ATTENTION

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

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

Thank you for your patience.

Dept. 303, 9:00 a.m. Monday, March 12, 2012

1 Sharon Ann Miller Johnson (Estate) **Case No. 05CEPR00677**

Atty Motsenbocker, G.L. (for Bruce Bickel – Administrator/Petitioner)

First and Final Account and Report of Administrator and Petition for Its Settlement, (2) for Allowance of Compensation to Administrator and Attorney for Ordinary and Extraordinary Services and (3) for Final Distribution [Prob. C. §§ 10810, 10951, 11000 et seq., 10800, 10900, 1060 et seq.]

DOD: 05/27/05		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	w/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	03/16/06
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

BRUCE BICKEL, Administrator, is Petitioner.

Account period: 05/27/05 – 11/08/11

Accounting	-	$288,485.99
Beginning POH	-	$285,923.60
Ending POH	-	$144,160.53
Administrator (statutory)	-	$8,469.72
Attorney (statutory)	-	$8,469.72
Creditor	-	$2,775.00
Closing	-	$2,000.00

Distribution, pursuant to intestate succession, is to:

Matthew T. Johnson	-	$61,025.55
Daniel L. Johnson	-	$61,025.54

NEEDS/PROBLEMS/COMMENTS:

1. **The Examiner calculates the distribution to each person to be $61,223.04.**
2. **Schedule B (Disbursements) shows $14,280.00 paid in attorney's fees in connection with the dissolution matter. It is noted that pursuant to an Ex Parte Order filed 10/23/09, attorney's fees relating to the dissolution action were to be resolved in the Family Law matter, and Schedule C of this accounting shows that attorney's fees in the amount of $40,857.77 were paid from the marital settlement received by the estate. The Court may require more information.**

Reviewed by: JF	
Reviewed on: 02/29/12	
Updates:	
Recommendation:	
File 1 - Johnson	

Dept. 303, 9:00 a.m. Monday, March 12, 2012

2 **The Brian E. Tomajan Special Needs Trust** **Case No. 09CEPR00336**

Atty **Barrus, John E. (for Richard B. Tomajan and Karen L. Tomajan – Co-Trustees – Petitioners)**

Petition For Authority to Withdraw Funds from Blocked Account and for Allowance of Attorney's Fees and Costs

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

RICHARD B. TOMAJAN and KAREN L. TOMAJAN, Co-Trustees without bond, are Petitioners and seek the direction and approval of the Court as follows:

Petitioners state:

- All funds are held in a blocked account. The market value of the blocked account as of 12-31-11 is $23,142.94.

- Petitioners have expended $2,585.73 of their own funds to pay for dental care and purchase certain items for the beneficiary and request reimbursement as follows:

  - $1,679.00 between 2009-2011 for dental care

  - $502.93 for an iPad2 for the beneficiary

  - $403.80 for a bicycle and helmet for the beneficiary

  - $800.00 for a new bed for the beneficiary

- Petitioners are also the Co-Conservators of the Person and Estate in 02CEPR00643, which conservatorship estate has no remaining assets. Petitioners retained the services of Attorney John E. Barrus to provide advice in trust administration and regarding the conservatorship, including the filing of this Petition. Petitioners state the reasonable value of attorney services rendered through 1-11-12 is $5,117.75 plus $959.50 in costs, including the $395.00 for filing this petition (total $6,077.25). See attached declaration.

Petitioners pray for an order authorizing reimbursement to Petitioners for the above items for a total of $3,385.73, and payment of attorney's fees and costs in the amount of $6,077.25 from the blocked account.

