

Notice of Petition and Petition to Transfer Conservatorship to the State of Hawaii (Prob. Code §2001)

		<b>NANCY HELM</b> , Mother and Conservator, is Petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. <b>Need <u>Notice of Hearing</u> (Mandatory Judicial Council Form GC-020) and proof of service at least 15 days prior to the hearing pursuant to Probate Code §2001(b) on all relatives and CVRC.</b></p> <p><b>Note: Petitioner filed a “Proof of Service” concurrently with the filing of this petition; however, it does not contain the mandatory language required by Probate Code §1211 and does not reflect the hearing date, as none had been obtained yet at filing.</b></p> <p><b>Note: Petitioner requests the Court dispense with notice to an adoptive sister of the Conservatee because there has been no contact in decades and Petitioner does not know her address. Proof of Service reflects notice to all other known relatives and CVRC.</b></p> <p><b>Note: Pursuant to Probate Code §2001(d), if granted, the Court will direct Petitioner to file a petition for acceptance of conservatorship in Hawaii, and will set a status hearing for the re acceptance as follows:</b></p> <ul style="list-style-type: none"> <li>• Thursday, July 14, 2016</li> </ul>
		<b>Petitioner states</b> the Conservator and Conservatee have permanently moved to the State of Hawaii and hereby petition the Court to transfer this Conservatorship pursuant to Probate Code §2001 on the grounds that the Conservatee is a developmentally delayed adult in need of continuing conservatorship. Petitioner states the Conservator and Conservatee have permanently moved and become domiciled in the State of Hawaii and adequate arrangements have been made for the continuing management of the Conservatee's property and well-being.	
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✓	Order	<p>Petitioner's Declaration in Support states she and Nancy Ann relocated to Pukalani, HI, in January 2015 to be closer to Petitioner's son, who also resides on Maui. Upon moving, Petitioner arranged for Nancy Ann to live at the Kula Residential Hospital for developmentally disabled adults, and she has adjusted well and all her needs are being met. Nancy Ann presently shows signs of aging and dementia and continues to require assistance with medical, financial and housing decisions. Accordingly, Petitioner believes conservatorship continues to be necessary and wishes to ensure that she can continue to make decisions on her behalf.</p> <p>Petitioner received the Court Investigator's report dated 1/21/16 and agrees that conservatorship in California is no longer necessary, but Petitioner believes transfer is necessary to ensure that Nancy Ann continues to have an advocate and authorized decision maker.</p> <p>See Memorandum of Points and Authorities; Request for Judicial Notice.</p>	
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			Reviewed by: skc
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			Updates:
			Recommendation:
			File 1- Prendergast

**2 Damyen Daniel Montenegro Lopez (GUARD/P) Case No. 07CEPR00531**

Guardian Bissegger, Reed A. (Pro Per – Maternal Grandfather – Petitioner)

Guardian Bissegger, Gracie A. (Pro Per – Maternal Grandmother – Petitioner)

**Petition to Fix Residence Outside the State of California**

		See petition for details.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Minute Order 2/4/16</u>: Examiner notes provided in open court.</p> <p>As of 3/7/16, the following issue remains:</p> <ol style="list-style-type: none"> <li>1. Need proof of service of Notice of Hearing at least 15 days prior to the hearing per Probate Code §§ 2352(c), 1460, 1511 to: <ul style="list-style-type: none"> <li>- David M. Lopez (Father)</li> <li>- Paternal Grandparents</li> </ul> </li> </ol> <p><u>Note</u>: If granted, the Court will set a status hearing for the filing of a guardianship or its equivalent in Nebraska pursuant to Probate Code §2352(d) as follows:</p> <ul style="list-style-type: none"> <li>• Thursday, July 14, 2016</li> </ul>	
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		Updates:		
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		File 2-Lopez		

**3 2009 Sandy Moua Special Needs Trust**

**Case No. 10CEPR00427**

Attorney **Kevin Urbatsch, of San Francisco (for Petitioner Wells Fargo Bank, Trustee)**

**Petition for Order Authorizing Disbursement of Trust Funds for Home Modifications; and Amendment to Petition for Order Authorizing Disbursement of Trust Funds for Home Modifications**

<b>Age: 19 years</b>	<b>WELLS FARGO BANK</b> , Trustee, is Petitioner.		<p><b>Petitioner seeks</b> an order under Probate Code § 17200 authorizing the disbursement of Trust funds for home modifications <i>[and for payment of attorney fees to William L. Winslow]</i> for the benefit of Trust Beneficiary <b>SANDY MOUA</b>, based upon the following:</p> <ul style="list-style-type: none"> <li>The Trust was funded with <b>\$2,114,386.77</b> in proceeds from a litigation settlement in Case 07CECG01886, and is a discretionary, spendthrift trust for the purpose of supplementing public resources and benefits when such resources and benefits are unavailable or insufficient to provide for <b>SANDY'S</b> special needs;</li> <li><b>SANDY</b> resides with her parents and siblings <i>[in the home owned by the Trust]</i>; as a result of being hit by a car while she was crossing the street, Sandy suffers from several permanent severe disabilities that substantially impair her ability to provide for her own care, including significant cognitive impairment, spastic quadriparesis, and brain damage; she is not expected to experience significant future improvement in her condition;</li> <li><i>[Order Settling Third Account and Report of Trustee filed 6/19/2015]</i> found the balance of the trust estate as of the end of the Third Account period was <b>\$2,121,160.68</b>, of which <b>\$158,399.60</b> consisted of cash;</li> <li>Petitioner requests authorization to expend up to <b>\$10,000.00</b> on home modifications, as there are sufficient trust funds to pay for the home modifications and to continue to provide for the special needs of <b>SANDY</b> <i>[remainder of request for home modification funds omitted]</i>;</li> </ul> <p><b>~Please see additional page~</b></p>
<b>DOB: 1/26/1996</b>			
<b>Cont. from 121715, 020416</b>			
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<b>Order</b>	X		
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			
<b>NEEDS/PROBLEMS/COMMENTS:</b>			
<p><b>Continued from 2/4/2016.</b> Minute Order states Mr. Winslow represents that his requested fees are for his time only; he submits after oral argument. The Court is not ruling today, as it has questions for Mr. Urbatsch pertaining to the requests and bids for home improvements. Mr. Urbatsch and the Trustee are both ordered to be personally present in court or appear via CourtCall on 3/10/2016. Mr. Winslow's appearance is not required on 3/10/2016. (<b>Note:</b> Declaration Regarding Authorization for Disbursement of <i>[sic]</i> Trust Funds for Homes <i>[sic]</i> Modifications filed 3/8/2016 attaches a copy of the Order Authorizing Disbursement of Trust Funds for Home Modifications filed 12/17/2015.)</p>			
<b>Notes Re Future Hearings:</b>			
<ul style="list-style-type: none"> <li>A Probate Status Hearing for the Court's reconsideration of any appropriate rent reductions is set on <b>6/21/2016 at 9:00 a.m. in Department 303.</b></li> <li>A Probate Status Hearing for the filing of the Fourth Account (covering period 12/1/2014 through 11/30/2016) is set on <b>1/24/2017 at 9:00 a.m. in Department 303.</b></li> </ul> <p><b>~Please see additional page~</b></p>			
<b>Reviewed by:</b> LEG			
<b>Reviewed on:</b> 3/4/16			
<b>Updates:</b> 3/7/16			
<b>Recommendation:</b>			
<b>File 3 - Moua</b>			

**Amendment to Petition for Order Authorizing Disbursement of Trust Funds for Home Modifications filed 11/18/2015 amends the Petition to seek attorneys' fees to be paid for the purposes of advocating to recover public benefits for Trust Beneficiary SANDY MOUA, pursuant to Trust terms requiring that all fees and costs paid out of the Trust be approved by the Court prior to disbursement:**

- Trustee **WELLS FARGO** retained Attorney **WILLIAM L. WINSLOW** [of Los Angeles] to represent **SANDY** regarding a claim for restoration of Supplemental Security Income (SSI) benefit eligibility by the Social Security Administration (SSA) and to defend **SANDY** against an overpayment claim by SSA;
- Mr. Winslow was formerly a partner of **FARMER & RIDLEY**, a firm no longer active, and is currently of counsel at **GIFFORD, DEARING & ABERNATHY**; as described more fully in the *Declaration of William L. Winslow (attached as Exhibit A)*, Petitioner requests that approved fees for legal services rendered by **FARMER & RIDLEY** be made out to "**FRPR, LLP and/or WILLIAM L. WINSLOW**" in accordance with an agreement for division of his fees;
- Petitioner seeks an order of this Court to authorize and direct Trustee to pay **GIFFORD, DEARING & ABERNATHY** attorneys' fees in the amount of **\$10,333.50** and costs in the amount of **\$67.92** (for Federal Express shipments);
- Additionally, Petitioner seeks an order of this Court to authorize and direct Trustee to pay "**FRPR, LLP and/or WILLIAM L. WINSLOW**" the sum of **\$1,203.50** for legal services rendered by **FARMER & RIDLEY**;
- The rate for his services is **\$415.00** per hour; the combined total of all services rendered and costs advanced is **\$11,604.92**;
- All services rendered by **WILLIAM L. WINSLOW** for which fees are being sought in this amendment to the Petition occurred prior to the [*Order Settling Third Account and Report of Trustee filed 6/19/2015*];
- Petitioner is not seeking separate payment for **JIM HYUCK** in this amendment, as his fees have already been reviewed by this Court in the [*Order Settling Third Account and Report of Trustee filed 6/19/2015*].

