1A Darleen Joyce Parks (CONS/PE) **Case No. 03CEPR01192**

Atty Shahbazian, Steven L. (for Petitioner/Conservator Connie Lynn Rana)

(1) Third Account and Report of Conservator and (2) Petition for Fees

Age: 76 years DOB: 2/11/1936		
Cont. from 102511, 120611, 012412		
	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	
✓	2620(c)	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

CONNIE RANA, Conservator, is petitioner.

Account period: 1/8/08 – 12/31/09

Accounting - **$782,889.76**
Beginning POH- **$642,039.07**
Ending POH- **$496,754.10**

Conservator - **waives**

Attorney - **$2,000.00** (per Local Rule)

Petitioner prays for an Order:

1. Settling and allowing the third account and report and approving and confirming the acts of petitioner as filed;
2. Authorizing Petitioner to pay her attorney the sum of $2,000.00 for ordinary legal services provided to the conservator and the estate during the period of the account.

NEEDS/PROBLEMS/COMMENTS:

Continued from 1/24/12. Minute order states a copy of the petition filed in Clark County Superior Court is presented to the Court. ***As of 2/29/12 there have been no additional documents filed.***

1. **Order dated 3/16/05 allowed the Conservator to fix the residence of the Conservatee to Las Vegas Nevada. With a provision that a conservatorship or its equivalent be established in the new state (Nevada) within 4 months. However, no conservatorship has been established in Nevada. Court may want to inquire about the establishment of a conservatorship in Nevada. –** ***Supplemental Declaration filed on 11/30/11 states*** the Conservator has attempted to obtain counsel in Las Vegas, NV for a conservatorship or "related proceeding" for the conservatee. However attorneys that the Conservator has spoken to do no in general want to commence such an action in the Nevada Courts. One attorney who proposed to take the case required a retainer of between $12,000 and 15,000 and would require "quarterly reports" to be paid separately. Based on the exorbitant fees that have been quoted, it has not been economically reasonable in relation to the size of the estate even if an attorney could be employed. The Fresno County conservatorship is financially more reasonable to maintain with it biennial accountings and reports.

Please see additional page

Reviewed by: KT
Reviewed on: 2/29/12
Updates:
Recommendation:
File 1A - Parks

Dept. 303, 9:00 a.m. Thursday, March 8, 2012

2. **Disbursement schedule shows payments bi-monthly of $2,700 to Rana and Rana for rent. The court may require clarification regarding these rent payments and whether or not Rana and Rana has any relationship to the conservator. California Rules of Court 7.1059(a)(4) states the conservator must not engage his or her family members to provide services to the conservatee for a profit of fee when other alternatives are available. Where family members do provide services, their relationship must be fully disclosed to the court and their terms of engagement must be in the best interest of the conservatee compared with the terms available from other independent service providers**. – *Declaration of Conservator filed on 11/30/11 states the rental property is owned by the conservator and her husband; however, the sub-market rent is not sufficient to pay the mortgage, property taxes, insurance and maintenance costs for the property. Conservator states she and her husband do not make any property from the conservatee's tenancy.*

3. **Disbursement schedule shows several months where it appears the conservatorship is paying the cell phone of the live in care provider Sandra Martin. Court may require clarification**. –*Declaration of Conservator filed on 11/30/11 states the cell phone payments for Sandra Martin, live in care provider, because the care provider would often take the conservatee to various places and therefore, it was required that the care provider have a cell phone. Because it was a requirement for this care provider, it was agreed that the conservatorship would pay the costs.*

4. **Disbursement schedule shows several months where there are two payments per month for Las Vegas Valley Water (utilities), Pesky Pete's Pest control, Embarq (phone), Cox Enterprises (cable service), Southwest Gas (utilities), Republic Service (trash), Nevada Power (utilities). It appears the conservatorship may be paying for more than just the conservatee's expenses. Court may require clarification**. – *Declaration of Conservator filed on 11/30/11 states some payment were made, on behalf of the care providers, as part of the "barter" agreement between the care providers and the conservator. The various utilities or cable services expenses would be paid, on occasion, for the conservatee at her residence and on occasion as the "barter" for services by a care provider.*

5. **Disbursement schedule shows items purchased that should be included on the property on hand schedule such as:**
   a. **3/11/08 – TV Surround + patio furniture for $1,723.65**
   b. **4/22/08 – Washer and dryer for $1,578.90**
   c. **12/22/09 – firmer sofa(?) – for $2,196.19** - *Declaration of Conservator filed on 11/30/11 states the purchases were necessary.*

6. **Disbursement schedule shows gifts of cash on 12/28/09 to the conservatee's great nephews, Josh Rana - $250.00 and Jacob Rana - $200.00. California Rules of Court, Rule 7.1059(b)(3) states the conservator must refrain from making loans or gifts of estate property, except as authorized by the court after full disclosure.** – *Declaration of Conservator filed on 11/30/11 states the cash gifts are minimal reflections of the conservatee's affection for her great nephews.*

7. **Disbursement schedule shows payments identified as Summerlin Dues (without stating the nature and purpose of the payment) as follows:**
   - **4/15/08 - $271.00**
   - **4/15/08 - $271.00**
   - **8/26/08 - $271.00**
   - **8/26/08 - $271.00** - *Declaration of Conservator filed on 11/30/11 states Summerlin is the name of the large planned development where the Conservatee (and conservator and her husband) reside. Because of the lower rental payments Conservator states she has paid (quarterly) the Summerlin assessment for the rental house. The four assessment payments are the only ones paid and the conservatorship has not been further charged for these homeowner assessments.*

Please see additional page

8. **Disbursement schedule shows a transfer correction of $250.00 on 12/22/08. Court may require clarification.**
   - *Declaration of Conservator filed on 11/30/11 states the payment of $250.00 was to the Nevada DMV to license Darlene's 2003 Jaguar.*

9. **Disbursement schedule shows a disbursement for "Home Warranty" in the amount of $313.95 on 5/27/09. Court may require explanation as to why the conservatorship is paying for home warranty when renting (see item #2 above).** – *Declaration of Conservator filed on 11/30/11 states this is a 50-50 split for payment on the home warranty for the rental house.*

10. Need Bank Statements as required by Probate Code 2620(c)(2).

11. **This conservatorship was established in 2003. Property on hand schedule from the 2nd account ending on 12/31/2007 shows promissory notes (all apparently established during the 2nd account period) as follows:**
    - **$38,000 dated 6/27/05 from Aaron Wallace secured by a Deed of Trust with interest at 16% per annum**
    - **$252,000.00 dated 7/19/05 from Aaron Wallace secured by a Deed of Trust with interest at 13% per annum.**
    - **$60,000.00 dated 10/11/05 from John P. Rana and Kea Rana with interest at 4% per annum. (It appears that John P. Rana is the son of the petitioner.)**

    Probate Code §2570 requires the Conservator to obtain prior court approval before investing money of the estate. There is nothing in the file to indicate the conservator obtained permission from the Court to invest money of the estate. – *Declaration of Conservator filed on 11/30/11 states the promissory notes contained in the 2nd account were paid current, principal and interest included. All the notes were first trust deeds secured by real properties with sufficient equities. However, because the notes were of such a high rate of return (16% and 13% interest annum), the mortgagor was in danger of being unable to make further payments, which would have resulted in the requirement of the conservatorship to foreclose on the properties. To avoid foreclosure and subsequent costs incurred, and to avoid owning the properties, the conservator, through her husband who is a real estate investor, replaced these notes with other notes also secured by first trust deeds which are now paying at a more normal rate of return of 4%.*