NEEDS/PROBLEMS/COMMENTS:

1. **Petitioners filed this request in pleading form for this noticed hearing; however, the Petition for Withdrawal of Funds From Blocked Account (MC-357) is a <u>mandatory</u> Judicial Council form with various mandatory information required. That form can also be filed on an ex parte basis, if appropriate. Is there a reason this petition was filed in pleading form for noticed hearing? The Court may require clarification or amended petition on the mandatory form.**

2. **If granted, need revised order on the mandatory Judicial Council form Order For Withdrawal of Funds From Blocked Account MC-358. *(Petitioner submitted a proposed order, but the mandatory form is required.)***

Reviewed by: skc

Reviewed on: 2-29-12

Updates:

Recommendation:

File 2 - Tomajan

Dept. 303, 9:00 a.m. Monday, March 12, 2012

3 Michael John Collins (CONS/PE) Case No. 09CEPR00983

Atty LeVan, Nancy J. (for Petitioner Tim Collins, Conservator of the Person and Estate)

(1) First Account and Report of Conservator and (2) Petition for Allowance of Fees for Attorney

Age: 19 years	
DOB: 1/15/1992	
Cont. from 081111, 092711, 102411, 121411, 013012	
	Aff.Sub.
✓	Verified
✓	Inventory
	PTC
	Not.Cred.
✓	Notice of Hrg
✓	Aff.Mail W/
	Aff.Pub.
	Sp.Ntc.
	Pers.Serv.
	Conf. Screen
	Letters
	Duties/S
	Objection
	Video Receipt
✓	CI Report
	9202
✓	Order
	Aff. Post
	Stat Rpt
	UCCJEA
	Citation
	FTB Notc

TIM COLLINS, father and Conservator of the Person and Estate, is Petitioner.

Account period: 3/4/2010 – 3/31/2011

Accounting	-	**$214,899.55 ?**
Beginning POH	-	**$182,358.84**
Ending POH	-	**$178,789.44 ?**

($56,017.94 or $47,717.24 is cash?)

Conservator	-	***not addressed***
Attorney	-	**$4,000.00**

(per Declaration filed 6/24/2011; please see Note on additional page)

Bond	-	**$61,000.00**

(sufficient)

Petitioner prays for an Order:

1. Approving, allowing and settling the First account, and confirming and approving all acts and transactions of the Conservator set forth in the account;
2. Authorizing the Conservator to pay himself **$1,328.00** per month for Conservatee's room and board; and
3. Authorizing the attorney fees and costs.

Court Investigator Jo Ann Morris' *Report* filed 2/1/2011 recommends the conservatorship continue with the current conservator.

***Status Report Re: Corrections to First Accounting* filed on 12/12/2011 by Attorney Nancy LeVan states:**

- She had triple lumbar disc fusion on 10/25/2011, the day after the last hearing;
- She was hoping she could address all questions put forth by the Probate Examiner; however, it is taking longer than she expected to recover from this major surgery;
- She seeks the Court's indulgence and **requests a 45-day continuance**, as she is starting to work this week 4 hours per day and she will focus on getting the corrections to the Court as soon as possible.

NEEDS/PROBLEMS/COMMENTS:

<u>Continued from 1/30/2012</u>. *Minute Order* states Ms. LeVan advises the Court that she has almost completed the corrections to the accounting. Ms. LeVan requests a continuance.

The following issues from the last hearing remain:

1. ***Schedule C, Disbursements* does not include any entry for the <u>$122,771.50</u> cash withdrawal dated 7/1/2010 which is indicated on the Bank of the West statement filed 6/24/2011. The schedule of disbursements should reflect the payment of this sum, which appears to be for purchase of a condominium for the Conservatee per Court authorization on 7/1/2010. Further, the *Summary of Account* is also inaccurate as it does not list this $122,771.50 disbursement. *(Note: First Account pleadings do not contain any narrative information regarding this condominium purchase for the Conservatee, nor the approved rental agreement and the $850.00 rent the Court authorized to be charged; information has been obtained from previous pleadings filed with the Court.)***
2. ***Summary of Account* lists cash assets on hand as <u>$56,017.94</u> while *Schedule E, Property on Hand* lists cash assets as <u>$47,717.24</u>. Need correct amount of cash on hand at the end of the account period.**
3. ***Schedule A, Receipts* contains entry dated 1/19/2011 indicating an SSI check in the amount of <u>$13,280.00</u> was received. This amount appears to be incorrect, as the SSI check amounts in the receipts schedule are typically for <u>$1,328.00</u>. Therefore, the total amount of receipts indicated in *Schedule A, Receipts* is incorrect (should be $20,588.71) and the accounting does not balance.**