**Declaration of William L. Winslow, attached as Exhibit A to the Amendment to Petition for Order Authorizing Disbursement of Trust Funds filed 11/18/2015 states:**

- He has a subspecialty practice that includes drafting special needs trusts and government benefits issues; since the 1993 enactment of safe harbors for SNTs in state and federal law, he has represented disabled individuals whose eligibility for SSI was challenged by the SSA over some aspect of the SNT which the disabled person was a beneficiary, approximately 12 times; of these, about 6 disputes arose within the last 2 to 3 years; (*resume attached as Exhibit A*);
- The rate for his services is **\$415.00** per hour (*copy of contract for legal services attached as Exhibit B*); a Work-in-Progress is attached as *Exhibit C* showing his time in the matter while at **FARMER & RIDLEY**; a statement showing his time on this matter while at **GIFFORD, DEARING & ABERNATHY** is attached as *Exhibit D*; [**Note:** *Attorney Kim Herold was paid \$1,625.00 in fees for services requested in her Petition for Modification of Special Needs Trust, per Order filed 7/10/2013; services appear to be the same issues for which William Winslow is requesting fees of \$1,203.50 at this time itemized at Exhibit C of Mr. Winslow's Declaration for the period 3/27/2013 – 10/30/2013*];
- He was retained by **WELLS FARGO BANK**, Trustee, to represent the Trust Beneficiary regarding her claim for restoration of her eligibility for SSI benefits by SSA, and to defend her against an overpayment claim by SSA;
- In 2012, SSA cut off **SANDY MOUA'S** SSI benefits on the ground that she had excess resources;
- Working with a government benefits expert, **JAMES HYUCK**, the Trustee took steps to cure possible grounds for SSA's claims; these steps should have caused SSA to reinstate SSI eligibility, but it did not do so;

~Please see additional page~

Dept. 303, 9:00 a.m. Thursday, March 10, 2016

**Amendment to Petition for Order Authorizing Disbursement of Trust Funds for Home Modifications filed 11/18/2015, continued:**

- He requested a hearing before an Administrative Law Judge, prepared a Statement of Facts and Memorandum of Points and Authorities, and attended a hearing in Fresno; *[Please refer to detailed facts of the SSA claim as stated by Mr. Winslow are contained on Page 2 - 3 of Declaration];*
- He entered into an agreement regarding fees for legal services with **FARMER & RIDLEY** which is still in force, and pursuant to his agreement he requests the Court order a payment of approved fees for legal services rendered to "**FRPR, LLP and/or WILLIAM L. WINSLOW;**"
- He rendered **2.9** hours of professional services at **\$415.00** per hour totaling **\$1,203.50**, and **GIFFORD, DEARING & ABERNATHY** rendered **24.9** hours of professional services totaling **\$10,333.50**; and the combined total of all services rendered is **\$11,537.00**; in addition he seeks **\$67.92** for Federal Express shipments for which he seeks reimbursement.

**Petitioner prays for an Order that:**

1. [The Trustee of the **2009 SANDY MOUA SPECIAL NEEDS TRUST** is authorized to distribute up to **\$10,000.00** on home modifications to add a patio covering and extend the patio *[on the balcony level]* at the home in which **SANDY MOUA** resides]; *[Note: Order Authorizing Disbursement of Trust Funds for Home Modification was signed by Judge Snauffer on 12/17/2015, which authorizes the Trustee to spend up to **\$10,000.00** on home modifications to add a patio covering and extend the patio at the home in which Sandy Moua resides.]*
2. The Trustee is authorized and directed to pay **GIFFORD, DEARING & ABERNATHY** attorneys' fees in the amount of **\$10,333.50** and costs in the amount of **\$67.92** for services rendered to the Trustee; and
3. The Trustee is authorized and directed to pay "**FRPR, LLP and/or WILLIAM L. WINSLOW**" the sum of **\$1,203.50** for legal services rendered by **FARMER & RIDLEY**.

**NEEDS/PROBLEMS/COMMENTS, continued:**

1. The Amendment to Petition for Order Authorizing Disbursement of Trust Funds for Home Modifications filed 11/18/2015 amends the Petition to seek attorneys' fees to be paid to **WILLIAM L. WINSLOW** regarding a claim for restoration of Supplemental Security Income (SSI) for the Trust Beneficiary. It appears the amendment to the Petition is a separate petition seeking an order, for which a separate **\$435.00** filing fee should be paid to the Court.
2. Exhibit D, Statement from the Law Offices of **GIFFORD, DEARING & ABERNATHY** includes an itemization dated 1/15/2014 for **\$1,760.00** for travel to Fresno *[from Los Angeles]* for hearing re SSI; and an itemization dated 1/16/2014 for **\$1,760.00** for return travel from Fresno, for a total of **\$3,520.00** for travel costs; the Court typically disallows travel costs, as evidenced by Local Rule 7.17(B)(5) providing that travel costs to and from court are not reimbursable.
3. Attorney Winslow requests reimbursement of **\$67.92** for Federal Express shipments, which alternative delivery service is only allowable as a cost in the Court's discretion pursuant to Local Rule 7.17(C)(2).
4. Need revised proposed order.

*~Please see additional page~*

**Dept. 303, 9:00 a.m. Thursday, March 10, 2016**

**Second Declaration of William L. Winslow Re Attorneys' Fee Claim Made Part of Amendment to Petition filed on 1/29/2016 states:**

- Response to Notes Re Attorney Fee Request:

**Time Travel:** He understands the Court's rule regarding attorneys' fees for time spent traveling by the lawyer as a cost of doing business; however, he respectfully submits that on occasion it is appropriate for the Court to allow an exception;

- The service involved her of representing a disabled child in a hearing before an administrative law judge, where the Social Security Administration claimed that SSI benefits should be denied on the ground that the special needs trust was defective and that an overpayment should be repaid, needed to be performed by a specialist;
- Based on his recent experience in other cases, finding a Social Security lawyer to handle an SSI case of this type, where a trust lawyer's knowledge is essential, is quite difficult;
- He knows of only a few lawyers conversant in the subspecialty practice of special needs trusts who handle hearings, but none are in or near Fresno; one is Kevin Urbatsch, counsel for the Trustee, whose office is in San Francisco; other possibilities are Patricia Tobin in Mill Valley and Geoffrey Wilcox in Berkeley; he is uncertain if they take on contested hearing matters;
- He claimed 4 hours for travel each way, although it took somewhat longer; on 1/15/2016, he drove from Los Angeles County to Bakersfield and caught the train to Fresno; he traveled on the day before the hearing to be sure he would not be late for the hearing; after the 1/16/2014 hearing, he returned the same way; he has not claimed travel expenses, which were fairly modest;
- Sometimes when people are unwell, resort to a specialist is necessary; the patient may travel far, if need be, to consult the specialist; this can also happen with persons who need unusual legal services, except the tribunal will not journey to the lawyer's office; the lawyer must travel;
- A rule with no good cause exceptions against compensating lawyers for travel time tends to discourage the occasional, justified use of a specialist;
- He is content with whatever the Court determines to be fair, taking into consideration the substantial financial benefit received by the minor.

**Possible Overlap of Services Performed by Attorneys:** It is correct that the services performed by attorney Kim [Herold] were related [emphasis in original] to the same issue on which he worked, but there was no overlap or redundancy; it was necessary for the SNT to be amended to conform to SSA's requirements; Ms. [Herold] did most of the work of drafting the petition to amend, with only a little consultation and participation from him;

- The Farmer & Ridley claim for **\$1,203.50** includes only .5 hours of his time for that project, that is, only the sum of 4 entries on Exhibit C from 5/13/13 to 7/10/13 inclusive;
- The claimed dollar value of the 4 entries for his assistance to Ms. [Herold] is just **\$212.50** in total, not **\$1,203.50**; copy attached of Exhibit C with 4 entries highlighted reflect his work on petition to amend;
- The remainder of the entries are for other work connected with the SSI eligibility issue that did not involve Ms. [Herold]; the services are for work performed related to trying to save Sandy Moua's eligibility for SSI restored and the SSA overpayment claim denied, e.g., learning from Jim Huyck about proceedings up to the date of his being retained, efforts to ascertain SSA's position, communications with ODAR, etc.



**Wherefore Petitioner prays for an order that the Court determine:**

1. That each of the following individuals is entitled to a 10% share of the net distributable assets of the Decedent's estate as first cousins of the Decedent: Mary Cordaro Bonono, Antoinette Cordaro Lucero, John Joseph Cordaro, Jeanne M. Cecola, Russel Anthony Cecola, Antoinette Paula Johnson, Josephine Marie Tuminello Allee.
2. That Phillip Joseph Cecola, Jr., paternal cousin once removed, is entitled to a 10% share of the net distributable assets of the Decedent's estate through his deceased father.
3. That Raymond McFerrin, Theresa McFerrin and Mark Anthony McFerrin, first cousins once removed of the Decedent are each entitled to a 3.33% share of the distributable assets of the Decedent's estate through their predeceased father.
4. That John C. Cordaro, Joseph Allen Cordaro, Michael Anthony Cordaro, Emile Braden Cordaro, Kathy Elena Shafer and July Cordaro Aillet, first cousins once removed of the Decedent are each entitled to a 1.666% share of the distributable assets of the Decedent's estate through their predeceased mother.
5. That Petitioner is entitled to receive 1/3 of the assets distributable to each of the Paternal Heirs pursuant to written assignments.

**Objections to Petition to Determine Heirship filed by Successor Administrator Gloria Hagopian on 9/3/15.** Objector states the Heirship Petition alleges that the Decedent was the daughter of Paul Papa and Dolores Milano. That allegation is false as shown by the facts set forth below.

Delores Hagopian states she is the first cousin of Dolores, the predeceased mother of Cheryl Smart. Ms. Hagopian states when she was a young girl, she, along with her sisters were frequently in the home of Dolores and her parents during the 1940s. She personally observed that Dolores was very much in love with a serviceman named "Bill". She never knew Bill's last name. Ms. Hagopian states she saw Dolores and Bill in amorous situations in her parent's living room, and Dolores talked about her love for Bill frequently. While this relationship was ongoing, Dolores became pregnant with Cheryl. It was evident to her, and a logical conclusion, that Bill was the father of Cheryl. Cheryl was still *in utero* when Bill died.

