberto Yzaguirre (Estate) **Case No. 12CEPR00075**

Atty Flanigan, Philip M. (for Ramiro J. Yzaguirre, brother – Petitioner)

Petition for Probate of Will and for Letters Testamentary (Prob. C. 8002, 10450)

DOD: 10/6/11			**RAMIRO J. YZAGUIRRE**, brother and named executor without bond, is Petitioner.
Cont. from			Will dated 9/5/11
	Aff.Sub.Wit.	s/p	
√	**Verified**		Full IAEA – o.k.
	Inventory		
	PTC		Residence: Fresno
	Not.Cred.		Publication: Fresno Business Journal
√	**Notice of Hrg**		
√	**Aff.Mail**	w/o	**ESTIMATED VALUE OF ESTATE:**
	Aff.Pub.		Personal Property 0
	Sp.Ntc.		Annual Income 0
	Pers.Serv.		Real Property $160,000.00
	Conf. Screen		**Total: $160,000.00**
√	**Letters**		
√	**Duties/Supp**		
	Objections		**PROBATE REFEREE: RICK SMITH**
	Video Receipt		
	CI Report		
	9202		
√	**Order**		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:
Reviewed by: NRN
Reviewed on: 2/28/12
Updates:
Recommendation: SUBMITTED
File 6 - Yzaguirre

Dept. 303, 9:00 a.m., Wednesday, March 7, 2012

7 George P. Samarin (Estate) **Case No. 12CEPR00089**

Atty BLUM, MARK A (for Pearl Popin, sister – Petitioner)

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

DOD: 12/21/11		
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	

PEARL POPIN, sister and named executor without bond, is Petitioner.

Will dated 1/23/85

Full IAEA – o.k.

Residence – Kerman, Fresno County
Publication – The Kerman News

Estimated value of estate:

Personal property	$238,000.00
Annual income	
Real property	$475,000.00
Total:	**$713,000.00**

PROBATE REFEREE: RICK SMITH

NEEDS/PROBLEMS/COMMENTS:

<u>Note</u>: Attorney Blum's *Declaration Regarding Diligence in Efforts to Ascertain Address of Missing Heir*, filed 2/27/12, details Mr. Blum's many efforts in locating Decedent's brother, Bill Samarin. Per the *Declaration*, Decedent's family has had no contact with Bill Samarin since 1984, and Bill Samarin's former wife has had no contact with him since before 2000 (their marriage ended 24 years ago). Numerous searches for a phone number, personal and property tax records were fruitless. Mr. Blum therefore requests, pursuant to CRC 7.52, that the Court either 1) prescribe an alternate form of notice, or alternatively and based upon the fact that Bill Samarin is not a named beneficiary in Decedent's will 2) dispense with notice to Bill Samarin.

Reviewed by: NRN
Reviewed on: 2/28/12
Updates:
Recommendation:
File 7 - Samarin

Dept. 303, 9:00 a.m., Wednesday, March 7, 2012

8 Claud Hudiburgh (CONS/E) **Case No. 0381057**

Atty **LeVan, Nancy J. (for Petitioner Charles Hudiburgh, Successor Conservator)**
Atty **Sanoian, Joanne (Court-appointed for Conservatee)**

Probate Status Hearing Re: Filing of Second Account

Age: 81 years		
DOB: 10/3/1930		
Cont. from		
	Aff.Sub.Wit.	
	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

CHARLES HUDIBURGH, son, was appointed Successor Conservator of the Estate on 6/11/2008.

Order Approving First Amended First Account and Report of Successor Conservator; Petition for Allowance of Fees for Attorney was filed on 5/16/2011.

First account period was 6/11/2008 through 12/22/2009.

Second account for the period beginning 12/23/2009 is currently due.

***Notice of Status Hearing* filed 1/4/2012** set this status hearing for failure to file the second account. *Clerk's Certificate of Mailing* shows notice was mailed to Charles Hudiburgh and to Attorney Nancy LeVan on 1/4/2012.