12. **Property on hand schedule for this (the 3rd) accounting shows two promissory notes as follows:**
    - **$95,000 secured by 1209 Coral Isle Way, Las Vegas, NV with interest at 4% per annum and an outstanding balance of $95,000.00**
    - **$205,000 secured by 11464 Crimson Rock, Las Vegas, NV with interest at 4% per annum an outstanding balance of $191,286.22.**

    It appears that the promissory notes in the second account are not the same promissory notes in the third account. What happened to the promissory notes in the second account? Where they paid in full? Need clarification and need change in asset schedule. – *Declaration of Conservator filed on 11/30/11 states the questions raised herein are address in the answer above. All principal and interest payments and current interest rates and principal balances are recorded on the Third Account and Report are accurate.*

1B **Darleen Joyce Parks (CONS/PE)** **Case No. 03CEPR01192**

Atty **Shahbazian, Steven L. (for Conservator Connie Rana)**

Status Hearing Re: Proceedings in Clark County

Age: 76 years **DOB: 2/11/1936**	**CONNIE RANA**, sister was appointed conservator of the person and estate on 9/30/2003. Order dated 3/16/05 allowed the Conservator to fix the residence of the Conservatee to Las Vegas Nevada. With a provision that a conservatorship or its equivalent be established in the new state (Nevada) within 4 months. However, no conservatorship had been established in Nevada. This status hearing was set for the status of the establishment of a conservatorship or its equivalent in Nevada.	**NEEDS/PROBLEMS/COMMENTS:**
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		**Reviewed by: KT**
Status Rpt		**Reviewed on: 2/29/12**
UCCJEA		**Updates:**
Citation		**Recommendation:**
FTB Notice		**File 1B - Parks**

Dept. 303, 9:00 a.m. Thursday, March 8, 2012

2 **Rhonda Jane Cloud (CONS/PE)** **Case No. 0458379**

Atty **Perkins, Jan T. (for Conservator Stephen Ronald Cloud)**
Atty **Sanoian, Joanne (for Stephen Cloud, Jr., Beneficiary)**

(1) Verified Sixth and Final Account and (2) Report of Conservator of the Person and Estate of Conservatee and (3) Petition for Discharge of Conservator on Final Account (Prob. C. 2620)

DOD: 4-19-04		
Cont. from 030811, 050311, 053111, 071211, 091311, 110811		
	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	
	2620(c)	X
✔	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

STEPHEN RONALD CLOUD, brother and Conservator of the Person and Estate, is Petitioner. Mr. Cloud was originally appointed on 5-14-92 as a Co-Conservator with his father. After his father's death, he continued as sole Successor Conservator.

The Fifth Account was settled 12-18-02.

Amended Sixth Account period:
6-30-02 through 6-29-11

Accounting: $7,061,538.36
Beginning POH: $2,578,039.04
Ending POH: $6,723,119.54
($1,961,471.54 is cash)
(6,723,119.54 less $1,497,115.20 in liabilities = $5,226,004.34)

Conservator: Waives fee

Petitioner prays for an order:
1. Approving, allowing, and settling the Sixth and Final Account;
2. Authorizing distribution to the estate of the remaining property in Conservator's possession; and
3. Discharge on the filing of proper receipts

SEE PAGE 2 (re additional declarations)

NEEDS/PROBLEMS/COMMENTS:
Note: Page 3 of this calendar is the related estate file (status for closure). The estate is dependent on this conservatorship account and distribution to the personal representative.

Background: The court previously requested clarification regarding certain unauthorized distributions and liabilities described in the accounting.

The conservator had distributed funds as CDs came due directly to certain trusts that are beneficiaries of the decedent's estate. Attorney Perkins' declaration filed 5-25-11 suggested that the appropriate resolution would be reversal of the distribution with interest, and that surcharge is not necessary. *Attorney Perkins' declaration filed 6-30-11 reflects that the unauthorized distributions have been repaid to the conservatorship estate with interest.*

Conservator's declaration filed 5-2-11 explains the liabilities: In order to pay estate taxes owed by the decedent's estate, the conservatorship estate borrowed $516,849.00 from a separate trust (the Jasmine Cloud Administrative Trust). Therefore, there is a note payable to the Jasmine Cloud Administrative Trust. Conservator also states that he advanced $980,406.20 to the conservatorship estate from his personal funds to fund the expenses of the conservatorship estate while the conservatee was alive, and for expenses associated with her death. *Examiner notes that there is no documentation provided as to these notes or expenses paid.*

The description of the note to the conservator in the original account Schedule G states that the note "included $35,878 for funeral expenses, $205,000.00 for administration expense, $39,727 for appraisals, and $5,431 for taxes." *However, no documentation (itemization or receipts) is provided.*

SEE PAGE 2, 3

Updates:

Contacts: Reviewed 2-28-12

Recommendation:

Reviewed by: skc

File 2 - Cloud

2 Rhonda Jane Cloud - (CONS/PE) Case No. 0458379

Declarations filed 5-2-11, 5-25-11, 6-30-11 address prior examiner notes:

- Regarding distribution to trusts: Petitioner states the sole beneficiaries of the probate estate are two testamentary trusts for the benefit of Ryan John Cloud and Stephen Ronald Cloud, Jr. After Conservatee died, CDs belonging to the conservatorship estate began coming due, and the Conservator transferred the cash to the trusts. *Attorney Perkins' declaration filed 6-30-11 reflects that the unauthorized distributions have been repaid to the conservatorship estate with interest.*

- Regarding liabilities: Petitioner states that money was loaned to the Conservatee's estate in order to fund the expenses of the estate while Conservatee was alive and pay those expenses associated with her death. Petitioner states it was his practice to fund all cash needs of the conservatorship estate with his own money. *Liabilities include a note payable to a separate trust for $516,849.00 for estate taxes and a note to Petitioner for $980,406.20.*

- Regarding Probate Code §2620(c): Petitioner states that because so much time has passed since closing of the accounts that records are not available.

- Attorney Perkins recommended reversal of the unauthorized distributions without surcharge, and provided revised schedules reflecting the reversal with interest.

Attorney Joanne Sanoian appeared at the hearing on 7-12-11 for Stephen Cloud, Jr., an Estate Benficiary.

Minute Order 7-12-11: Ms. Sanoian advises the Court that her client has not received any notice regarding this matter. She further advises that she is going to want to do some kind of forensic accounting. Ms. Sanoian requests a continuance. Matter continued to 9-13-11.

Minute Order 9-13-11: Mr. Perkins advises the Court that they are trying to work out Ms. Sanoian's concerns; therefore, they are requesting a continuance. Matter continued to 11-8-11.

Status Report filed 11-4-11: Since the hearing on 9-13-11, Attorneys Perkins and Sanoian have been cooperating; however, no resolution has been reached as of yet. The parties anticipate that forensic accountings which are being prepared in other matters will help resolve some or all of the concerns of Stephen Cloud, Jr.

Minute Order 11-8-11: Mr. Perkins requests a four month continuance.

As of 2-28-12, nothing further has been filed.

The following issues remain listed: See Page 3.

2 Rhonda Jane Cloud - (CONS/PE) Case No. 0458379

1. **The main issues with the accounting as previously presented were: 1)** the unauthorized distributions, and **2)** the liabilities. It appears the unauthorized distributions have been addressed and reversed; however, the court may require further clarification regarding the liabilities.