When Dolores was still pregnant with Cheryl, and after Bill died, she stated dating Paul, who was also a serviceman. Ms. Hagopian states she remembers that Paul and Dolores never lived together.

Cheryl was born in 1945. Cheryl was initially Cheryl Papa. Ms. Hagopian states she remembers Dolores saying she wanted Cheryl to have a last name other than Milano, but Dolores also said Cheryl was not Paul's child.

Ms. Hagopian states Dolores stated in her presence that Paul proposed marriage to Dolores and wanted her to go with him to Louisiana. Dolores said she rejected the proposal, because she said she wanted to stay in Fresno. Very shortly after that, Paul returned to Louisiana and Ms. Hagopian never saw him again. Dolores said Paul got married in Louisiana and started a family there.

**Please see additional page**

**Objections continued:**

Dolores told Ms. Hagopian that she had to get a job to support herself and Cheryl, because Paul did not provide any support for Cheryl. It is her recollection that Paul never acted as if he were the father of Cheryl.

Ms. Hagopian further recalls that after Paul left the Fresno area, Dolores changed Cheryl's name to Pope, because she said she did not want Cheryl to have Paul's name any more.

Ms. Hagopian states she has no recollection and does not believe that a ceremony of marriage ever took place between Dolores and Paul. Dolores to Ms. Hagopian's recollection never used Papa as a surname.

Wherefore, Gloria Hagopian, as Successor Administrator of the estate and as Objector in this proceeding, prays that this Court order:

1. That Paul Papa was not the father of Decedent.
2. That neither Brandenburger & Davis, nor any of the relatives of Paul Papa, are entitled to any share of the Estate of Cheryl Ann Smart, Deceased.

**Points and Authorities in Support of Objection filed on 9/3/15.**

**Request for Judicial Notice filed 9/9/15.** Objector requests the Court take Judicial Notice of:

1. The Standard Certificate of Marriage of Paul Papa and Dolores Milano certifying marriage on October 28, 1944 issued by the County of Fresno, California. (Exhibit A)
2. The Certificate of Live Birth of Cheryl Ann Papa, nee Milano on June 10, 1945 issued by the County of Fresno, California. (Exhibit B)
3. The Interlocutory Decree of Divorce entered by the Superior Court of California, County of Fresno, in the dissolution of marriage between Dolores Papa and Paul Papa awarding physical custody of Cheryl Ann Papa and child support to Dolores Papa on January 20, 1947. (Exhibit C)

**Response to Administrator's Objection to Petition to Determine Heirship filed on 9/9/15.** The single point raised in the objection to this Petition is that Paul Papa and Dolores Milano were not married and, therefore, there is no presumption that Paul Papa was the father of the decedent, Cheryl A. Smart. Paul Papa and Dolores Milano were married in Fresno, California on October 28, 1944. Pursuant to Family Code §7611, Cheryl A. Smart, nee Papa, is presumed to be the child of Paul Papa.

The evidence is both clear and consistent that Paul Papa was the father of Cheryl A. Smart, nee Papa.

**Please see additional page**

**Response to Administrator's Objection to Petition to Determine Heirship filed on 9/9/15 (cont):**

The Declaration of Gloria Hagopian is not persuasive for several reasons:

- a. The statement attributed to the decedent's mother, Dolores, are hearsay and do not qualify as an exception to the hearsay rule.
- b. The statements of Ms. Hagopian regarding the relationship between Dolores and "Bill" lack credibility in light of the fact that Paul and Dolores were married more than 8 months before Cheryl was born. In its best light, the recollection of events that occurred 70 years ago when Ms. Hagopian was 10 years old. Clearly Dolores was not pregnant by "Bill" before his death and then began dating Paul, since Paul and Dolores were married more than 8 months before Cheryl was born. Dolores may not have even known she was pregnant when she married Paul.
- c. Paul and Dolores divorced in 1947. Paragraph 3 of the divorce decree refers to Cheryl as a child of the marriage and provides for the payment of support. Reference to the Court file shows that contrary to the declaration of Ms. Hagopian, Paul Papa did pay child support for Cheryl including a lump sum in 1957 to catch up back support due.
- d. When Cheryl died, Ms. Hagopian was the informant on Cheryl's death certificate. She listed Paul Pope as Cheryl's father. With the passage of time she may have forgotten Cheryl's father was Paul Papa and not Paul Pope.

**Wherefore, the Petitioner prays for the order requested in the Petition to Determine Heirship.**

Probate Status Hearing Re: Finding Heir

<b>DOD: 12/6/11</b>	<b>GLORIA HAGOPIAN</b> is Successor Administrator.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	Brandenburger & Davis filed a Petition to Determine Heirship and Assignment of Partial Interest in Estate (please see page 4A). The hearing was on 10/22/15.	
<b>Cont. from</b>	Minute order dated 10/22/15 set this status hearing re: finding heir.	
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	<p><b>Status Report of Jeffrey L. Wall, filed on 2/29/16 states</b> at the time of the last hearing he advised the court that there was an heir who would likely be entitled to one-half of the estate at distribution, if he can be located. Mr. Wall states he informed the court that his name is Michael Milano, and he is a first cousin of the decedent, the closest relative on decedent's mother's side of her family. Mr. Wall further states Michael Milano was likely born in Japan when his father, Emil Milano, a merchant seaman who lived in Fresno, put into port there and became acquainted with Michael's mother, name unknown.</p> <p>Mr. Wall states after obtaining from decedent's family all the information they could remember about Michael Milano, he contacted a genealogical search service in the United States. After a month of hearing nothing, he left messages but got no response, so he must assume that they were not successful in their search for Michael Milano.</p> <p style="text-align: center;"><b>Please see additional page</b></p>	
		<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 3/4/16</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 4B- Smart</b></p>

**Status Report of Jeffrey L. Wall (cont.)** Mr. Wall states he contacted the San Francisco consular office of the Japanese Embassy. The consular official who responded informed that their office does not assist in heir searches. However, he did provide Mr. Wall with a list of English speaking attorneys in Japan. One lawyer, Mr. Hiroataka Honda responded to his inquiries. At first Mr. Honda was optimistic. However after searching Mr. Honda was not able to be of further assistance.

Mr. Wall states he does not have access to the immigration records of foreign nationals who visit the United States. Mr. Wall knows from family members that Michael Milano visited the US twice between 1978 and 1980 when he came to Fresno to spend time with his father. Mr. Wall's client Ms. Hagopian, remembers Michael Milano very well, but did not save any cards or letters.

Perhaps the much more extensive search capabilities possessed by the client of Mr. Morris-Brandenburger & Davis might be more effective in searching US immigration records for entry and exit information that could lead to an address for Michael Milano. Mr. Wall states he has done all he is able to do and to date, he has come up with nothing.

**Status Report of Brandenburger & Davis filed on 3/8/16 states** the October 20, 2015 Declaration of Paul Hefti, who is the Case Manager and a professional genealogist, confirmed that Brandenburger & Davis conducted a reasonable and diligent search for all the heirs of the Decedent, including maternal heirs, utilizing all of Brandenburger & Davis' resources and were unable to locate any maternal heirs.

It should be noted that Counsel for Administrator has represented to the court that this maternal heir, "a first cousin," if located, would "likely be entitled to one-half of the estate at distribution." However, all of the paternal cousins are first cousins as well and are entitled to an equal share (Probate Code §6402). Therefore, if located the maternal heir would be entitled to a one-eleventh share (9.09%) of the estate.

The Administrator, and her counsel should not be allowed to continue to exhaust the entire estate to locate an heir whose whereabouts and legitimacy have to been established by any evidence. The Administrator should, instead, be required to utilize only an eleventh share of the estate to locate the final heir.

Real party in interest requests that the Court make a determination of heirship as to those heirs who have been located and proved to be the heirs to the Court's satisfaction. Real party in interest also requests an order for distribution to the Paternal heirs in one-tenth shares, as set forth in the Petition for Heirship and the [Proposed] order submitted on 9/8/15.

If the court would like to provide the Administrator more time to search for the remaining maternal heir, Real Party in interest requests that distribution but all but one-eleventh share (9.09%) be made to the Paternal heirs and that the Administration use one-eleventh share to locate the remaining heir until either the heir is located or for an additional 60 days or until a date set by the Court, at which time if the additional heir has not been located, the remainder will be distributed to the Paternal heirs as set forth in the Petition to Determine Heirship. An [proposed] Order is hereby submitted to the Court.