NEEDS/PROBLEMS/COMMENTS:

1. **Need second account or current status report pursuant to Local Rule 7.5(B).**

Reviewed by: LEG
Reviewed on: 2/28/12
Updates:
Recommendation:
File 8 - Hudiburgh

Dept. 303, 9:00 a.m., Wednesday, March 7, 2012

9 Maricarmen Garrido (CONS/P) **Case No. 07CEPR01015**

Atty **Palmer, Donna (pro per Conservator)**

Atty **LeVan, Nancy J. (court appointed for the Conservatee)**

Status Hearing Re: Proof of Conservatorship in Michigan

Age: 23 years **DOB: 3/20/1988**	**DONNA PALMER**, non-relative, was appointed as conservator of the person on 2/1/08. On 5/27/11 Conservator filed a Petition to Fix the Residence of the Conservatee Outside the State of California to Detroit Michigan. In her petition, Conservator stated the move was necessary because the Conservator needed to help care for her elderly parents and that she needed to alleviate economic hardship. On 8/4/11 the Court granted the petition and ordered a conservatorship or its equivalent to be commenced in the State of the new residence within four months. This status hearing was set for the status of commencing a conservatorship in Michigan.	**NEEDS/PROBLEMS/COMMENTS:** **Continued from 1/4/12.** **1. Need current status report.**
Cont. from 010412		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		**Reviewed by: KT**
Status Rpt		**Reviewed on: 2/28/12**
UCCJEA		**Updates:**
Citation		**Recommendation:**
FTB Notice		**File 9 - Garrido**

Dept. 303, 9:00 a.m., Wednesday, March 7, 2012

10 Tiffany Lynn Johnson (CONS/P) **Case No. 09CEPR00664**

Atty Palmer, Donna (pro per Conservator)
Atty Palmer, Emanuel (pro per Conservator)
Atty LeVan, Nancy J. (Court appointed for Conservatee)

Status Hearing Re: Proof of Conservatorship in Michigan

Age: 20 years DOB: 2/1/1991	**DONNA PALMER** and **EMANUEL PALMER,** non-relatives, were appointed as conservator of the person on 9/22/09. On 5/27/11 Conservator filed a Petition to Fix the Residence of the Conservatee Outside the State of California to Detroit Michigan. In her petition, Conservator stated the move was necessary because the Conservator needed to help care for her elderly parents and that she needed to alleviate economic hardship. On 8/4/11 the Court granted the petition and ordered a conservatorship or its equivalent to be commenced in the State of the new residence within four months. This status hearing was set for the status of commencing a conservatorship in Michigan.	**NEEDS/PROBLEMS/COMMENTS:** **Continued from 1/4/12.** **1. Need Current Status Report**
Cont. from 010412		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: KT
Status Rpt		Reviewed on: 2/28/12
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 10 - Johnson

Dept. 303, 9:00 a.m., Wednesday, March 7, 2012

11 Cozette Snowden (CONS/P) **Case No. 10CEPR00801**

Atty Palmer, Donna (pro per Conservator)
Atty Palmer, Emanuel (pro per Conservator)
Atty LeVan, Nancy J. (Court Appointed for Conservatee)

Status Hearing Re: Proof of Conservatorship in Michigan

Age: 19 years DOB: 8/28/1992	**DONNA PALMER** and **EMANUEL PALMER,** non-relatives, were appointed as conservator of the person on 10/14/10.	**NEEDS/PROBLEMS/COMMENTS:**
		Continued from 1/4/12.
Cont. from 010412	On 5/27/11 Conservator filed a Petition to Fix the Residence of the Conservatee Outside the State of California to Detroit Michigan.	**1. Need Current Status Report**
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.	In her petition, Conservator stated the move was necessary because the Conservator needed to help care for her elderly parents and that she needed to alleviate economic hardship.	
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen	On 8/4/11 the Court granted the petition and ordered a conservatorship or its equivalent to be commenced in the State of the new residence within four months.	
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202	This status hearing was set for the status of commencing a conservatorship in Michigan.	
Order		
Aff. Posting		**Reviewed by: KT**
Status Rpt		**Reviewed on: 2/28/12**
UCCJEA		**Updates:**
Citation		**Recommendation:**
FTB Notice		**File 11 – Snowden**

Dept. 303, 9:00 a.m., Wednesday, March 7, 2012

12 Wayne Allen Robbins, Jr (CONS/PE) Case No. 11CEPR00750

Atty Bowman, Mark C (of Lodi, CA for Conservator Myrna M. Bowman)

Probate Status Hearing Re: Filing of Inventory and Appraisal

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

MYRNA M. BOWMAN was appointed as conservator of the person and estate without bond on 9/28/11.