   Conservator's 5-2-11 declaration provides a brief explanation of the note payable to another trust and the note payable to the conservator for personal funds advanced. The examples included in the description of the note payable to the conservator (funeral expenses, administration expenses, etc.) total $286,036. The declaration does not explain what the remaining $694,370.20 was used for, and further, the loan amounts do not appear to be reflected in the receipts schedules, there is no other documentation (receipts for goods and/or services) or itemization, and copies of the notes are not provided.

   The original prayer requests distribution of all remaining property to the decedent's estate, but does not specifically include these liabilities. The revised schedules filed 6-30-11 appear to reduce the property on hand by the amount of the liabilities.

   If it is Petitioner's intent for the notes to be paid prior to distribution to the decedent's estate, further clarification may be required at this time.

   If it is Petitioner's intent for the notes payable to become obligations of the decedent's estate, the court may specifically reserve this issue to be addressed further in that case.

2. **The declaration amending the account period and schedules to reflect actions subsequent to the prior account period is not verified by the fiduciary (Probate Code §1023).**

3. **Need order.** *Petitioner may wish to submit the order for signature after the hearing.*

4. **It appears notice has not been provided to all relatives within the 2nd degree pursuant to Probate Code §§ 2621, 1460(b)(6), 1821(b), Cal. Rule of Court 7.51. Need notice of hearing and appropriate notice.**
   - Examiner notes that the list of relatives provided in the 1992 petition for conservatorship may be outdated. An updated list and notice is required.
   - Examiner notes that the Notice of Hearing filed 2-8-11 (for the 3-8-11 hearing) reflects that notice to the two Estate Beneficiaries (Stephen Cloud, Jr., and Ryan Cloud) was sent "c/o Jeffrey G. Boswell, Esq., Kimble, MacMichael & Upton" but was not sent directly to the beneficiaries.

Note: Minute Order 5-31-11 states "Ms. Wright is appearing on behalf of Ms. Cloud." Examiner is unsure if this refers to Ms. Cloud the decedent (former conservatee?) or another related party.

Note: Examiner notes that when the 5th account was settled in 2002, the language ratifying acts and transactions of the conservator was stricken by the judge. The court may require similar revision to this order.

3 Rhonda Jane Cloud (Estate) Case No. 06CEPR00768

Atty Perkins, Jan T. (for Conservator Stephen Ronald Cloud)
Atty Sanoian, Joanne (for Stephen Cloud, Jr., Beneficiary)

Filing of First Account or Petition for Final Distribution and Filing of Inventory and Appraisal

DOD: 04/19/04

Cont. from 042810, 061510, 092110, 111610, 012511, 030811, 050311, 071211, 091311 110811

	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	

STEPHEN RONALD CLOUD was appointed Executor with full IAEA without bond on 8-29-06 and Letters Issued 8-30-06.

Inventory and appraisal was due 12-29-06.

First account or petition for final distribution was due 8-30-07.

Status Report of Stephen Ronald Cloud regarding the Inventory and Appraisal filed 4-19-10 states he is also the conservator of the estate of Rhonda Jane Cloud, case no. 0458379. As of the date of the status report the Conservator has not provided Attorney Rindlisbacher with the accounting required nor has the Conservator delivered the Conservatee's estate to Executor. When a final accounting has been prepared and approved by the Court in the Conservatorship, Executor will be in a position to administer the estate of the Decedent.

Probate Referee Steven Diebert filed a Request for Special Notice on 8-31-11.

Minute Order 11-8-11: Mr. Perkins requests a four month continuance.

As of 2-28-12, nothing further has been filed.

NEEDS/PROBLEMS/COMMENTS:

Note: Page 2 of this calendar is the related conservatorship final account. This estate is dependent on the conservatorship account and distribution to the personal representative.

Stephen Ronald Cloud is also Conservator of the Estate of Rhonda Jane Cloud in Case # 458379.

1. **Need Inventory and Appraisal and Petition for distribution.**

Notes:
***Minute Order 11-16-10* states attorney Rindlisbacher represents to the court that they are awaiting bank records that were requested several weeks ago with regard to the conservatorship accounting. The court advises that this will be the last continuance with the possibility of sanctions absent extraordinary good cause.**

Status report filed 4-9-10 indicated Executor was awaiting distribution from conservatorship estate; however, Examiner notes that the I&A for the probate estate should include assets as of date of death, and may not be contingent on distribution from the conservatorship estate.

Documents filed in the Conservatorship Estate (0458379) indicate that Mr. Cloud made unauthorized preliminary distributions after the date of death totaling $1,779,985.14 directly from the conservatorship accounts to the probate estate beneficiaries' trust accounts, of which he is the trustee.

Probate Referee Steven Diebert has filed a Request for Special Notice in this Estate case.

Updates:

Contacts: Reviewed 2-28-12

Recommendation:

Reviewed by: skc

File 3 - Cloud

4A Benny Markarian (CONS/PE) Case No. 11CEPR00779

Atty Walters, Jennifer L. (for Ronald Markarian – spouse)
Atty Harris, Richard A. (for Pamela Milam – daughter/Petitioner)
Atty Sanoian, Joanne (court appointed for Conservatee)

Petition for Enforcement of Support of Conservatee Spouse from Community Property

Age: 78
DOB: 07/17/33

Cont. from 020712, 020912

	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	

PAMELA S. MILAM, daughter and Conservator, is Petitioner.

Petitioner filed petitions for appointment of Temporary and General Conservator of the Person and Estate of Benny Markarian on 09/02/11.

Ronald Markarian, the conservatee's husband, filed petitions for appointment of Temporary and General Conservator of the Person and Estate of Benny Markarian on 09/01/11.

Petitioner was appointed Temporary Conservator of the Person Ex Parte on 09/07/11 and was appointed as permanent conservator of the Person on 11/10/11.

Petitioner states that the Conservatee and her spouse, Ronald Markarian, have community property consisting of $300,000.00 in liquid assets that is currently managed by Ronald Markarian.

Petitioner previously obtained an order for support relating to the care of the Conservatee; however, she has not sought an order for reimbursement of fees paid to her attorneys. Currently, the fees total $16,916.75 through October 31, 2011. The fees have been paid from a joint account held in the name of the Petitioner and the Conservatee. On 11/29/11, Petitioner requested reimbursement from Ronald Markarian from community funds for the attorney's fees and costs, but has received no response from Mr. Markarian.

Petitioner alleges that Ronald Markarian has paid his own legal fees from community assets and asserts that it would be incongruous and inequitable to allow Ronald Markarian to use community assets to oppose activities of the conservator, but not allow those same funds to establish the conservatorship or pursue associated legal activity.

Should Ronald Markarian refuse to comply with any orders made pursuant to this petition or Probate Code §§ 3080 – 3092, Petitioner requests that the community property be divided and the portion found to belong to the Conservatee be turned over to the conservator of her estate, as provided for by Probate Code § 3089.

Petitioner prays for an order:

1) Requiring Ronald Markarian to reimburse to the Conservatee fees paid to Wild, Carter & Tipton of $16,916.75; and
2) For other relief the court deems proper, including an order dividing the community property and turning over the Conservatee's community interest to the Conservator of the Estate, should Ronald Markarian refuse to comply with any order made pursuant to Probate Code §§ 3080 – 3092.

NEEDS/PROBLEMS/COMMENTS:

CONTINUED FROM 02/09/12

As of 02/29/12, nothing further has been filed regarding this petition.