**5 Troy Dewayne Phillips (Estate)**

**Case No. 12CEPR00817**

**Atty Marshall, Jared C. (for Richard Dewayne Phillips – Administrator)**

**Status Hearing Re: Filing of the Inventory and Appraisal**

<b>DOD: 02/14/12</b>	<b>RICHARD DEWAYNE PHILLIPS</b> , father, was appointed Administrator with Full IAEA and without bond on 12/04/12.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<u>Minute Order 8/20/15</u> : Counsel reports that the trial date has been continued to 8/16/16. Continued to 3/16/16.
	<b>Minute Order from hearing on 12/04/12 set this matter for status regarding filing of the Inventory &amp; Appraisal.</b>	
	<b>Order Approving Contingency Fee Agreement</b> was filed 08/15/13.	<b>Status Report filed 3/1/16 states defendants filed their answer to the second amended complaint on 1/14/16. At this time, there are no assets in the decedent's estate except for the causes of action currently being litigated in federal court. Petitioner requests further status conference in September or October 2016.</b>
<b>Cont. from 042613, 072514, 011515, 082015</b>	<b>Status Report filed 08/14/15</b> by Richard Dewayne Phillips, states: On 04/15/13, Petitioner, in his capacity as personal representative of decedent's estate, filed a complaint against the County of Fresno and other defendants in United States District Court, Eastern District of California, alleging violation of the decedent's civil rights. The lawsuit is based on the fact that decedent was murdered while in custody of Fresno County. The complaint was filed by Anthony Boskovich, Esq. of the Law Office of Anthony Boskovich in association with the law firm of Bode & Grenier, LLP. On 06/11/13, the County of Fresno filed a Motion to Dismiss the lawsuit. On 12/03/13, the Court granted the motion in part and denied the motion in part. On 12/13/13, the parties appeared before the Court for a scheduling conference. At that time, the lawsuit was set for jury trial on 02/24/15. On 12/31/13, Petitioner filed a First Amended Complaint against all defendants, including the County of Fresno. On 07/14/14, the parties submitted a stipulation modifying the Court's prior scheduling order. Under the terms of the stipulation, trial has been continued to 06/23/15. The defendants hired attorney James D. Weakley and James Arendt on 07/24/14. On 10/16/14 the trial court entered an order extending discovery deadlines through 03/12/15. On 01/15/15, the Court issued a Second Amended Scheduling Order and all discovery and law and motion deadlines were further continued. A trial date was continued to 08/16/16 with a 10 day estimate. <b>At this time there are no assets in the Decedent's estate except for the causes of action currently being litigated in federal court. Petitioner requests the Court set a further status conference in February or March 2016.</b>	<b>1. Need Inventory &amp; Appraisal pursuant to Probate Code §8800.</b>
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> JF/skc
		<b>Reviewed on:</b> 3/7/16
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 5 – Phillips</b>



## Page 2

**Petitioner states** §6452 provides in relevant part that a parent does not inherit from or through a child on the basis of the parent and child relationship if any of the following apply: ....(2) the parent did not acknowledge the child; (3) The parent left the child during the child's minority without an effort to provide for the child's support or without communication from the parent for at least seven consecutive years that continued until the end of the child's minority, with the intent on the part of the parent to abandon the child. The failure to provide support or communicate for the prescribed period is presumptive evidence of an intent to abandon. Paragraph (b) states a parent who does not inherit from or through the child in (a) shall be deemed to have predeceased.

Petitioner states §6452 applies in this case and precludes the decedent's father, Hugo Noroyan, from inheriting from or through the decedent. At the time of the decedent's birth, Mr. Noroyan was married to another woman and he and Petitioner never married. After the decedent's birth, Petitioner was forced to seek public assistance to support herself and her newly born child. Mr. Noroyan met Petitioner at the office of public assistance and denied paternity. From that point forward, he was not present during the decedent's minority and did not provide monetary support to Petitioner or any other means of support including food, birthday gifts, or Christmas presents. Petitioner provided food, clothing, shelter, and cared for the decedent during his minority without assistance, financial or otherwise, from Hugo Noroyan.

Therefore, Petitioner respectfully requests that the Court enter an order determining that Petitioner is the sole intestate heir of the decedent and that the decedent's father is precluded from inheriting an intestate share pursuant to Probate Code §6452(a).

**Petitioner prays for an order of this court finding that:**

- 1. Notice of this hearing be found to have been given as required by law;**
- 2. Hugo Noroyan abandoned the decedent, Richard Michael Noroyan, and therefore is precluded under the provisions of Probate Code §6452(a) from inheriting from or through the decedent;**
- 3. Petitioner, Patricia English, is the sole heir of the decedent, and is entitled to distribution under the laws of succession of the decedent's entire estate; and**
- 4. For such other and further relief as the court deems appropriate.**

Attorney Lisa Horton (for Petitioner Meredith McNeil)

**Probate Status Hearing Re: Informal Accounting for Closing Reserve**

<b>DOD: 4/12/2013</b>	<p><b>MEREDITH McNEIL</b>, daughter, was appointed Executor on 8/26/2013, and <i>Letters</i> issued on that date.</p> <p><b>Order Settling the First and Final Account and Report of Executrix, etc., filed 6/25/2015</b> authorized a closing reserve of <b>\$10,000.00</b>, finding that a status hearing shall be set for an informal accounting of the reserve.</p> <p><b>Notice of Calendar Setting filed 12/31/2015</b> set the status hearing for informal accounting of closing reserve on 2/4/2016.</p> <p><b>Status Hearing Report filed 1/29/2016 for the previous status hearing states:</b></p> <ul style="list-style-type: none"> <li>• Receipts for all cash distributions have been filed; the <i>Order Settling the First and Final Account</i> was recorded on 8/7/2015, transferring the real property residence to four of the estate beneficiaries;</li> <li>• Charles Arthur McNeil has received the Verizon, AT&amp;T, and Westamerica stocks; a receipt for these shares will be filed within 2 weeks;</li> <li>• She has been in constant communication with the Executor regarding the status of the final estate tax return;</li> <li>• She provided forms to the accountant in October; however, there were some tax documents she and the accountant were waiting on that are finally coming in;</li> <li>• The accountant informed her that the return should be completed within 2 weeks;</li> <li>• Two other miscellaneous stocks that the Decedent owned recently came to the Executor's attention; 48 shares of Lucent stocks were liquidated and the sum of <b>\$161.07</b> was recently deposited into the estate account; 6 shares of Frontier Communications stocks were liquidated and a check for <b>\$8.23</b> was mailed;</li> <li>• They are waiting for the final estate tax return to be completed and then the balance of the reserve account can be properly distributed;</li> <li>• They request a <b>30-day</b> continuance of this matter to 3/3/2016 for further status.</li> </ul>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>Continued from 2/4/2016.</b> Minute Order states counsel represents that the accountant is preparing the tax return, and she is awaiting some final documents.
<b>Cont. from 020416</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by: LEG</b>
		<b>Reviewed on:</b> 3/4/16
		<b>Updates:</b> 3/9/16 (LV)
		<b>Recommendation:</b> <b>File 7-McNeil</b>

**Status Hearing Report filed 03/09/2016 states** Charles Arthur McNeil has received the Verizon, Att&T and Westamerica stocks. A receipt for these shares was filed on 02/24/2016. Two other miscellaneous small stocks, Lucent and Frontier Communication that the decedent owned have been liquidated and deposited into the reserve account. On February 15<sup>th</sup>, Ms. Horton's client met with the accountant and was assured the final tax return would be completed very soon. On March 4<sup>th</sup>, Ms. Horton's client called twice and left a message for the accountant to see if the return had been completed, she did not receive a call back. On March 7<sup>th</sup>, Ms. Horton's client called twice and left another message for the accountant. As of the signing of this declaration, she has not heard back from him. Ms. Horton has instructed her client to go to his office on March 8<sup>th</sup> and find out what is going on. Ms. Horton will have an updated report for the court at the status hearing.

Ms. Horton states they are just waiting for the final estate tax return to be completed and then the balance of the reserve account can be properly distributed after any taxes owed are taken out. Ms. Horton humbly requests a brief 30 day continuance of this matter to April 7, 2016 for further status.

Attorney Nancy J. LeVan (for Petitioner Gary Morris, Jr.)  
 Attorney Jennifer Walters (for Walter A. Morris, Successor Trustee)

**Ex Parte Petition for Payment of Allowance to Gary Morris, Jr. for Housing Pursuant to Article 2, Section 2.04 (D) of the Gary Morris, Sr. Revocable Trust Dated September 3, 2013**

<b>DOD: 10/19/2013</b>	<b>GARY MORRIS, JR.</b> , son and Beneficiary, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<b>Petitioner states:</b>	<b>Notes:</b>
	<ul style="list-style-type: none"> <li><b>[WALTER A. MORRIS</b> was appointed as Successor Trustee of the <b>GARY F. MORRIS, SR., 2013 TRUST</b> on 4/1/2014];</li> <li>Petitioner requests payment of an allowance for housing (copy of pertinent section of Trust attached as Exhibit A);</li> <li>At the 1/5/2016 hearing, Attorney Walters represented in open court that the final accounting was "pretty much complete" except for the notice to beneficiaries and contingent beneficiaries;</li> <li>His attorney, Attorney LeVan, agreed based on Attorney Walter's representation to have the matter continued so that accounting could be provided by email;</li> <li>Exhibit B contains [copies of] pertinent pages of the accounting, showing gaping holes in the information needed to do an adequate assessment to determine if they could agree with the accounting;</li> <li>Attorney LeVan contacted Attorney Walters regarding the missing information and received a response stating that Attorney Walters did not draft the accounting and she was told it was as complete as possible without the account information she requested from the bank;</li> <li>Attorney Walters stated she would go over the accounting on 1/27/2016 to see what else she can gather;</li> <li>It is clear that the accounting is far from complete, and Petitioner is struggling to maintain his current lifestyle and housing;</li> <li>Attached as Exhibit C is the current income of Gary Morris, Jr., along with his monthly expenses showing the need for a monthly allowance.</li> </ul>	<ul style="list-style-type: none"> <li>Order on Ex Parte Petition set this hearing on 3/10/2016, with 30 days' notice to interested parties (Successor Trustee and Attorney Walters were served notice.)</li> <li>Petition to Compel Accounting by Trustee, etc., and the Fee Waiver Hearing, have been continued to <b>3/15/2016</b>.</li> <li>Proposed order has been interlineated to correct the Trust title, and to provide the operative word "shall" so as to provide a directive to the Successor Trustee.</li> </ul>
<b>Cont. from</b>		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>		
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	W /	
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>	<b>Petitioner prays for an Order authorizing the Trustee of the [GARY F. MORRIS, SR., 2013 TRUST] to pay an allowance of \$500.00 per month to Petitioner for housing; and that this payment shall continue until the accounting is completed and approved by this Court.</b>	
		<b>Reviewed by:</b> LEG
		<b>Reviewed on:</b> 3/7/16
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 8- Morris</b>

Attorney  
Attorney

Helon, Marvin T. (for Co-Administrator Lorene E. Moore)  
Aldridge, Melanie J. (for Co-Administrator Charlton W. Moore)

Status Hearing Re: Filing of the First Account and Removal of items in the house.