Letters issued on 10/7/11.

Inventory and appraisal was due on 1/7/12.

NEEDS/PROBLEMS/COMMENTS:

1. **Need inventory and appraisal or current status report.**

Reviewed by: KT

Reviewed on: 2/28/12

Updates:

Recommendation:

File 12 - Robbins

Dept. 303, 9:00 a.m., Wednesday, March 7, 2012

13 Esmeralda B. Mendez (GUARD/E) **Case No. 09CEPR00717**

Atty Chavez, Maria Araceli (pro per – mother/guardian of the estate/Petitioner)

First Accounting

Age: 15		
DOB: 12/04/96		
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	
✓	**2620(c)**	
	Order	x
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

MARIA ARACELI CHAVEZ, Guardian of the Estate, is Petitioner.

Account period: 03/29/10 – 11/30/11

Accounting	-	$77,507.32
Beginning POH	-	$77,336.67
Ending POH	-	$52,239.82
Guardian	-	Not addressed

NEEDS/PROBLEMS/COMMENTS:

Parties are Spanish speaking.

1. **Need Order.**
2. **Need *Notice of Hearing.***
3. **Need proof of service by mail at least 15 days before the hearing of the *Notice of Hearing* on:**
   - Esmeralda Mendez (minor)

Reviewed by: JF

Reviewed on: 02/28/12

Updates:

Recommendation:

File 13 - Mendez

Dept. 303, 9:00 a.m., Wednesday, March 7, 2012

14 Ruby Isela Mendez Chavez (GUARD/E) Case No. 09CEPR00895
Atty Chavez, Maria Araceli (pro per – mother/guardian of the estate/Petitioner)
First Accounting

Age: 8 **DOB: 05/19/03**	**MARIA ARACELI CHAVEZ,** Guardian of the Estate, is Petitioner. Account period: 03/29/10 – 11/30/11 Accounting - $77,507.32 Beginning POH - $77,336.67 Ending POH - $52,239.82 Guardian - Not addressed	**NEEDS/PROBLEMS/COMMENTS:** **Parties are Spanish speaking.** **4. Need Order.** **5. Need *Notice of Hearing.*** **6. Need proof of service by mail at least 15 days before the hearing of the *Notice of Hearing* on:** **- Ruby Isela Mendez Chavez (minor)**
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	
✓	**2620(c)**	
	Order	x
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

Reviewed by: JF
Reviewed on: 02/28/12
Updates:
Recommendation:
File 14 - Chavez

Dept. 303, 9:00 a.m., Wednesday, March 7, 2012

15 Isaiah Rodriguez (GUARD/P) **Case No. 12CEPR00020**

Atty **Rodriguez, Rigoberto (pro per Petitioner/paternal grandfather)**

Atty **De Rodriguez, Araceli Morales (pro per Petitioner/paternal grandmother)**

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

Age: 12 years DOB: 6/20/1999		
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	X
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

Temporary Expires 3/7/2012

RIGOBERTO RODRIGUEZ and ARACELI MORALES DE RODRIGUEZ, paternal grandparents, are Petitioners.

Father: **SAID RODRIGUEZ**

Mother: **JUDITH RAMOS**--*Proof of Personal Service showing service made to the mother in Palm Springs on 1/11/2012 Consent and Waiver of Notice filed 1/17/2012*

Maternal grandfather: *Not listed*
Maternal grandmother: Sofia Ramos

Minor: Isaiah Rodriguez – *consents and waives notice.*

Petitioners state the mother has three children from three different men. She recently absconded with the minor out of the county without the knowledge of the family. The mother has not been stable. The mother abuses medications and drinks. Mother is living with a felon who was paroled to Riverside County.