~Please see additional page~

Reviewed by: LEG	
Reviewed on: 3/1/12	
Updates:	
Recommendation:	
File 3 – Collins	

NEEDS/PROBLEMS/COMMENTS, continued:

4. ***Petition* requests a flat fee of $1,328.00, which is the amount of the Conservatee's monthly disability benefits, be allowed to be paid monthly to the Conservator for room and board and food, and therefore Petitioner "will not have to charge 25% of all expenses and will make the accounting process much easier." *Petition* does not explain this statement regarding charging 25% of expenses to the Conservatee, and it is unclear from the *Petition* whether the Conservatee resides with other household members requiring all expenses to be apportioned at 25% among them. (Conservatee is charged 25% of expenses for cable, cell phone, utilities, pool service, pest control, homeowner's insurance, gardening, electricity, etc.)**

5. ***Schedule A, Receipts* contains entries dated 10/4/2010 and 10/28/2010 for "deposit of rent check for condo" in the amount of $850.00 each, and *Schedule C Disbursements* shows a deposit refund of $300.00 was made on 12/13/2010 to the renter of the condominium. There are no prior entries for rent received (condominium was purchased in July 2010) nor any subsequent entries for receipt of rent for the condominium during this account period. *Petition* does not mention the Conservatee's condominium nor explain its current status. Court may require information as to the current rental status of the condominium and as to the lack of monthly rent receipts from November 2010 to the ending date of this account of 3/31/2011. *Schedule C Disbursements* shows the Conservatee pays $199.00 in monthly association dues (totaling $1,393.00 during this account period), $586.00 in condominium insurance, and $1,008.09 in property taxes, which now may be considered liabilities to the Conservatorship estate given that the property is not earning rental income; additionally, Conservatee expended $800.00 on 12/22/2010 for condominium property management.**

6. ***Schedule C Disbursements* includes the following expenditures for which the Court may require explanation, justification, and further information:**
   - **$200.00 cash withdrawal dated 10/12/2010 for which no purpose is identified;**
   - **$1,116.54 dated 2/23/2010 for which no payee or purpose is identified;**
   - **$5,982.02 in payments to GMAC Mortgage; *Petition* does not state whether these mortgage payments are for the condominium which Conservatee just purchased or for the Conservator's own mortgage, and if for the latter, whether Conservatee will have partial ownership in Conservator's residence for making a portion of such mortgage payments.**
   - **$1,542.00 in payments to Toyota with the explanation of "25% of monthly transportation costs." It is unclear whether this refers to fuel expenses, or to purchase of a vehicle, and if for the latter, whether Conservatee has partial ownership in the vehicle for making such payments *(Schedule E, Property on Hand* does not list any interest in a vehicle as an asset of the Conservatorship);**
   - **$6,187.04 in Costco expenses that are <u>not</u> apportioned at 25%; descriptions state food and supplies, sometimes designated "for Conservatee" and sometimes without such designation;**
   - **$471.43 to Travelers Insurance for "home" - 25% of monthly charge (payments made to DiBudio & Defendis Insurance are designated as for the condominium);**
   - **$105.00 in overdraft bank charges; it appears the Conservatee has paid these charges when he is not the person responsible for managing his money.**

7. ***Petition* does not address whether the Conservator is waiving commissions.**

8. **Need revised proposed order.**

~Please see additional page~

NEEDS/PROBLEMS/COMMENTS, continued:

Note: *Declaration of Attorney Nancy J. LeVan in Support of Request for Attorney Fees* filed on 6/24/2011 includes a fee itemization identified as *Statement Date 6/24/2011* totaling fees of $4,690.00, which contains entries dated 7/30/2011, 8/2/2010 and 8/27/2010 for fees totaling $440.00 that are identical in the fees charged and in the descriptions of services to the entries contained on Attorney LeVan's itemization identified as *Statement Date 8/27/2010* submitted in support of Attorney LeVan's *Petition for Approval of Rental Agreement* filed 9/8/2010; attorney fees of $2,700.00 were granted to Attorney LeVan on 10/26/2010 in that matter covering these duplicate itemizations such that it appears these fees of $440.00 have already been paid. Therefore, the total of the itemized fees for this account period should be $4,250.00, and since Attorney LeVan requests due to the limited funds of the Conservatorship that she be paid only $4,000.00 as compensation for her legal services, no deduction is necessary from the amount of attorney fees requested by Attorney LeVan for overpayment due to the duplicate entries.

Note: The *Petition* and the *Declaration of Attorney Nancy J. LeVan in Support of Request for Attorney Fees* filed on 6/24/2011 do not specifically request reimbursement of costs advanced for the filing fee of $395.00; however, it appears this request is being made, as the amount of $4,395.00 for legal services and costs is included in the proposed order.

4 Ronald J Olivas (Estate) **Case No. 09CEPR01060**

Atty Robertson, Hugh Duff (for Robert Olivas – Brother – Administrator)

(1) Petition for Settlement of First and Final Account and Report by Administrator, (2) for Final Distribution, and (3) for Order Fixing and Allowing Statutory Compensation, Extraordinary Compensation, and (4) Reimbursement of Costs

DOD: 9-18-08

Cont. from 010412

	Aff.Sub.Wit.	
	Verified	X
✔	**Inventory**	X
✔	**PTC**	
✔	**Not.Cred.**	
	Notice of Hrg	X
	Aff.Mail	X
	Aff.Pub.	
✔	**Sp.Ntc.**	X
	Pers.Serv.	
	Conf. Screen	
✔	**Letters**	4-29-10
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✔	**9202**	
	Order	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✔	**FTB Notice**	

ROBERT OLIVAS, Administrator, is Petitioner.

Account period: 4-29-10 through 11-4-11

Accounting: $67,500.00
Beginning POH: $67,500.00
Ending POH: $0.00

Administrator: Waived

Attorney: $2,700.00 (Statutory – See Notes)

Attorney (Extraordinary): $1,380.00

- Attorney Robertson states these extraordinary fees are calculated at $350.00/hr, a reduced rate from his ordinary billing rate of $450.00/hr.
- Declaration (Exhibit 2) itemizes 1.4 attorney hours and 8.9 law clerk's hours in connection with the foreclosure of the property.

Costs: $2,186.32 (Itemized – See Notes)

Petitioner states the estate is insolvent and there are no assets with which to pay creditors, costs of administration, or distribute to heirs. The only asset of the estate was a 50% interest in certain real property (Decedent's residence) that was foreclosed. Petitioner is aware of two Creditor's Claims. The Franchise Tax Board filed their claim and a Request for Special Notice, but another creditor did not formally file a claim. Due to the insolvency of the estate, the creditors have not been paid.

However, Petitioner's attorneys reserve their right to receive fees and costs in the event that assets are discovered.

Attorney Robertson states his office has attempted to communicate with the Administrator; however, he has not responded to letters regarding the estate. Attorney Robertson requests to withdraw as attorney of record.

NEEDS/PROBLEMS/COMMENTS:

<u>Minute Order 1-4-12</u>: Matter continued to 3-12-12 at the request of counsel.

<u>As of 2-29-12, nothing further has been filed. The following issues remain</u>:

1. **Need proof of service of Allowance or Rejection of Creditor's Claim (Mandatory Judicial Council Form DE-174) on the Franchise Tax Board per Probate Code §9250.**

   <u>Note</u>: A creditor has 90 days to act on a rejected claim. Therefore, this matter cannot go forward unless the time has run or waiver of notice and/or action is provided.