DOD: 1/12/14		NEEDS/PROBLEMS/ COMMENTS:  <b><u>OFF CALENDAR</u></b> Petition for Final Distribution filed 3/7/16 is set for hearing on 4/20/16.
Cont. from 061915, 081315, 011416		
	Aff.Sub.Wit.	
✓	Verified	
✓	Inventory	
✓	PTC	
✓	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✓	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	9202	
	Order	
	Aff. Posting	
✓	Status Rpt	
	UCCJEA	
	Citation	
✓	FTB Notice	
		Reviewed by: skc
		Reviewed on: 3/7/16
		Updates:
		Recommendation:
		File 9 - Moore

Probate Status Hearing RE: Receipt for Blocked Account

	<b>DEBORAH TITUS</b> , Conservator, petitioned the court for an Order Confirming Sale of Real Property.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. <b>Need receipt for blocked account or current written status report</b> pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
	The Order Confirming Sale of Real Property was signed on 7/29/15. The proceeds from the sale were ordered placed into a blocked account.	
	Minute Order dated 7/29/15 set this status hearing for receipt for blocked account.	
Cont. from 082615, 102115, 120715, 020116		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 3/7/16
		Updates:
		Recommendation:
		File 10A – Dolby

**First Account Current and Report of Conservator: Petition for Allowance of Attorney's Fees; and for Reimbursement of Costs to Attorney**

		<b>DEBORAH TITUS</b> , Conservator, is petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Need Notice of Hearing.</li> <li>2. Need proof of service of the Notice of Hearing on:                     <ol style="list-style-type: none"> <li>a. Florence Dolby (conservatee)</li> <li>b. Ruth Lind (attorney for conservatee)</li> </ol> </li> <li>3. Need bank statements. Probate Code §2620(c)(2).</li> <li>4. Need care facility statements. Probate Code 2620(c)(5).</li> <li>5. Bond is sufficient if the proceeds from the sale of the real property are placed into a blocked account. If the proceeds are not placed into a blocked account then bond should be increased to \$52,833.00.</li> </ol> <p><b>Note:</b> Judge Kazanjian reserved the issue of attorney fees in the amount of \$1,842.50 for the Petition to Establish a Pooled Special Needs Trust to this hearing date. If the court rules in favor of the additional fees then order will need to be revised.</p> <p style="text-align: center;"><b>Please see additional page</b></p> <p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 3/7/16</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 10B- Dolby</b></p>
		Account period: 8/21/14 – 11/25/15	
<b>Cont. from</b>		Accounting - <b>\$74,472.28</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Beginning POH - <b>\$50,380.63</b>	
<input checked="" type="checkbox"/>	<b>Verified</b>	Ending POH - <b>\$43,709.72</b>	
<input type="checkbox"/>	<b>Inventory</b>	Bond - <b>\$20,000.00</b>	
<input type="checkbox"/>	<b>PTC</b>	Conservator - <b>waives</b>	
<input type="checkbox"/>	<b>Not.Cred.</b>	Attorney - <b>\$9,487.50</b>	
<input type="checkbox"/>	<b>Notice of Hrg</b>	(34.50 hours @ \$275.00 per hour for appt. of conservator, bond, I &A, sale of real property and accounting)	
<input type="checkbox"/>	<b>Aff.Mail</b>	Costs - <b>\$166.00</b>	
<input type="checkbox"/>	<b>Aff.Pub.</b>	(\$2,443.50 for filing fees, certified copies, probate referee, publication. \$2,277.50 has been paid by the conservator)	
<input type="checkbox"/>	<b>Sp.Ntc.</b>	Petitioner prays for an Order:	
<input type="checkbox"/>	<b>Pers.Serv.</b>	1. Approving, allowing and settling the first account of conservator and approving the acts of Petitioner as Conservator;	
<input type="checkbox"/>	<b>Conf. Screen</b>	2. Authorizing payment of attorney fees in the sum of \$9,487.00 and costs of \$166.00	
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>2620(c)</b>	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		

**Note:** If the petition is granted, status hearings will be set as follows:

- **Wednesday, February 7, 2018** at 9:00 a.m. in Department 303, for the filing of the second account.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.

**11 Milton J. Riba (Estate) Case No. 14CEPR00695**

**Attorney Jaech, Jeffrey A. (for Ben Kohrman – Executor)**

**Probate Status Hearing Re: Filing First Account**

<b>DOD: 11/07/2000</b>	<b>BEN KOHRMAN</b> , was appointed Executor with full IAEA authority and bond set at \$318,000.00 on 09/11/2014.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b><u>OFF CALENDAR.</u></b>  <b><u>First and Final Account filed 03/07/2016. Hearing is set for 04/18/2016.</u></b></p> <p>1. Need First Account or Petition for Final Distribution.</p>
	Receipt of Bond filed 09/26/2014 in the amount of \$318,000.00.	
<b>Cont. from 011416</b>	Letters issued on 09/26/2014.	
<b>Aff.Sub.Wit.</b>	Final Inventory and Appraisal filed 01/13/2015 shows an estate valued at \$383,232.71.	
<b>Verified</b>	Ex Parte Order Increasing bond in the amount of \$391,000.00 was filed on 04/08/2015.	
<b>Inventory</b>	Minute Order of 09/11/2014 set this Status Hearing for the filing of the Petition for First Account and/or Final Distribution.	
<b>PTC</b>	<b>Status Report filed 12/22/2015</b> states the estate includes undeveloped real property consisting of approximately five acres in Auberry, California.	
<b>Not.Cred.</b>	Petitioner listed the real property for sale and has finally secured a buyer. The real property is currently in escrow and the sale is due to close December 28, 2015. As soon as escrow closes, Petitioner will assist his attorneys in the preparations of an accounting and the petition for final distribution. Wherefore, the petitioner requests that the status hearing be continued for six weeks to allow the sale of the real property to close and allow time for petitioner to prepare and file an accounting and petition for final distribution.	
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<p><b>Reviewed by:</b> LV</p> <p><b>Reviewed on:</b> 03/08/2016</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 11- Riba</b></p>

Probate Status Hearing RE: Filing of the First and Final Account

DOD: 09/06/14		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><b><u>OFF CALENDAR</u></b></p> <p>Petition for Final Distribution filed 2/26/16 is set for hearing on 4/11/16</p>
Cont. from 020416		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 3/7/16
		Updates:
		Recommendation:
		File 12-Sutherland

**Probate Status Hearing RE: Filing First Account**

		<p><b>PUBLIC GUARDIAN</b> was appointed as Conservator of the Estate on 1/15/15.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. <b>Need first account pursuant to Probate Code §2620.</b></p>
		<p>At the hearing on 1/15/15, the Court set this status hearing for the filing of the first account.</p>	
		<p><b>Status Report filed 2/19/16 states</b> the Public Guardian is short-staffed and therefore requests continuance for at least 90 days.</p>	
	<b>Aff.Sub.Wit.</b>		
	<b>Verified</b>		
	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
	<b>Notice of Hrg</b>		
	<b>Aff.Mail</b>		
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	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
	<b>Order</b>		
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	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		
			<b>Reviewed by:</b> skc
			<b>Reviewed on:</b> 3/7/16
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 13- Skopec</b>

Attorney: Gary G. Bagdasarian (for Petitioner Richard E. Huber, Special Administrator)  
 Attorney: Jeffrey B. Pape (for Harold Rick Moore, son)  
 Attorney: Steven P. Braccini; Brian Wilson, of Palo Alto (for Kenneth Randolph Moore, son)  
 Attorney: Mark S. Poochigian (also for Kenneth Randolph Moore, son)

**Petition for Authority to Enter into Partial Contingent Fee Agreement**

<b>DOD: 7/14/2014</b>		<p><b>RICHARD E. HUBER</b>, Special Administrator with general powers with bond of <b>\$25,000.00</b> appointed pursuant to <i>Stipulation Regarding Petition for Letters of Special Administration</i> filed 6/16/2015, and the <i>Order for Probate</i> filed 6/23/2015, is Petitioner.</p> <p><b>Petitioner states:</b></p> <ul style="list-style-type: none"> <li>Special litigation counsel is required in order to participate actively in two pending lawsuits in which Decedent is a plaintiff;</li> <li><b>MICHAEL M. PULLARA</b>, of Houston, Texas, is a well-known and respected attorney with expertise in [<i>matters involved in the litigation</i>], and the Estate should retain him to complete the pending litigation initiated by the Decedent prior to Decedent's death;</li> <li>The two lawsuits pending in Delaware Chancery Court against AT&amp;T and its subsidiaries relate to Decedent's partnership in the <b>RENO CELLULAR TELEPHONE COMPANY PARTNERSHIP</b> (Nevada) formed in 1988 ("Reno Partnership"), and the <b>PROVO CELLULAR TELEPHONE COMPANY PARTNERSHIP</b> ("Provo Partnership");</li> <li>Decedent owned during his lifetime an undivided <b>0.1428%</b> general partnership interest in the Reno Partnership, and an undivided <b>0.4171%</b> general partnership interest in the Provo Partnership;</li> </ul> <p align="center">~Please see additional page~</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note Re Related Matters:</b>  <i>Petition for Probate of Lost Will; and Probate Status Hearing Re: Mediation for the instant ESTATE OF KENNETH HAROLD MOORE; and the Petition to Determine Existence of Trust, etc. and the Probate Status Hearing Re: Mediation for the MOORE FAMILY TRUST, Case No. 15CEPR00111, are all continued to <u>4/26/2016</u>, pending the parties attempting to reach agreement.</i></p>	
<b>Cont. from</b>				
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<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
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				<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 3/7/16</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b>                  File 14- Moore</p>