NEEDS/PROBLEMS/COMMENTS:

1. **Need proof of personal service of the *Notice of Hearing* with a copy of the *Petition for Appointment of Guardian*, or *Consent to Appointment of Guardian and Waiver of Notice*, or a *Declaration of Due Diligence*, for:**
   a. **Said Rodriguez (father)**

2. **Need proof of service of the *Notice of Hearing* with a copy of the *Petition for Appointment of Guardian*, or *Consent to Appointment of Guardian and Waiver of Notice*, or a *Declaration of Due Diligence*, for:**
   a. **Maternal grandfather**
   b. **Sofia Ramos (maternal grandmother)**

Court Investigator Jennifer Daniel to provide:

1. **Court Investigator's Report**
2. **Clearances**

Reviewed by: KT
Reviewed on: 2/29/12
Updates:
Recommendation:
File 15 - Rodriguez

Dept. 303, 9:00 a.m., Wednesday, March 7, 2012

16 Saede Galvan & Jaeden A. Roberts (GUARD/P) Case No. 12CEPR00022
Atty Harris, Richard A. (for Kenneth & Youngae Roberts – maternal grandparents/Petitioners)
Atty Walters, Jennifer L. (for Marcos Galvan – father of Saede Galvan/objector)
Petition for Appointment of Guardian of the Person (Prob. C. 1510)

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

TEMPORARY EXPIRES 03/07/12

KENNETH ROBERTS and **YOUNGAE ROBERTS,** maternal grandparents, are Petitioners.

Father (Saede): **MARCOS GALVAN**
Father (Jaeden): **OSIRIS PULIDO**

Mother: **SARAH ROBERTS** – *deceased*

Paternal grandparents: UNKNOWN

Petitioners state that the children's mother was murdered 01/01/12. Neither child's father has been involved in the children's lives. The Petitioners state that they have an ongoing loving relationship with the children and the children are familiar and comfortable in their home. Petitioners state that Jaeden's father agrees that it is best for Jaeden to be with them during this difficult time, but Saede's father removed her from their home. Petitioners state that Saede does not know her father as he has had no contact with her for over two years. Petitioners state that Saede expressed fear and discomfort at having to leave Petitioners home.

Objection of Marcos Galvan, Saede's Father, was filed 01/17/12 and states: The assertion in the Petition that Mr. Galvan had not seen his daughter for two years is untrue. Mr. Galvan admits that he has not been in his daugther's life for the past year, but states that this was at the mother's and her family's insistence. Mr. Galvan states that he had consulted an attorney about custody prior to the tragic death of the mother, but had not initiated proceedings yet. Now that his daughter's mother has been killed, Mr. Galvan states that he wants to care for Saede as a father should and felt that he had to take her from the maternal grandparents because they appeared to be trying to obtain custody. Mr. Galvan further states that he does not have a criminal record other than a DUI in 2007 and he does not pose any threat to Saede. Mr. Galvan points out that there must be clear and convincing evidence that an award of custody to a parent would be detrimental to the child and that the award to a non-parent is in the child's best interest. Mr. Galvan states that the Petitioners cannot provide any evidence that the child is in danger if he were awarded custody. He state he has adequate housing, a stable job, strong family ties, and is a loving father. He further states that since the court granted the Petition Ex Parte, the maternal relatives have not allowed his to visit with his daughter. He prays that the Temporary Guardianship is denied.