Reviewed by: JF
Reviewed on: 02/29/12
Updates:
Recommendation:
File 4A - Markarian

Dept. 303, 9:00 a.m. Thursday, March 8, 2012

4B **Benny Markarian (CONS/PE)** **Case No. 11CEPR00779**

Atty **Walters, Jennifer L. (for Ronald Markarian – spouse)**
Atty **Harris, Richard A. (for Pamela Milam – daughter/Petitioner)**
Atty **Sanoian, Joanne (court appointed for Conservatee)**

Petition for Division of Community Property and for Enforcement of Support of Conservatee Spouse from Community Property [Prob. C. § 3080 et seq]

Age: 78
DOB: 07/17/33

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	

PAMELA S. MILAM, daughter and Conservator, is Petitioner.

Petitioner filed petitions for appointment of Temporary and General Conservator of the Person and Estate of Benny Markarian on 09/02/11.

Ronald Markarian, the conservatee's husband, filed petitions for appointment of Temporary and General Conservator of the Person and Estate of Benny Markarian on 09/01/11.

Petitioner was appointed Temporary Conservator of the Person Ex Parte on 09/07/11 and was appointed as permanent conservator of the Person on 11/10/11. Letters were issued on 12/06/11.

On October 5, 2011, Petitioner filed a Petition for Enforcement of Conservatee Spouse from Community Property. On 11/20/01, the court ordered that Petitioner provide bills for Right at Home Services and any other bills the Petitioner wished to be reimbursed for to Ronald Markarians attorney and that the bills were to be paid by Mr. Markarian within 72 hours.

On 12/20/11, the Court ordered that Petitioner, through her attorney, shall provide to Ronald Markarian, through his attorney, a request for reimbursement for payment for care expenses for the Conservatee. Ronald Markarian shall reimburse Petitioner for said expenses and any expenses that are not paid shall be resolved by a noticed hearing. Further, Petitioner, through her attorney, shall provide Ronald Markarian, through his attorney, invoices from the Right-At-Home agency for the Conservatee's Care. Ronald Markarian shall pay the invoices directly to Right-At-Home within 72 hours of his attorney's receipt of said invoices.

In accordance with the Courts order, on 11/14/11, Petitioners attorneys requested through Jennifer Walters that Ronald Markarian pay care expenses of $4,070.26 to Petitioner and Mr. Markarian timely paid the expense request.

On 12/01/11, Petitioner, requested expenses of $471.56 and payment to Right-At-Home expenses of $1,900.00. Mr. Markarian reimbursed Petitioner and paid Right-At-Home on 12/19/11, one day before the next hearing date of 12/20/11. This delay in payment violated the Court's 11/20/11 order that payment be made within 72 hours.

Continued on Page 2

NEEDS/PROBLEMS/COMMENTS:

Note:
There is a Petition for Attorney's fees filed by Joanne Sanoian, attorney for the Conservatee, that is set for hearing on 03/27/12.

Reviewed by: JF
Reviewed on: 02/29/12
Updates:
Recommendation:
File 4B - Markarian

Dept. 303, 9:00 a.m. Thursday, March 8, 2012

4B Benny Markarian (CONS/PE) Case No. 11CEPR00779

On 01/03/12, Petitioner requested reimbursement for care expenses in the amount of $951.34 and payment to Right-At-Home in the amount of $4,598.00. As of the date of this Petition (01/19/12), Mr. Markarian had not reimbursed the Petitioner or paid Right-At-Home in violation of the Court's order.

Petitioner states that Mr. Markarian has management and control of the community property of he and the Conservatee. Probate Code § 3089 provides a procedure for the division of community property and quasi community property when the spouse with management and control of the community property refuses to comply with orders made under this article of the Code, and to order that the property set aside for the conservatee spouse be delivered to the conservator of the estate. Probate Code § 3090 states that any order under this article may be enforced "by execution, the appointment of a receiver, contempt, or by such other order or orders as the court in its discretion may from time to time deem necessary."

Petitioner states that the failure of Mr. Markarian to make payments as ordered by the Court is deliberate and calculated. Mr. Markarian filed an Income and Expense declaration with the Court on 11/08/11 showing ample income and/or assets to pay for the requested expenses. Mr. Markarian has not offered an excuse to either Petitioner or her attorney for his failure to pay the January request.

Petitioner prays for an Order and Judgment as follows:

1. That the community property and quasi community property of the conservatee and Ronald Markarian be divided as provided by Probate Code § 3089;
2. That the Court find Ronald Markarian to be in contempt of both the Court's order of 11/20/11 and order of 12/20/11;
3. That the Court find Ronald Markarian liable to Petitioner for reasonable attorney fees and costs as provided by CCP § 1218(a); and
4. For other such orders that the Court deems appropriate and just.

Dept. 303, 9:00 a.m. Thursday, March 8, 2012

5 Selina Pasillas (CONS/PE) **Case No. 11CEPR01030**

Atty Kruthers, Heather H. (for the Public Guardian – Petitioner)
Atty Wright, Janet L. (Court-appointed for Conservatee – Objector)
Atty Neilson, Bruce (for Ruth Ann Hill – Daughter)

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

Age: 86 years		
DOD: 8/14/25		
Cont. from 010312, 020712		
	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	

TEMPORARY LETTERS EXPIRE 3-8-12

PUBLIC GUARDIAN is Petitioner and requests appointment as Conservator of the Person and Estate without bond. Temporary Conservatorship of the person and estate was granted *ex parte* on 11/17/11 and at the hearing on the Temporary Petition on 11/30/11.

Note: On 11/28/11, the Court appointed Janet Wright as attorney for Conservatee.

Estimated Value of the Estate:

Personal property	-	$ 129.24
Annual income	-	$5,736.00
Total		**$5,865.24**

Declaration of Sue Yie, M.D., was filed on 11/16/11.

Voting Rights Affected

PROBATE REFEREE: STEVEN DIEBERT

Please see attached pages

NEEDS/PROBLEMS/COMMENTS:

Court Investigator Advised Rights on 11/17/11.

Voting Rights Affected Need Minute Order

Minute Order dated 11/30/11 states: Ruth Hill informs the Court that she is objecting to the petition, and is in the process of hiring an attorney. The Court orders that any power of attorney previously given to any party regarding health care and finances be suspended. The Court extends the temporary to 1/3/12. Ms. Kruthers is directed to prepare the order. The General Hearing remains set for 1/3/12.

Proposed Conservatee Selina Pasillas filed an Objection on 12-28-11.

Minute Order dated 1/3/12 states: Mr. Neilson informs the Court that he is representing Ruth Hill. Ms. Garcia informs the Court that the mortgage is six months behind. Matter continued to 2/7/12 and Temporary Letters extended.

Minute Order dated 2-7-12 states: Mr. Neilson advises the Court that Ms. Hill is still experiencing health issues. Mr. Neilson requests a continuance. Matter is continued to 3/8/12. The Court extends the temporary to 3/8/12 and grants the Public Guardian all powers on a temporary basis.

As of 2-28-12, nothing further has been filed.