**Petitioner states, continued:**

- As part of a national strategy, the majority general partner, **AT&T**, voted its majority general partner interest to cause the Reno Partnership and the Provo Partnership to sell its assets to an **AT&T** affiliate, which resulted in a dissolution of the partnerships pursuant to the terms of the Reno Partnership and Provo Partnership agreements;
- Decedent's proportionate share of the recovery and expenses is **3.81292%** of the whole (**1.42219%** related to Reno Partnership and **2.39073%** related to Provo partnership interest);
- The wireless communication network partnerships supported **AT&T's** growth in the wireless communication industry;
- Attorney Pullara filed suit in Delaware chancery Court on behalf of **116** minority general partners whose interests arise from **11** separate general partnerships, including the Reno Partnership and the Provo Partnership; (*copy of relevant pleadings for Reno Partnership and Provo Partnership attached as Exhibits A and B*);
- The minority general partners allege that **AT&T** breached the partnership agreements and did not provide a fair price or process in effecting the dissolution; one remedy sought is forfeiture of the defaulting partner's majority interests in each partnership; the forfeiture claim based on appraised value of the partnerships is over one billion dollars (**\$1,686,000,000.00**);
- Attorney Pullara indicates that Decedent's claim has significant value; each partnership's minority general partners have already survived **AT&T's** motion to dismiss and succeeded in placing AT&T at risk of forfeiture remedy;
- There is potential for increased adjustment to Decedent's **\$1,470,143.00** liquidation already received [*explanations omitted*] (**\$548,352** from Reno Partnership and **\$921,791** from Provo Partnership), such that there is potentially a much larger judgment due the Estate;
- Attorney Pullara indicates no settlement offers have been made by either party to date, and discovery is currently under way to properly evaluate the case;
- Court has set Trial date of the weeks of 12/5/2016 and 12/19/2016;
- While Decedent was living, he executed a *Specific Matter Power of Attorney and Attorney Contingent Fee Contract* concerning both Reno and Provo Partnerships (*copy of "Fee Contract" attached as Exhibit C*);
- Pursuant to Fee Contract terms, Decedent was obligated to pay a proportionate share of the total litigation expenses, which based on good faith estimate is **\$2,400,000.00**, but it may be increased depending on circumstances;
- Estate's share of expenses and recovery is **3.81292%** of the whole; Decedent was also obligated to pay Attorney Pullara both an hourly fee and **20%** of any recovery; the hourly fee is **50%** of Attorney Pullara's published hourly rate (**50%** of **\$550** per hour; other attorneys' rates published at **\$750** per hour, **\$550** per hour and **\$350** per hour;) which will be discounted by **50%** for billing purposes;
- The expense retainer of **\$91,500.74** will be due up front, per Invoice dated 4/13/2015 attached as *Exhibit E*; expenses and hourly fees for services will be applied to it periodically;
- To date, there has been billing applied to plaintiffs for hourly fees and expenses; invoices for 7/10/2012 to 5/30/2015 and expenses through June 2015 amounted to **\$1,982,273.30**; the estate's proportionate share of these already paid invoices will be taken out of its expense retainer upon receipt by Attorney Pullara;
- If at the end of the litigation there is a balance in the retainer fund, it will be returned to the plaintiffs on a proportionate basis; if the retainer is depleted during the course of the litigation, the plaintiffs are expected to make another proportionate contribution;

~Please see additional page~

Dept. 303, 9:00 a.m. Thursday, March 10, 2016

**Petitioner states, continued:**

- Attorney Pullara should be employed to represent the estate in the Delaware litigation because he already represents all the other plaintiffs and employment of other counsel for the estate to do the same work would duplicate efforts and not be to advantage of the estate;
- It is customary in this type of litigation for Decedent to have entered into an agreement for payment of attorney fees on a partial contingent fee basis; the Fee Contract is to the advantage of the Estate and those persons interested in the estate because there would be limited liability for attorney fees, except for those fees billed on an hourly basis at the reduced billing rate, in the event the litigation was unsuccessful, and it appears to be fair that the attorney fees would be recoverable from the award if the litigation was successful;
- It is to the advantage of the estate and interest persons in the estate that Petitioner take possession of the Fee Contract entered into by Decedent with Attorney Pullara, for the Delaware litigation involving the Reno Partnership and Provo Partnership, and the Court to authorize the Special Administrator to act on behalf of the Decedent;
- The Fee Contract complies with all requirements of Business and Professions Code § 6147;
- The percentages agreed to in the Fee Contract are similar to those generally agreed to by litigation counsel of similar expertise, and therefore the proposed compensation is just and reasonable and the Fee Contract is to the advantage of the estate and persons interested in the estate.

**Petitioner requests an Order that:**

1. The Special Administrator shall take possession of the Specific Matter Power of Attorney and Attorney Contingent Fee Contract;
2. The compensation provided for in the Fee Contract is just and reasonable;
3. Authorizing the Special Administrator to take possession of the Fee Contract and to pay the expense retainer of **\$91,500.74** to Attorney Michael M. Pullara in accordance with the fees of the Fee Contract; and
4. The Special Administrator be authorized to replenish its proportionate share of the retainer, if necessary, in accordance with the terms of the Fee Contract without further order of the Court.

Attorney Stephanie J. Krause Cota (for Petitioner Amanda Brady, Administrator)

First and Final Account and Report of Administrator with Will Annexed and Petition for its Settlement, for Confirmation and Approval of Acts of Administrator, for Allowance of Compensation to Administrator for Ordinary and Extraordinary services, for Allowance of Compensation to Attorneys for Ordinary and Extraordinary Services, and for Final Distribution

<b>DOD: 11/21/2012</b>		<b>AMANDA BRADY</b> , Administrator with Will Annexed, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <p style="text-align: center;"><b>OFF CALENDAR</b></p> <p style="text-align: center;"><i>Order Settling First and Final Account and Report of Administrator, etc., filed 2/29/2016.</i></p>	
<b>Cont. from 021116</b>				
	<b>Aff.Sub.Wit.</b>			
✓	<b>Verified</b>			
✓	<b>Inventory</b>			
✓	<b>PTC</b>			
✓	<b>Not.Cred.</b>			
✓	<b>Notice of Hrg</b>			
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	<b>Duties/Supp</b>			
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	<b>Video Rcpt</b>			
	<b>CI Report</b>			
✓	<b>9202</b>			
✓	<b>Order</b>			
	<b>Aff. Posting</b>			
	<b>Status Rpt</b>			
	<b>UCCJEA</b>			
	<b>Citation</b>			
✓	<b>FTB Notice</b>			
			<b>Reviewed by:</b> LEG	
			<b>Reviewed on:</b> 3/7/16	
			<b>Updates:</b>	
			<b>Recommendation:</b>	
			<b>File 15- Solomonian</b>	

**16A Daniel J. and Virginia L. Duggan Revocable Trust**

**Case No. 15CEPR00308**

**Attorney Duggan, Mark (Pro Per Petitioner)**  
**Attorney Pimentel, Paul J. (for Respondent Daniel J. Duggan)**

**Petition for Findings and Orders to Compel an Accounting or Provide Information on the Trust: Confirm the Creation and Funding of Trust B; and Instructions on Validity of Trust Amendment**

<p><b>Virginia L. Duggan</b> <b>DOD: 4/17/12</b></p>	<p><b>MARK DUGGAN</b>, Remainder Beneficiary of Trust B, the irrevocable trust created under the Daniel J. Duggan and Virginia L. Duggan Revocable Living Trust dated 5/31/11, is Petitioner.</p>	<p><b>NEEDS/PROBLEMS/ COMMENTS:</b></p>			
<p><b>Cont. from 050515, 070715, 081115, 092915, 111015, 010716</b></p>	<p>Petitioner seeks findings and orders to compel an accounting and provide information on the Trust B, confirm the creation and funding of Trust B, and that a trust amendment dated 6/29/12 (after the death of Settlor Virginia L. Duggan) applies only to Trust A.</p>	<p><b>Minute Order 1/7/16: Mr. Pimentel agrees to file an accounting as requested. No appearance is necessary at the status hearing if the petition is filed at least two court days prior. Should the status hearing come off calendar, the Petition to Compel will be continued to the date set for the accounting.</b></p>			
<table border="1"> <tr> <td><input type="checkbox"/></td> <td><b>Aff.Sub.Wit.</b></td> <td></td> </tr> </table>	<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		<p>Petitioner states Daniel and Virginia, husband and wife, executed the Daniel J. Duggan and Virginia L. Duggan Revocable Living Trust on 5/31/11. Virginia is Petitioner's mother. Daniel is Petitioner's adopted father. The trust provides that if either co-trustee should resign, become incapacitated, or die then the surviving trustee would become the sole trustee. Further, the trust provides that upon the death of one of the trustors, the trust was to be split into revocable Trust A and irrevocable Trust B, which was designated to hold the portion of the trust estate not allocated to revocable Trust A, portions from revocable trust A added upon the death of the surviving trustor, and other additions.</p>	<p><b>The following issues remain noted for reference:</b></p>
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>				
<table border="1"> <tr> <td><input checked="" type="checkbox"/></td> <td><b>Verified</b></td> <td></td> </tr> </table>	<input checked="" type="checkbox"/>	<b>Verified</b>		<p>Virginia passed away 4/17/12. Over a year has passed since Virginia's death and Mark still has not received any information on his beneficial share of Trust B. Mark sent Daniel emails and letters requesting information and accounting, which went unanswered for some time. On 8/8/14, by and through his attorneys, Mark sent a letter to Daniel's attorney requesting, among other things, copies of the trust, amendments, and a full, complete, and accurate accounting that complies with Probate Code §§ 16063 and 1060 from 4/17/12 to the present date. The letter also stated that Mark agreed to Daniel's proposed allocation of real properties to Trust B.</p>	<p><b>1. The Court may require notice to Therese Tiab, the second named successor trustee, pursuant to Probate Code §17203.</b></p>
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**Petitioner states (Cont'd):** Mark requested that Daniel record the deeds of the assets allocated to reflect that the assets were a part of Trust B and execute a promissory note for \$125,000.00 with Trust B as the holder and Trust A as the maker of the note. Properties include:

1. 6022 North Marty Ave., APN 106-362-06S
2. 1697 East Los Altos, APN 408-253-13
3. 6750 North Millbrook, APN 408-281-07
4. 2020 South Mary, APNs 468-341-03 and 04
5. 2003-2009 South Sarah, APNs 468-341-14 and 18

On 8/12/14, counsel for Daniel sent a letter that stated he would forward the request to Daniel and provide information as requested. On 8/15/14, Counsel for Daniel mailed the Notification by Trustee pursuant to Probate Code §16061.7 and a copy of the Trust to Mark. The Notification indicated that the trust was amended on 6/29/12, after Virginia's death. Mark did not receive the amendment or the accounting requested.