Continued on Page 2

NEEDS/PROBLEMS/COMMENTS:

1. **Need *Notice of Hearing.***
2. **Need proof of personal service at least 15 days before the hearing of *Notice of Hearing* with a copy of the *Petition for Appointment of Guardian of the Person* or Consent and Waiver of Notice or Declaration of Due Diligence for:**
   - Marcos Galvan (Saede's father)
   - Osiris Pulido (Jaeden's father)
3. **Need proof of service by mail at least 15 days before the hearing of *Notice of Hearing* with a copy of the *Petition for Appointment of Guardian of the Person* or Consent and Waiver of Notice or Declaration of Due Diligence for:**
   - Paternal grandparents (all)
4. **Need Order and Letters.**
5. **Need CI report and Clearances – CI to provide.**

Reviewed by: JF
Reviewed on: 02/28/12
Updates:
Recommendation:
File 16 – Galvan & Roberts

Reply to Objection of Marcos Galvan filed 02/17/12 states that it is in Saede's best interest that the Petitioners be appointed as her guardian. Petitioners state that Mr. Galvan's objection is deficient, contains misstatements, and is misleading. For instance, Mr. Galvan states that he has had only one criminal incident in the past, however, Petitioners allege that he has a lengthy criminal history and is believed to be a Bulldog gang member as he has the word "BULLDOG" tattooed on his stomach. Further, Petitioners allege that Mr. Galvan did not have a relationship with Saede's mother until Saede was 4, but rather the two stopped seeing each other when Saede was 3, because of Mr. Galvan's lies about other women in his life. Petitioners further state that while Mr. Galvan did attend Saede's 4th birthday party in November 2010, he made no effort to contact Saede or her mother after that. Petitioners state that their phone number has always been the same so Mr. Galvan could have contacted Saede at any time, but chose not to. Petitioners also allege that Mr. Galvan has another child with another woman and that two restraining orders have been issued against Mr. Galvan to protect the mother of his other child. Further, Petitioners allege that Mr. Galvan has a history of domestic violence and their daughter told them that Mr. Galvan choked her and spit in her face sometime between November 2005 and May 2006. Petitioners also state that Saede is not adjusting well to the visits with her father and has expressed that she is scared to go with him and cries hysterically when she has to go with him. Saede has also reported that she had to sleep in the same bed with Mr. Galvan and another man on one of her visits; further Saede stated that she was crying and asked to call the Petitioners, but Mr. Galvan told her to "shut up" and did not allow her to call. In addition, Petitioners state that they received a call from the Social Security Administration stating that Mr. Galvan applied for social security benefits for Saede. Petitioners state that they informed the SSA that they were Saede's temporary guardians and that she lived with them. Petitioners are concerned that Mr. Galvan intended to collect the benefits for his own use. Petitioners also state that they believe Mr. Galvan may be trying to sway Saede and uses lies to control her.

Court Investigator Dina Calvillo's report was filed – NEED REPORT.

17 Jaime Jesus Magana, Dulce Maria Magana, and Manuel Magana (GUARD/P) Case No. 12CEPR00023

Atty Magana, Adela (Pro Per – Paternal Grandmother – Petitioner)

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

Jaime Jesus Magana (5) DOB: 6-22-06		
Dulce Maria Magana (4) DOB: 8-23-07		
Manuel Magana (3) DOB: 12-11-08		
	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	
	9202	
✔	Order	
	Aff. Posting	
	Status Rpt	
✔	UCCJEA	
	Citation	
	FTB Notice	

TEMPORARY EXPIRES 3-7-12

ADELA MAGANA, Paternal Grandmother, is Petitioner.

Father: **JESUS MAGANA**
Mother: **NATHALIE MARQUEZ**

Paternal Grandfather: Jaime Magana
Maternal Grandfather: Pauline Marquez
Maternal Grandmother: Maria Duque

Petitioner states she has had the oldest, Jaime, in her care since he was two days old, but never applied for guardianship because Mother never attempted to take him. Mother and the other two children came to live with Petitioner in March 2010. Petitioner is the one who fed and took care of all of their needs. The mother is physically abusive toward the children and neglects their welfare. Dulce was not allowed to start school because she needed 8 shots and a physical. Petitioner went to school conferences because Mother refused to attend.

Mother took the children on 1-1-12 with the help of her uncle and went to Texas. Petitioner is concerned for their safety and states she would protect them from abuse.