See attached pages

Reviewed by: NRN / skc

Reviewed on: 2-28-12

Updates:

Recommendation:

File 5 - Pasillas

Dept. 303, 9:00 a.m. Thursday, March 8, 2012

Cont'd:

Petitioner states conservatee resides at Nazareth House, and was reportedly diagnosed with dementia in December 2010 (*Capacity Declaration* indicates the dementia diagnosis was made by the hospice physician on 3/5/11). Petitioner learned of conservatee through Hinds Hospice in June 2011, as there was concern about her failing health and her daughter RuthAnn's management of the finances and interference with her care (conservatee's husband also resided at Nazareth House prior to his death on 7/8/11). Petitioner also received a referral from APS on 8/2/11; Petitioner's subsequent investigation determined that although conservatee was healthy and safe, it was only because she was in a facility that was meeting her needs. Through its investigation, Petitioner has determined that conservatee's money had been moved or withdrawn from several bank accounts just before and after her husband's death, and that conservatee's daughter RuthAnn had access to all those accounts. Furthermore, RuthAnn attempted to have her mother sign a power of attorney while at Nazareth House; despite being advised that her mother did not have the capacity to sign such documents, RuthAnn provided Cititbank with a power of attorney executed 8/20/11. RuthAnn currently lives in the conservatee's home and claims all of the furniture belongs to her. Conservatee also has a son who lives out of state.

Petitioner seeks:

- **Appointment as conservator over conservatee's person and estate**, in order to make medical decisions and ensure conservatee's continued proper care, and to also marshal conservatee's assets and use them for her care, including an overdue bill from the Nazareth House (RuthAnn has not been paying for proposed conservatee's care);
- **Appointment as successor trustee of the Manuel and Selina Pasillas Revocable Trust**, dated 8/23/10;
- **A Court order revoking any and all powers of attorney**, whether for healthcare or for finances.the authority to sell conservatee's personal residence as well as her personal property, and finally,
- **Court authorization to retain the services of a licensed real estate broker** to assist in the sale of the residence.

Court Investigator Jennifer Young's Report, filed 12/22/11.

***Declaration of Janet Wright, filed 11/29/11*, states she met with the Conservatee, who likes where she is currently residing and hopes to remain there (Nazareth House); Conservatee stated she will not object to the temporary guardianship with the Public Guardian as temporary conservator of both person and estate (Conservatee realizes that there are some problems with her financial affairs). If after the financial issues have been resolved, and the Court determines that a Conservatorship is required, Conservatee will request the appointment of her son and daughter as co-conservators.**

***Objection to Establishment of Conservatorship, filed 12/28/11 by Proposed Conservatee Selina Pasillas*, states she does not need a conservator at this time because she is capable of managing her own affairs. If the Court determines conservatorship is required, the appropriate person to serve is her son, Joe Pasillas, as he is very level-headed. Mrs. Pasillas understands that there are concerns regarding the state of her financial affairs, including the source and amount of her monthly income. She is comfortable with her current placement at Nazareth House, but if it is determined that sufficient funds are available to secure her personal residence and care, she would like to return home. If the Court deems it necessary to continue the temporary conservatorship with the Public Guardian acting as Temporary Conservator to further investigate the issue, Mrs. Pasillas will agree to the continuation of the temporary conservatorship at this time. Mrs. Pasillas remains confident that the funds are available and the Public Guardian will no longer be needed.**

Cont'd:

Janet L. Wright, Court-appointed attorney for Selina Pasillas, filed Consent to Conservatorship on 2-6-12. The declaration states she read to Mrs. Pasillas a draft Consent (attached), and Mrs. Pasillas expressed her agreement, but indicated that she could not sign due to her failing eyesight and lack of coordination. Mrs. Pasillas requested that the attorney sign the Consent in her place and submit to the Court.

The attached consent states that she knows she needs assistance and consents to conservatorship. She would like her son to help her, but knows he cannot help at this time. She believes her daughter has too many other responsibilities to help. It is okay for the Public Guardian to help. She wants the Court to appoint her son in the future if he can help, and she does not want to attend a hearing.

NEEDS/PROBLEMS/COMMENTS Cont'd:

1. **Petitioner requests court authority to sell Decedent's residence and all furniture and furnishings within the residence pursuant to PrC §2540; need supporting declaration, pursuant to §2540(b).**

2. **In addition to conservator, Petitioner requests appointment as successor trustee of the Manuel and Selina Pasillas Revocable Trust dated 8/23/10 so as to protect the trust assets; however, the Trust matter is not before this Court – need separate petition (and a new trust case file opened) for appointment of a successor trustee.**

3. **The submitted order includes dementia medication and placement powers, but this is not supported by the Capacity Declaration. The Court may require clarification.**

---

6 Ezekial Garcia (Det Succ) Case No. 12CEPR00054

Atty Shekoyan, James E. (for Felicia Garcia – Spouse – Petitioner)

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

DOD: 2-1-10		
	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	

FELICIA GARCIA, Spouse, is Petitioner.

40 days since DOD

No other proceedings

I&A: $45,000.00

Decedent died intestate

Petitioner states Decedent inherited certain real property in Orange Cove, CA from his father in 1994 and at his death owned a 100% sole and separate interest in the property.

Petitioner and Decedent began living together in 1982 and were married in 1995. Monica Rodriquez, Stephanie Ann Garcia, Elizabeth R. Garcia and Ezekial Garcia Jr., are the natural born children of Petitioner and Decedent and Decedent did not have any other children, living or deceased.

All four children have signed Disclaimers of Interest in the real property, which were filed as attachments to the Amended Spousal Property petition filed 6-14-10 and incorporated by reference.

As a consequence of the disclaimers, the entire interest in the real property is distributable to Decedent's wife (Petitioner).

NEEDS/PROBLEMS/COMMENTS:

<u>Note</u>: Petitioner originally filed a Spousal Property Petition in 10CEPR00279. Examiner Notes noted that there is no provision for disclaimers of interest in this type of summary proceeding. The matter was continued for Attorney Shekoyan to research the issue per minute order 7-22-10. Additional continuances were granted on 8-30-10, 11-8-10, 2-7-11, 5-9-11, and 8-1-11. At the 7th hearing on 9-12-11, nothing further had been filed since the 7-22-10 hearing and the petition was denied and dismissed.

1. **Like the previous Spousal Property Petition, this Petition to Determine Succession is a summary proceeding. As such, and as previously noted, there is no provision for disclaimers of interest. Need authority.**

2. **Petitioner refers to original documents filed in a case that has been dismissed and requests to incorporate them by reference. If this matter goes forward, the Court may require original documents with reference to *<u>this</u>* petition.**

Reviewed by: skc

Reviewed on: 2-29-12

Updates:

Recommendation:

File 6 - Garcia

Dept. 303, 9:00 a.m. Thursday, March 8, 2012

7 **Elaine G. Torcaso (Estate)** **Case No. 12CEPR00059**

Atty **Armas, J. Todd (for Micheal D. Torcaso – Son – Petitioner)**

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

DOD: 2-8-11

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

MICHEAL D. TORCASO, Son and named Executor without bond, is Petitioner.

Will dated 8-3-1990 *(not attached)*

Residence: Fresno
Publication: Fresno Business Journal

Estimated Value of Estate:

Personal property:	$ 500.00
Real property:	$ 1,900,000.00
Total:	**$ 1,900,500.00**

Probate Referee: Rick P. Smith

NEEDS/PROBLEMS/COMMENTS:

1. **Need original will.**
2. **A copy of the will is not attached pursuant to #3.e.2.**
3. **Need Notice of Petition to Administer Estate.**
4. **Need proof of service of Notice of Petition to Administer Estate at least 15 days prior to the hearing on all parties listed at #8 per Probate Code §8110:**
   - Mark A. Torcaso (son)
   - Daina Gatti (neice)
   - Joanna Nakanishi (step-granddaughter)
5. **Need date of death of deceased spouse per Local Rule 7.1.1.D.**

Reviewed by: skc
Reviewed on: 2-29-12
Updates:
Recommendation:
File 7 - Torcaso

Dept. 303, 9:00 a.m. Thursday, March 8, 2012

8 Jason George Ellam (CONS/P) **Case No. 12CEPR00062**

Atty Fanucchi, Edward L. (for Diane Ellam Powell – Mother – Petitioner)

Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820, 182 2680-2682)

Age: 40		
DOB: 6-11-71		
	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	X
	CI Report	X
	9202	
✔	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
✔	**Citation**	
	FTB Notice	

NO TEMPORARY REQUESTED

DIANE ELLAM POWELL, Mother, is Petitioner and requests appointment as Conservator of the Person with medical consent powers.