Again, on 8/26/14, Mark's counsel wrote a letter requesting the trust documents that Daniel had failed to provide and again requested accounting. Daniel's counsel sent a letter that the accounting should be completed within about two weeks. Mark received a trust accounting for the period of 10/1/13 through 6/30/14, but the accounting did not conform to Probate Code §16063.

To date, Daniel has not furnished accounting that complies with the probate code, or the trust amendments. Further, he has not provided a copy of the appraisal report for the values of the real property that were to be allocated to Trust B. Daniel has provided copies of the recorded deeds showing that the appropriate properties were allocated to Trust B except for 2020 South Mary and 2003-2009 South Sarah. Daniel has also not provided an executed promissory note for \$125,000.00 naming Trust B as the holder and Trust A as the maker of the note.

**Petitioner provides authority and prays for relief as follows:**

1. Finding that Trust B became irrevocable on 4/17/12;
2. Finding that the 6/29/12 amendment is not applicable to Trust B;
3. Finding that any amendment made after 4/17/12 is not applicable to Trust B;
4. Compelling the trustee to provide an accounting from 4/17/12 to present that complies with Probate Code §16063;
5. Compelling the trustee to provide all amendments to the trust;
6. Confirming the transfer of the following properties to the trust:
  - 6022 North Marty Ave., APN 106-362-06S
  - 1697 East Los Altos, APN 408-253-13
  - 6750 North Millbrook, APN 408-281-07
7. Instructing the trustee to transfer the following properties to Trust B:
  - 2020 South Mary, APNs 468-341-03 and 04
  - 2003-2009 South Sarah, APNs 468-341-14 and 18
8. Instructing the trustee to execute a promissory note for \$125,000.00 with Trust B as the holder and Trust A as the maker of the note;
9. Approving the division of the trust into Trust A and Trust B;
10. For attorneys' fees and costs as permitted by law; and
11. For such other relief the court deems just and proper.



Probate Status Hearing RE: Filing of the Inventory and Appraisal

<b>DOD: 8/6/15</b>	<b>JACOB ROTTSOLK and RECECCA O'DETTE</b> were appointed Co-Administrators with Full IAEA without bond on 10/8/15.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>1. Need Final Inventory and Appraisal pursuant to Probate Code §8800 or written status report pursuant to Local Rule 7.5.</b>
<b>Cont. from</b>	At the hearing on 10/8/15, the Court set this status hearing re the filing of the Inventory and Appraisal for 3/12/16; however, later and off the record, the Court corrected the status date to 3/10/16. A copy of the corrected minute order was mailed to the attorney on 10/19/15  I&A Partial No. 1 was filed 10/29/15; however, no Final I&A has been filed.	
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
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<b>Notice of Hrg</b>		
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<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> skc
		<b>Reviewed on:</b> 3/7/16
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 17- Rottsolk</b>

**18A George W. & Margaret A. Adrian Revocable Trust**

**Case No. 15CEPR00857**

**Attorney: Leigh W. Burnside (for Petitioner Robert L. Adrian)**

**Attorney: Mark S. Poochigian (for Margaret A. Adrian and Patricia Binns)**

**Petition to Compel Co-Trustees to Account and Report and for Distribution**

	<b>ROBERT L. ADRIAN</b> , beneficiary, is petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Stipulation for Entry of Orders on Petition to Compel Account and on First Account of Co-Trustees and Petition for Its settlement and for Instructions filed on 3/9/16.</b> The Trustees and the beneficiaries have arrived at an agreement regarding the dismissal of the Petition to Compel Account and for Distribution, the distribution of the trust estate consistent with the stipulation and the granting of the First Account and Petition for Settlement and Instructions consistent with the Stipulation.</p>
	<b>Petitioner states</b> husband and wife George W. Adrian and Margaret A. Adrian executed the Amended and Restated Declaration of Trust for the George W. and Margaret A. Adrian Revocable Trust (the "Trust") on March 29, 2011.	
	Pursuant to the terms of the Trust, Co-Settlors George W. Adrian and Margaret A. Adrian served as the initial Co-Trustees of the Trust.	
	The Co-Settlors amended the Trust on June 30, 2011. By the Amendment, the Co-Settlors appointed themselves and a family friend, Patricia Binns to serve as the successor co-trustees of the Trust. The Trust Amendment also states that upon the death of one of the co-trustees, the surviving co-trustees shall continue to serve as successor co-trustees of the Trust.	
	George W. Adrian died on March 18, 2012.	
	The terms of the amended Trust provide that upon the death of the first Settlor to die, the co-trustees are to divide the Trust estate into two subtrusts; a Survivor's Trust and a Residual Trust.	
	<b>Please see additional page</b>	
<b>Conf. from 101415, 010616, 021816</b>		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>		
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	W/	
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by: KT</b>
		<b>Reviewed on: 3/8/16</b>
		<b>Updates: 3/10/16</b>
		<b>Recommendation:</b>
		<b>File 18A – Adrian</b>

## 18A George W. & Margaret A. Adrian Revocable Trust

Case No. 15CEPR00857

The Survivor's Trust consists of the surviving settlor's separate property and her share of the community property and quasi-community property, as well as the minimum amount necessary to bring the balance of the Trust estate within the allowable marital deduction for federal estate tax purposes. The Residual Trust is to be funded with the balance of the Trust estate. Further, the Trust requires that, to the extent possible, a specific parcel of real property, commonly referred to as the "Vineyard Property" shall be allocated to the Residual Trust.

In regards to the Residual Trust, the Trust instrument requires that the assets of said subtrusts are to be immediately divided into equal shares and distributed to the Settlor's three children: Robert L. Adrian ("Robert"), Carol L. Skandera ("Carol"), and Robin Al Tilghman ("Robin").

Petitioner alleges the Co-Trustees have continued to administer the Trust since the death of Settlor George W. Adrian.

More than three years have passed since the death of Co-Settlor George W. Adrian in March 2012, and the beneficiaries of his share of the Trust estate have not received an accounting or distribution despite repeated requests over many months. As such, Petitioner Robert L. Adrian respectfully requests that this Court compel Co-Trustees Patricia Binns and Margaret A. Adrian to account and Report to the beneficiaries of the Residual Trust and to distribute the assets of the Residual Trust pursuant to its terms.

### **Wherefore, Petitioner Robert L. Adrian respectfully requests and Order from this court:**

1. Instructing Margaret A. Adrian and Patricia Binns, in their capacities as Co-Trustees of the George W. and Margaret A. Adrian Revocable Trust and the Residual Trust created thereunder, to file and serve a first and final account and report of the administration of the Residual Trust and petition for final distribution within thirty (30) days;
2. Awarding Petitioners such fees and costs as are allowed by law; and
3. For any relief the court deems just and proper.

**Declaration of Leigh W. Burnside filed on 12/19/15 states** the morning of the hearing, and through their attorney, Mark S. Poochigian, the co-trustees presented her office with an accounting, along with a proposed distribution of assets. Following Ms. Burnside's review of the accounting, she and Mr. Poochigian had several discussions regarding the accounting and certain changes that her and her client felt needed to be made. Additionally, Ms. Burnside asked Mr. Poochigian that the co-trustees make immediate distribution of certain agricultural property that her client and two other beneficiaries were to have received.

Ms. Burnside states she understands that, at present, Mr. Poochigian is in the process of procuring a signed grant deed for the distribution of the agricultural property to the trust beneficiaries, and that he planned to file a formal accounting of the trust on 12/24/15.