Petitioner requests to be excused from giving notice to the maternal grandparents because the mother did not even know where her parents were residing.

Court Investigator Jennifer Daniel filed a report on 2-22-12.

NEEDS/PROBLEMS/ COMMENTS:

Minute Order 1-24-12 (temporary hearing):
Court employee Petra Ramos is sworn and interprets for the parties. The Petitioner informs the Court that she does not know the whereabouts of the children. The Court excuses notice to the mother. The Court grants the petition. The temporary expires 3-7-12. The general hearing remains set for 3-7-12.

If this petition goes forward, the following issues exist:

1. **If notice is not excused, need proof of personal service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 on:**
   - Jesus Magana (Father)
   - Nathalie Marquez (Mother)
2. **If notice is not excused, 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 on:**
   - Jaime Magana (Paternal Grandfather)
   - Pauline Marquez (Maternal Grandfather)
   - Maria Duque (Maternal Grandmother)
3. **Petitioner answered "Yes" to #4 on the UCCJEA regarding other cases involving custody of the children. Need clarification.**

Reviewed by: skc

Reviewed on: 2-28-12

Updates:

Recommendation:

File 17 - Magana

Dept. 303, 9:00 a.m., Wednesday, March 7, 2012

Pro Per **Halford, Linda Faye (Pro Per Petitioner, mother)**

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

Age: 25 years		
DOD: 7/5/1986		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Cap. Decl.	X
✓	Notice of Hrg	
✓	Aff.Mail	W/
	Aff.Pub.	
	Sp.Ntc.	
✓	Pers.Serv.	W/
✓	Conf. Screen	
	Aff. Posting	
✓	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	X
	Adv. Rights	X
✓	Order	
✓	Letters	
	Status Rpt	
	UCCJEA	
✓	Citation	
	FTB Notice	

NO TEMPORARY REQUESTED

LINDA FAYE HALFORD, mother, is Petitioner and requests appointment as Conservator of the Person with medical consent powers.

Need *Capacity Declaration*.

Petitioner states the proposed Conservatee suffers from post-traumatic stress disorder, she is deaf and developmentally delayed, and she has been physically and sexually abused, as a result of which she experiences flashbacks. Petitioner states the proposed Conservatee also suffers from a loss of memory, paranoia and hopelessness, and is unable to clearly communicate and recognize certain people and circumstances. Petitioner states the proposed Conservatee tends to wander due to her flashbacks and is vulnerable to being coerced and making unthinkable decisions, and she cannot be left alone because she becomes paranoid and very scared.

Court Investigator Charlotte Bien to provide *CI Report* and *Advisement of Rights*.

NEEDS/PROBLEMS/COMMENTS:

1. ***Petition* states at Item 5(f) that the proposed Conservatee is not developmentally disabled as defined in Probate Code § 1420. However, Petitioner includes *Attachment 5(f)* to the *Petition* which indicates the proposed Conservatee <u>is</u> developmentally disabled. Need clarification for the Court to determine whether the proposed Conservatee meets the Probate Code definition, including any involvement of the proposed Conservatee with the local regional center. If Court finds the proposed Conservatee is developmentally disabled as defined in Probate Code § 1420, need proof of mailed service of the *Notice of Hearing* with a copy of the *Petition* for the regional center pursuant to Probate Code § 1822(e).**

2. **Need *Medical Capacity Declaration* in support of petitioner's request for medical treatment consent powers.**

Reviewed by: LEG
Reviewed on: 2/28/12
Updates:
Recommendation:
File 18 – Martinez

19 Sadie Genavicia Garcia (GUARD/P) **Case No. 12CEPR00180**

Atty Garcia, Devona (pro per – maternal aunt/Petitioner)

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

Age: 5 months		
DOB: 09/21/11		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	x
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	x
✓	**Conf. Screen**	
	Letters	x
✓	**Duties/Supp**	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	x
	Aff. Posting	
	Status Rpt	
✓	**UCCJEA**	
	Citation	
	FTB Notice	

TEMPORARY GRANTED EX PARTE; EXPIRES 03/07/12

GENERAL HEARING 04/25/12

DEVONA GARCIA, maternal aunt, is Petitioner.