Petitioner is also Trustee of the Jason George Ellam Special Needs Trust dated 10-17-02.

Voting rights affected *(?)*

A Capacity Declaration was filed 2-8-12.

Petitioner states the proposed conservatee suffered a psychotic breakdown in 1993 while attending college away from home. Since that time, he has been under the care of several physicians, neurologists, and psychiatrists; his diagnosis is paranoid schizophrenia and high anxiety; has been on various medications; has been a patient of several recovery and behavioral facilities; has been admitted under 5150 to the old Valley Medical Center psychiatric facility and Community Regional Medical Center – Fresno; gets depressed; is addicted to Vocodin and drinking beer; becomes combative and desperate at times trying to obtain medications for his addiction. He resides in a residence owned by his Special Needs Trust with a roommate. Dr. Wajda, psychiatrist, is currently attempting to break the addiction to Vicodin, and believes the proposed conservatee needs to be hospitalized for his own safety and protection at this point in time.

The reason for this petition is to control his medication and medical care and residence/placement because he will change his attitude from one day to another.

Petitioner states all of the proposed conservatee's assets are assets of a Special Needs Trust and there are no assets subject to conservatorship.

Court Investigator Jennifer Young to provide report.

NEEDS/PROBLEMS/COMMENTS:

<u>Court Investigator to provide report</u>.

<u>If voting rights affected, need minute order</u>.

<u>Note</u>: Probate Code §2356 does not allow placement in a mental health treatment facility against the will of the conservatee.

1. **Need video receipt per Local Rule 7.15.8.A.**

Reviewed by: skc

Reviewed on: 2-29-12

Updates:

Recommendation:

File 8 - Ellam

9 Walter Jackson Burrus, Sr. aka Walter Jackson Burrus aka Walter J. Burrus aka Jack Burrus (Estate) **Case No. 12CEPR00090**

Atty Matsumoto, Russell D. (for Robert E. Dolan – named Executor/Petitioner)

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

DOD: 07/26/11		
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	

ROBERT E. DOLAN, named Executor without Bond, is Petitioner.

Petitioner is a resident of Winnemucca, Nevada.

Full IAEA – OK

Will dated: 12/21/07
Codicil dated: 05/03/11

Residence - Winnemucca, NV (property owned in California, located in Fresno, CA)
Publication - Business Journal

Estimated Value of the Estate:

Annual income	-	$ 18,000.00
Real property	-	408,750.00
Total	-	**$426,750.00**

Probate Referee: **STEVEN DIEBERT**

NEEDS/PROBLEMS/COMMENTS:

1. **Petitioner is a resident of Nevada. The court may require bond if the proposed personal representative resides outside California or for other good cause, even if the will waives bond, pursuant to California Rules of Court 7.201(b) and Probate Code 8571.**

Reviewed by: JF
Reviewed on: 02/29/12
Updates:
Recommendation:
File 9 - Burrus

Dept. 303, 9:00 a.m. Thursday, March 8, 2012

10 **Troy Hall (CONS/E)** **Case No. 0588659**

Atty **Nahigian, Eliot S.**

Probate Status Hearing Re: Filing of the Next Account

				NEEDS/PROBLEMS/COMMENTS:
				OFF CALENDAR (calendared in error)
	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:** 2-29-12
	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 10 - Hall**

Dept. 303, 9:00 a.m. Thursday, March 8, 2012

11 Lee Brashears (Estate) Case No. 07CEPR00779

Attys Kruthers, Heather H. (for Petitioner Public Administrator, Administrator of the Estate)
Knudson, David N. (for Public Administrator Re: Estate Tax Audit)
Harris, Richard (for Chet Leroy Wing, Jr., Joie Freed, and Shirley Gatlin, step-grandchildren)
Helon, Marvin T. (for Jan Hugenroth, Special Admin/Estate of David Billings, step-grandson)
Hunt, Jeffrey A. (of Sacramento, for Steve Brashears and Deanna Grant, grandchildren)
Smith, Frederick W., Jr. (of Oakdale, for Sandra Tucker, step-granddaughter)
Jaech, Jeffrey A. (for Janene Marsella, step-great-granddaughter)
Rountree, L. Clarke (for Amy Kovacevich, step-great-granddaughter)

Status Hearing Re: (1) First and Final Account and Report of Administrator and (2) Petition for Allowance of Ordinary and Extraordinary Commissions and Fees and (3) Distribution (PC 9202, 10800, 10810, 10951, 11600, 11850)

DOD: 6/3/2007

Cont. from 051111, 070711, 090811, 011912

	Aff.Sub.W	
✓	Verified	
✓	Inventory	
✓	PTC	
✓	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	W/
	Aff.Pub.	
✓	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	020408
	Duties/S	
	Objections	
	Video Receipt	
	CI Report	
✓	9202	
	Order	
	Aff. Post	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notc	N/A

PUBLIC ADMINISTRATOR, Administrator, is Petitioner.

Account period: 1/29/2008 – 3/14/2011

Accounting	-	**$2,299,284.35**
Beginning POH	-	**$1,517,530.00**
Ending POH	-	**$1,806,632.64**

($284,102.64 is cash)

Administrator *(statutory)* - [**$34,480.27**]

Attorney *(statutory)* - [**$34,480.27**]

Administrator XO - **$1,546.42**
(per Local Rules, for sale of real property @ $1,000.00; sale of personal property @) $298.42 (10% of net sales of $2,984.15); preparation of tax returns @ 1 Deputy hour/$96 and 2 assistant hours/$76 for total $248.00;)

Costs - **$472.50** *(filing fees, certified copies)*

Closing - **$2,000.00**

Bond Fee - **$16,300.95** *(ok)*

Distribution pursuant to allowed Creditor's Claims (Decedent's Will has been superseded by his previous distribution agreement) is to:

- **SANDRA TUCKER –** 25% of the estate consisting of tractor, real property and **[$48,705.56 cash]**;
- **JAN HUGENROTH** as Special Administrator of the **Estate of DAVID BILLINGS (11CEPR00053) –** ½ of 25% of the estate consisting of tractor, real property and **[$24,352.78 cash]**;
- **DEANNA GRANT –** ½ of 25% of the estate consisting of tractor, real property and **[$24,352.78 cash]**;
- **STEVE BRASHEARS**, after payment to Attorney **JEFFREY A. HUNT** of **$21,250.00** per assignment filed on 5/7/2009 **–** ½ of 25% of the estate consisting of tractor, real property and **[$24,352.78 cash]**;
- **CHET LEROY WING, JR., –** 1/3 of 25% of the estate consisting of tractor, real property and **[$16,235.19 cash]**;
- **SHIRLEY GATLIN –** 1/3 of 25% of the estate consisting of tractor, real property and **$16,235.19 cash]**;
- **JOIE FREED –**1/3 of 25% of the estate consisting of tractor, real property and [**$16,235.19 cash]**;
- **AMY KOVACEVICH –** ½ of ½ of 25% of the estate consisting of tractor, real property and **[$12,176.39 cash]**;
- **JANENE MARSELLA –** ½ of ½ of 25% of the estate consisting of tractor, real property and **[$12,176.39 cash]**.