**18B George W. & Margaret A. Adrian Revocable Trust**

**Case No. 15CEPR00857**

**Attorney: Leigh W. Burnside (for Robert L. Adrian)**

**Attorney: Mark S. Poochigian (for Petitioners Margaret A. Adrian and Patricia Binns)**

**First Account of Co-Trustees and Petition for Its Settlement and for Instructions**

		<b>MARGARET A. ADRIAN and PATRICIA BINNS,</b> Co-Trustees are petitioners.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 2/18/16.</b>  <b>Minute order states</b> Counsel plans of filing a settlement agreement.- <b>Stipulation for Entry of Orders on Petition to Compel Account and on First Account of Co-Trustees and Petition for Its settlement and for Instructions filed on 3/9/16.</b></p> <p>The Trustees and the beneficiaries have arrived at an agreement regarding the dismissal of the Petition to Compel Account and for Distribution, the distribution of the trust estate consistent with the stipulation and the granting of the First Account and Petition for Settlement and Instructions consistent with the Stipulation.</p> <p>1. Need proposed order.</p>	
		Account period: 3/18/12 – 1/15/15		
<b>Cont. from 021816</b>		Accounting - <b>\$5,195,310.71</b>		
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Beginning POH - <b>\$3,874,227.46</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>	Ending POH - <b>\$3,459,041.06</b>		
<input type="checkbox"/>	<b>Inventory</b>	Trustee - <b>\$30,000.00</b> (Patricia Binns)		
<input type="checkbox"/>	<b>PTC</b>	<p><b>Petitioners state</b> that pursuant to the terms of the Trust instrument, the Trust should be distributed as set forth in Schedule G attached to the Petition. Distributions to Robin Adrian Tilghman for the first year after the death of George W. Adrian should not be considered preliminary distributions from Ms. Tilghman's share of the estate.</p> <p><b>Petitioners pray for an order:</b></p> <ol style="list-style-type: none"> <li>1. That the first account of Petitioners as Co-Trustees of the Trust, is settled, allowed and approved;</li> <li>2. That the acts and proceedings of petitioners as Co-Trustees are confirmed and approved;</li> <li>3. Authorizing and directing the Co-Trustees to pay Patricia Binn the amount of \$30,000.00 as compensation for her services as Co-Trustee;</li> <li>4. That distribution of the Trust in Petitioners hands be made to the persons entitled to it, as set forth in the Petition;</li> <li>5. Instructing Co-Trustees regarding the distributions made to Robin Adrian Tilghman for the first year after the death of George W. Adrian as described in the petition.</li> </ol>		
<input type="checkbox"/>	<b>Not.Cred.</b>			
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>			
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>			W/
<input type="checkbox"/>	<b>Aff.Pub.</b>			
<input type="checkbox"/>	<b>Sp.Ntc.</b>			
<input type="checkbox"/>	<b>Pers.Serv.</b>			
<input type="checkbox"/>	<b>Conf. Screen</b>			
<input type="checkbox"/>	<b>Letters</b>			
<input type="checkbox"/>	<b>Duties/Supp</b>			
<input type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input type="checkbox"/>	<b>CI Report</b>			
<input type="checkbox"/>	<b>9202</b>			
<input type="checkbox"/>	<b>Order</b>			X
<input type="checkbox"/>	<b>Aff. Posting</b>			
<input type="checkbox"/>	<b>Status Rpt</b>			
<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			
		<b>Reviewed by: KT</b>		
		<b>Reviewed on: 3/4/16</b>		
		<b>Updates: 3/9/16</b>		
		<b>Recommendation:</b>		
		<b>File 18B- Adrian</b>		

Probate Status Hearing RE: Filing of the Bond

Age:			NEEDS/PROBLEMS/COMMENTS:
DOD:			
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		
		<b><u>OFF CALENDAR</u></b>	
		Bond filed 1/25/16; Letters issued 1/27/16	
		Reviewed by: skc	
		Reviewed on: 3/7/16	
		Updates:	
		Recommendation:	
		File 19- Roberts	

Petition for Appointment of Guardian of the Person

	See petition for details.		<b>NEEDS/PROBLEMS/COMMENTS:</b>  Continued from 1/28/16. All notice issues have now been cured.
	<b>Cont. from 012816</b>		
	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>		
	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
N/A	<b>Notice of Hrg</b>		
	<b>Aff.Mail</b>		
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
✓	<b>Conf. Screen</b>		
✓	<b>Letters</b>		
✓	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
✓	<b>CI Report</b>		
	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
✓	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		
			<b>Reviewed by:</b> JF/skc
			<b>Reviewed on:</b> 3/7/16
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 20- Krstic-Jones</b>

**Petition for Appointment of Guardian of the Person (Initial)**

	<b>See petition for details.</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Continued from 2/4/16. The following issue remains noted:
		1. If diligence is not found, need notice to the unknown Paternal Grandfather or further diligence per Probate Code §1511.
<b>Cont. from 020416</b>		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>		
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		
<input type="checkbox"/> <b>Aff.Mail</b>	x	
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input checked="" type="checkbox"/> <b>Pers.Serv.</b>	w/	
<input checked="" type="checkbox"/> <b>Conf. Screen</b>		
<input checked="" type="checkbox"/> <b>Letters</b>		
<input checked="" type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input checked="" type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input checked="" type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> JF/skc
		<b>Reviewed on:</b> 3/7/16
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 21-Martinez</b>

Probate Status Hearing RE: Filing of the Bond

<b>DOD: 10/11/15</b>	<p><b>PHILIP VALLES and EMILIO VALLES</b> were appointed Co-Administrators with Limited IAEA with bond of \$65,000.00 on 1/21/16.</p> <p>At the hearing on 1/21/16, the Court set this status hearing re filing of the bond.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. <b>Need bond of \$65,000.00 or written status report per local Rule 7.5.</b></p> <p><b>Note: Letters have not yet issued. Letters will issue upon the filing of the bond.</b></p>
<b>Cont. from</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by: skc</b>
		<b>Reviewed on: 3/7/16</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 22- Valles</b>

Petition of Will and for Letters Testamentary with IAEA

DOD: 7/11/2014		STEPHANIE A. COLMENERO, daughter/named Executor without bond is petitioner	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Limited IAEA – need	1. Need proof of service of Notice of Petition to Administer Estate with 15 days notice per Probate Code 8110, on the following:  a. Trustee of the Phillip R and Frances L Revocable Living Trust dated 6/12/2014.
Cont. from		Will dated 6/12/2014	
<input type="checkbox"/>	Aff.Sub.Wit.	s/p	2. Proof of service of Notice of Petition to Administer Estate was with 3 days notice versus 15 days notice required per Probate Code 8110, on the following:  a. Frances L. Colmenero (spouse) b. Philip M. Colmenero (son)
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		3. Need affidavit of publication per Probate Code 8121.
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		4. Item 5a(7) or (8) of petition was not answered re: issue of predeceased child.
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	w/	5. Item 8 of petition does not list devisee <i>The Phillip R. and Frances L. Revocable Living Trust dated 6/12/2014</i> and does not identify the trustee of trust as required per Probate Code 8002.
<input type="checkbox"/>	Aff.Pub.	X	
<input type="checkbox"/>	Sp.Ntc.		<b>Note:</b> If granted, the Court will set status hearings as follows:  • <b>Tuesday, August 9, 2016</b> for filing Inventory and Appraisal  • <b>Tuesday, May 9, 2017</b> for filing the first account or petition for final distribution  Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		<b>Reviewed by:</b> SEF
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		<b>Reviewed on:</b> 3/4/2016
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		<b>Updates:</b> 3/9/2016
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		<b>Recommendation:</b>
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		<b>File 23- Colmenero</b>
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Probate Referee: Rick Smith



**Petition for Appointment of Temporary Guardian of the Person**

	See petition for details.		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Minute Order 2/23/16:</b> Jacob Gray consents to the temporary guardianship in open court. Anelise Gray represents that she received the paperwork yesterday and requests time to respond. The Court admonishes that any written objections are to be filed and properly served at least five days prior to 3/10/16 or the Court will not consider them.</p> <p><b>Note:</b> As of 3/7/16, nothing further has been filed.</p> <p>The following issue remains noted:</p> <ol style="list-style-type: none"> <li>1. Petitioner's Confidential Guardian Screening Form is missing attachments 6 and 14.</li> </ol>
	Cont. from 022316		
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	W	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 3/7/16
			Updates:
			Recommendation:
			File 25- Gray

Petitioner: Norma Holland (Pro per)

Petition for Appointment of Temporary Guardian of the Person

		<u><b>GENERAL HEARING 4/28/2016</b></u>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>NORMA HOLLAND</b> , great aunt, is petitioner	<ol style="list-style-type: none"> <li>1. Need proof of personal service of Notice of Hearing along with a copy of the Temporary Petition at least 5 court days prior to the hearing, or Consent and Waiver of Notice or Declaration of Due Diligence for:                     <ol style="list-style-type: none"> <li>a. Chris-Telle Holland (mother) <b>Note:</b> Mom was served by mail, but Probate Code 2250 requires personal service.</li> </ol> </li> <li>2. Petitioner's Confidential Guardian Screening Form is incomplete. Need explanation for Question 3.</li> </ol>
		See petition for details.	
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	w/	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>	X	
<input checked="" type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input checked="" type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
			<b>Reviewed by:</b> SEF
			<b>Reviewed on:</b> 3/4/2016
			<b>Updates:</b> 3/9/2016
			<b>Recommendation:</b>
			<b>File 26- Markhem-Holland</b>

Petitioner: Teresa Diane Powers (Pro Per)

Petitioner: Daniel Lee Powers (Pro Per)

**Petition for Appointment of Temporary Guardian of the Person**

		<u><b>GENERAL HEARING 4/28/2016</b></u>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>TERESA POWERS (paternal grandmother) and DANIEL POWERS (paternal step-grandfather) are petitioners</b>	<ol style="list-style-type: none"> <li>1. Need proof of personal service of Notice of Hearing along with a copy of the Temporary Petition at least 5 court days prior to the hearing, or Consent and Waiver of Notice or Declaration of Due Diligence for:                     <ol style="list-style-type: none"> <li>a. Eric M. Bugarin (father)</li> <li>b. Cruz Gerard (mother)</li> </ol> <p><b>Note:</b> Both mom and dad were served by mail, but Probate Code 2250 requires personal service.</p> </li> <li>2. Petitioners Teresa and Daniel Powers' Confidential Guardian Screening Forms are incomplete. Need explanations for Question 10.</li> <li>3. UCCJEA lists minor's DOB as 9/3/2011; however, petition lists DOB as 9/3/2010. Need clarification.</li> </ol>
<b>Cont. from</b>		See petition for details.	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	w/	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>	x	
<input checked="" type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
			<b>Reviewed by:</b> SEF
			<b>Reviewed on:</b> 3/4/2016
			<b>Updates:</b> 3/9/2016
			<b>Recommendation:</b>
			<b>File 27- Bugarin</b>