Father: **UNKNOWN** – *declaration of due diligence filed 02/22/12*

Mother: **VALERIE GARCIA**

Paternal grandparents: UNKNOWN

Maternal grandfather: JOHN B. GARCIA
Maternal grandmother: TERESA GARCIA

Siblings: NATHANIEL MENA (11), JULIAN SALVADOR (5), JAYLAH SALVADOR (3)

Petitioner states that the mother is addicted to drugs and is unstable and unable to properly care for Sadie. Sadie has lived with the Petitioner since December 2011. Petitioner states temporary guardianship is necessary because Sadie is behind on her immunizations and she is unable to take her to the doctor without guardianship. Also, Petitioner states that she is afraid that the mother will try to take Sadie from her home in order to obtain aid. Petitioner states the mother does not have a stable or safe place to live. Petitioner states that the mother also has three older children that have been removed by CPS and placed with other family members.

NEEDS/PROBLEMS/COMMENTS:

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 Temporary Guardianship* <u>or</u> Consent and Waiver of Notice <u>or</u> Declaration of Due Diligence for:**
   - Valerie Garcia (mother)
   - Unknown father (unless diligence is found)

Reviewed by: JF

Reviewed on: 02/28/12

Updates:

Recommendation:

File 19 - Garcia

Dept. 303, 9:00 a.m., Wednesday, March 7, 2012

20 Dallas James & Summer Soto (GUARD/P) Case No. 12CEPR00187

Atty Cook, Stephen (pro per – maternal grandfather/Petitioner)

Atty Cook, Elyse Marie (pro per – maternal grandmother/Petitioner)

Petition for Appointment of Temporary Guardianship of the Person

Dallas, 1 DOB: 02/05/11		
Summer, 4 DOB: 07/04/07		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	x
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	x
✓	Conf. Screen	
✓	Letters	
✓	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

GENERAL HEARING 04/26/12

STEPHEN COOK and **ELYSE COOK,** maternal grandparents, are Petitioners.

Father (Dallas): **WILLIAM (KIMO) JAMES**
Father (Summer): **STEVEN SOTO**

Mother: **JAMIE MICHELLE COOK**

Paternal grandparents (Dallas): NOT LISTED

Paternal grandfather (Summer): JOEL SOTO
Paternal grandmother (Summer): CAROL SOTO

Siblings: CHLOE SANDERS

Petitioners state that the mother has returned to an abusive relationship with Dallas' father (William "Kimo" James) and taken the children. Petitioners state that the mother and children moved in with them in December 2011 after she was physically abused by Kimo James. Petitioners state that during the time the mother lived with them she received numerous phone calls and text messages every day from Mr. James. Most of the calls ended up in a shouting match. Further, there were two incidents of Mr. James stalking the mother while she lived with them. The mother obtained a restraining order against Mr. James on 02/10/12; however, the mother left their home for a visit with Mr. James on 02/17/12 and did not return. Petitioners left several messages for the mother and finally on 02/21 the mother came to their house and picked up all of her and the girls' things and returned to living with Mr. James. Petitioners state that they believe Mr. James badgered her into returning to him. Petitioners state that they expressed to the mother that they felt that she was endangering the children by staying with Mr. James, but she didn't seem to care. Petitioners state that they contacted CPS and were advised to file for temporary guardianship ASAP. Petitioners state that they fear for the children's physical and mental well-being.

NEEDS/PROBLEMS/COMMENTS:

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 Temporary Guardianship* <u>or</u> Consent and Waiver of Notice <u>or</u> Declaration of Due Diligence for:**
   - William "Kimo" James (Dallas' father)
   - Steven Soto (Summer's father)
   - Jamie Cook (mother)

Reviewed by: JF

Reviewed on: 02/28/12

Updates:

Recommendation:

File 20 – James & Soto

Dept. 303, 9:00 a.m., Wednesday, March 7, 2012

Dept. 303, 9:00 a.m., Wednesday, March 7, 2012