NEEDS/PROBLEMS/ COMMENTS:

Continued from 1/19/2012. *Minute Order* states Mr. Knudson advises the Court that he believes that there are no estate taxes due, and he has provided a tax attorney a stack of documents for review. The matter is continued to 3/8/2012. If the accounting is filed by 3/8/2012, the matter may be taken off calendar.

Note for background: *Minute Order* dated 9/8/2011 states Ms. Kruthers requests a 90-day continuance to file an amended accounting.

1. **Need amended accounting.**

Reviewed by: LEG
Reviewed on: 2/28/12
Updates:
Recommendation:
File 11 – Brashears

Dept. 303, 9:00 a.m. Thursday, March 8, 2012

12 Rose Ketendjian (CONS/PE) Case No. 09CEPR00961

Atty **Ketendjian, Ka'ren Vartan (Pro Per – Nephew – Conservator)**

Probate Status Hearing Re: Failure to File Annual or Biennial Account.

Age: 84		
DOB: 11-7-27		
	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	

KA'REN VARTAN KETENDJIAN, Nephew, was appointed Conservator of the Person and Estate on 1-27-10 with bond of $140,910.00.

Bond was filed on 2-24-10 and Letters issued on 3-3-10.

On 1-13-12, the Court set this status hearing for failure to file the first account. Notice was mailed to the Conservator on 1-13-12.

NEEDS/PROBLEMS/COMMENTS:

1. **Need corrected Inventory and Appraisal.**

   Petitioner has filed two Inventory and Appraisals on 6-9-10 and 2-24-12; however, the real property and personal property items listed are not properly appraised by the Probate Referee pursuant to Probate Code §§ 2610(c), 8901 and 8902.

2. **Need first account pursuant to Probate Code §§ 2620 and 1060.**

Reviewed by: skc

Reviewed on: 2-29-12

Updates:

Recommendation:

File 12 - Ketendjian

13 Anthony John Ellsworth (GUARD/E) **Case No. 10CEPR00452**

Atty Flanigan, Philip M. (for Guardian Jennifer Loeffler)

Probate Status Hearing Re: Filing of the First Account

Age: 17 years **DOB: 9/22/1994**	**JENNIFER LOEFFLER** was appointed guardian of the estate on 7/8/2010. Inventory and appraisal filed on 11/10/10 showing an estate valued at $224,988.80. This status hearing was set for the filing of the first account. **Status Report of Attorney Philip Flanigan filed on 9/2/11** states as of 9/1/11, there have been no additional deposits and no withdrawals from the blocked account opened at Union Bank. The underlying probate is still moving forward, although it too is at a standstill awaiting the conclusion of litigation involving a medical malpractice claim as well as a breach of contract lawsuit which has resulted in a judgment but as of yet no collection. Mr. Flanigan requests this matter be continued for a period of one (1) year until such time as there have been additional transactions involving the account.	**NEEDS/PROBLEMS/COMMENTS:** 1. **Need first account or current status report.**
Cont. from 090811		
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: 2/29/12**
UCCJEA		**Updates:**
Citation		**Recommendation:**
FTB Notice		**File 13 - Ellsworth**

Dept. 303, 9:00 a.m. Thursday, March 8, 2012

14A Shirley Ann McCray (Estate) **Case No. 10CEPR00305**

Atty Johnson, Kevin (Pro Per Adminstrator)

Order to Show Cause Re: Failure to File a First Account or Petition for Final Distribution (Probate Code 12200, et seq)

DOD: 6/25/09		
Cont. from 092611, 110711, 013012		
	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	

KEVIN JOHNSON, son, was appointed Administrator without Bond with Limited IAEA Authority on 5/20/2010 and *Letters* issued on that date.

Final Inventory and Appraisal filed on 7/14/2010 shows an estate value of **$45,000.00** consisting of real property.

Status Report filed on 1/18/12 states Administrator has completed the administration of the Decedent's estate except for the following:

- The real property cannot be sold because of the following litigation: Unlawful Detainer action, *Johnson v. Williams,* Fresno Superior Court Case no. 10CECL07703 and Civil Complaint, *Williams v. Estate of Shirley McCray,* Fresno Superior Court case no. 11CECG00131. These actions have not been resolved between the parties.

NEEDS/PROBLEMS/COMMENTS:

Continued from 1/30/12.

See page 14B for Petition for Final Distribution

See page 14C for Petition for Court Order to Sell Real Property.

Note: *Substitution of Attorney* filed 3/14/2011 shows Attorney Joanne Sanoian formerly represented Kevin Johnson, who is now self-represented.

Reviewed by: KT
Reviewed on: 2/29/12
Updates:
Recommendation:
File 14A - McCray

Dept. 303, 9:00 a.m. Thursday, March 8, 2012

14B Shirley Ann McCray (Estate) Case No. 10CEPR00305

Atty **Johnson, Kevin (pro per Petitioner/Administrator)**

First and Final Account and Report of Administrator and Petition for Settlement of Estate, (2) for Allowance of Attorney's Fees for Ordinary Services, (3) and for Final Distribution [Prob. C. § 10501]

DOD: 6/25/2009		
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**	5/20/10
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

KEVIN JOHNSON, Administrator, is petitioner.

Accounting - ???
Beginning POH - $45,000.00
Ending POH - ???

Attorney - $3,150.00
(Joanne Sanoian former attorney for the estate)

Administrator - waives

Closing - $10,000.00

Petitioner requests distribution as follows:

Phyllis Williams – decedent's household furniture, furnishings and personal effects.

Kevin Johnson – ½ of after discovered property and unused tax reserve.

NEEDS/PROBLEMS/COMMENTS:

NEED AMENDED PETITION, based on, but not limited to, the following:

1. **Petition was filed using a fee waiver. Filing fees are considered by the court to be costs of administration therefore a filing fee of $395.00 must be paid prior to any order allowing distribution of assets.**
2. **Accounting does not comply with Probate Code §1060.**
3. **Petition states there was a creditor's claim filed by Bank of America on 5/3/2010 in the amount of $8,921.16. The amount of the Creditor's Claim actually filed on 5/3/2010 is $11,760.00.**
4. **Petition states personal property valued at $600.00 was distributed to Phyllis Williams. There was no personal property listed on the inventory and appraisal. The court cannot order distribution of property that was not inventoried.**
5. **Paragraph 17 of the Petition states the statutory fee payable to Joanne Sanoian is $3,150.00. However the prayer requests payment of $1,500 to Joanne Sanioan as statutory fees.**
6. **Statutory fees are calculated incorrectly. Fee base includes statutory commissions of $75.00 and costs of $20.00. Commissions and costs are not part of the fee base. Total statutory fees would be $1,800.00. Ms. Sanoian's portion of the statutory fees should be based on the percentage of work done on the estate.**
7. **Petition states there are outstanding personal property taxes due in the amount of $1,913.89. All expenses should be paid prior to the court ordering distribution.**
8. **Need property on hand schedule.**
9. **Proposed distribution does not include distribution of the real property.**

Reviewed by: KT

Reviewed on: 2/29/12

Updates:

Recommendation:

File 14B - McCray

Dept. 303, 9:00 a.m. Thursday, March 8, 2012

14C Shirley Ann McCray (Estate) **Case No. 10CEPR00305**

Atty Johnson, Kevin (pro per Petitioner/Administrator)

Petition for Court Order to Sell Estate Real Property [Prob. C. § 10000, et seq.]

DOD: 6/25/2009		
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	

KEVIN JOHNSON, Administrator, is petitioner.

Petitioner states he is seeking authority to sell the real property of the estate.

The sale of the real property is necessary in order to pay the expenses of administration, taxes, attorney fees and the family allowance.

Petitioner prays for an Order authorizing the Administrator to sell the property described about on such terms and conditions and under such terms and conditions as are required by law or as directed by this court.

NEEDS/PROBLEMS/COMMENTS:
Reviewed by: KT
Reviewed on: 2/29/12
Updates:
Recommendation:
File 14C - McCray

Dept. 303, 9:00 a.m. Thursday, March 8, 2012

15 Christina Rae Morrow (CONS/P) Case No. 11CEPR01076

Pro Per **Lehman, Lorilla Fonda (Pro Per Petitioner, great aunt)**

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

Age: 27 years		
DOB: not stated		
Cont. from 012312		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	w/
	Aff.Pub.	
	Sp.Ntc.	
✓	Pers.Serv.	w/
✓	Conf. Screen	
	Aff. Posting	
✓	Duties/Supp	
	Objections	
✓	Video Receipt	
✓	CI Report	
	9202	
✓	Order	
✓	Letters	
	Status Rpt	
	UCCJEA	
	Citation	X
	FTB Notice	

TEMPORARY GRANTED at hearing on the Court's own motion EXPIRES 3/8/2012

LORILLA FONDA LEHMAN, great aunt, is Petitioner and requests appointment as Conservator of the Person with medical consent powers.

***Medical Capacity Declaration* filed 1/17/2012 <u>does not fully support</u> request for medical consent powers.**

Voting Rights Affected.

Petitioner states the proposed Conservatee is developmentally disabled and diagnosed with severe mental retardation, cerebral palsy, and has the mental capacity of two to three-year-old child due to her mother abusing drugs during pregnancy. Petitioner states the proposed Conservatee has been under Petitioner's care for ~14 years. Petitioner states she only recently learned that the proposed Conservatee is currently five months pregnant, as she has hidden her pregnancy well, and she is in desperate need of prenatal care, to which she has thus far refused to consent and has not received. Petitioner states the proposed Conservatee's mental status prevents her from understanding the repercussions of her refusal to consent to prenatal care for the baby, she is unable to understand what the doctor is trying to explain about an exam for checking the viability of the baby, and the doctor has been unable to perform any type of procedure due to proposed Conservatee's refusal. Petitioner states the proposed Conservatee needs to have someone to watch her daily for the remainder of her life.

Court Investigator Samantha Henson's *Report* was filed on 1/17/2012.

NEEDS/PROBLEMS/COMMENTS:

Court Investigator Advised Rights on 1/15/2012.

Voting Rights Affected – Need Minute Order.

<u>Continued from 1/23/2012</u>. *Minute Order* states [Judge Smith]: The Petitioner is directed to give notice to CVRC. The Court on its own motion grants a temporary conservatorship of the person with medical consent powers in favor of Lorilla Lehman. The temporary expires on 3/8/2012.

<u>Note</u>: Two persons appear to be associated with this case whose relationship to the Petitioner or the proposed Conservatee is unclear from the pleadings:

- **Jon Carson, listed on *Proof of Personal Service* filed 1/23/2012 as having been personally served on 1/21/2012 with notice of the petition.**
- **Serita Rogers, listed on *Minute Order* dated 1/23/2012 as a person present at the hearing on 1/23/2012.**

<u>Note</u>: *Citation for Conservatorship* has not been filed in this matter, nor has proof of personal service of the *Citation* to the proposed Conservatee been filed as required by Probate Code § 1824. However, the proposed Conservatee was present in Court at the hearing on 1/23/2012.

1. **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), and per the Court's order on 1/23/2012.**

2. ***Medical Capacity Declaration* filed on 1/17/2012 is incomplete at Item (6)(D) and (6)(E) (and at optional Item (F).) Further, Item 7(b) of the *Declaration* is not initialed by the physician as required when the physician intends to indicate that the proposed Conservatee lacks capacity to give informed consent to any form of medical treatment.**

Reviewed by: LEG
Reviewed on: 2/28/12
Updates:
Recommendation:
File 15 - Morrow

16 Trevor George Wilson (GUARD/P) **Case No. 12CEPR00026**

Atty Wilson, Mark (pro per Petitioner/paternal grandfather)

Atty Wilson, Louise (pro per Petitioner/paternal grandmother)

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

Age: 9 years DOB: 11/26/2002	**THERE IS NO TEMPORARY.** **No temporary was requested.**	NEEDS/PROBLEMS/COMMENTS: **OFF CALENDAR.** **Dismissal entered on 2/29/12**
Cont. from	**MARK WILSON,** paternal grandfather and **LOUISE WILSON,** paternal grandmother, are petitioners. Father: **CRAIG WILSON** – *deceased.* Mother: **STEPHANIE PILEGARD** Maternal grandfather: Not listed Maternal grandmother: Brenda Wilson **Petitioners state** the mother is unable to provide a stable and sober environment for Trevor. **Court Investigator Charlotte Bien's Report filed on 2/17/12**.	
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: 2/29/12
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 16 - Wilson

Dept. 303, 9:00 a.m. Thursday, March 8, 2012

17 Michael Anthony Dominguez (GUARD/P) **Case No. 12CEPR00030**

Atty DeBenedetto, Laura (pro per – non-relative/Petitioner)

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

Age: 13
DOB: 03/16/98

Cont. from

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

NO TEMPORARY REQUESTED

LAURA DEBENEDETTO, non-relative, is Petitioner.

Father: **DECEASED**

Mother: **ESTRELLA DOMINGUEZ –** *consent & waiver of notice filed 02/16/12*

Paternal grandparents: NOT LISTED

Maternal grandfather: LARRY DOMINGUEZ – *served by mail on 02/09/12*
Maternal grandmother: PEGGY DOMINGUEZ – *served by mail on 02/09/12*

Siblings: ALEXANDRIA SARDINA – *served by mail on 02/09/12*, RAY SARDINA – *served by mail on 02/09/12*

Petitioner states that the mother is homeless and struggles with meth addiction. The father was an absent parent and died in 2006. The mother's two other children were taken from her by their father during one of her periods of incarceration. Michael's step father allowed him to live with them for a while, but after 6 months returned him to his mother due to behavioral problems. Petitioner states that Michael's grandparents are either unwilling or unable to provide a home for him, something the Petitioner has done willingly for the past 3 years. Petitioner states that she first met Michael when he was a student in her 3rd grade class for expelled students. Petitioner states that guardianship is necessary so that she has the legal authority to provide for Michael's basic needs.

Court Investigator JoAnn Morris' report was filed - NEED REPORT.

NEEDS/PROBLEMS/COMMENTS:

1. **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 for:**
   - Michael Dominguez (minor)

2. **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

3. **Need CI report and clearances – CI to provide.**

Reviewed by: JF
Reviewed on: 03/01/12
Updates:
Recommendation:
File 17 - Dominguez

Dept. 303, 9:00 a.m. Thursday, March 8, 2012