2. **The Inventory and Appraisal is not verified by the Administrator pursuant to Probate Code §1020.**

3. **The Account is not verified by the Administrator pursuant to Probate Code §§ 1020, 1023, 11640(a).**

4. **Need Notice of Hearing (Mandatory Judicial Council Form DE-120).**

5. **Attorney's statutory fee calculation does not include the loss on the property.**

   Per Estate of Stein (1968) Cal.App. 2, 631, the loss on a foreclosed property is the difference between the Inventory and Appraisal value and the encumbrances.

   Therefore, need information regarding the encumbrance(s) and recalculation of statutory fee.

<u>SEE PAGE 2</u>

Reviewed by: skc

Reviewed on: 2-29-12

Updates:

Recommendation:

File 4 - Olivas

4 Ronald J Olivas (Estate) Case No. 09CEPR01060

Atty Robertson, Hugh Duff (for Robert Olivas – Brother – Administrator)

(1) Petition for Settlement of First and Final Account and Report by Administrator, (2) for Final Distribution, and (3) for Order Fixing and Allowing Statutory Compensation, Extraordinary Compensation, and (4) Reimbursement of Costs

NEEDS/PROBLEMS/COMMENTS:

6. **Cost itemization includes $784.32 in costs considered by the Court to be costs of doing business and not reimbursable pursuant to Local Rule 7.17, including:**
   - **Fed Ex $65.12**
   - **Runner Services $598.31**
   - **Photocopies $14.00**
   - **Research $106.89**

7. **Declaration of Angela F. Gerovac (Attorney Robertson's office) indicates that she had a telephone conversation in August with the Administrator during which he seemed agreeable; however, he then did not respond to letters.**

   The declaration states the office has not received any communications or returned mail indicating change of phone or address; however, the declaration also does not indicate any further diligence to contact the Administrator other than sending a letter and an email in August 2011 and another letter in October 2011.

   The Court may require further diligence regarding the Administrator with regard to closing this estate and with regard to the attorney's request for withdrawal as attorney of record.

<u>Note</u>: This matter cannot move forward unless these items are addressed.

5 Jamie E. McGlashan (CONS/PE) **Case No. 10CEPR00285**

Atty Howk, Robert L (for Petitioner/Conservator Craig McGlashan)

Petition for First Account and Report of Conservator (Probate Code 2620)

Age: 89 years DOB: 10/6/1922		
Cont. from 020112		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	W/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	2620(c)	X
	Order	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

CRAIG MCGLASHAN, Conservator, is petitioner.

Account period: 5/24/10 – 5/30/11

Accounting - **$1,773,164.49**
Beginning POH- **$ 872,934.64**
Ending POH - **$1,691.981.80**

Current bond is $1,099,584.00

Conservator - **waives**

Attorney - **$800.00**

Petitioner states the current bond is less than the value of the estate. Petitioner states he is a member of the State Bar and is the only child of the conservatee and request that the court leave the bond set at the current amount.

Petitioner prays for an Order:

1. That Petitioner be directed to pay the sum of $800.00 to the Law Office of Howk and Downing.
2. The court order that the Conservatee is not able to complete an affidavit of voter registration;
3. All acts and transactions of the Conservator of the Person and Estate of Jamie E. McGlashan, as set forth in the account and report or relating to matters set forth in the account and report be ratified, confirmed and approved.

NEEDS/PROBLEMS/COMMENTS:

Continued from 2/1/12. As of 2/29/12 the following issues remain:

1. **Summary of Account is not on the mandatory Judicial Council form. Probate Code 2620(a).**
2. **Need Board and Care Statements. Probate Code §2620(c)(5).**
3. **Need bank statements. Probate Code §2620(c)(2)**
4. **Need supplemental Inventory and Appraisal for additional property received. Probate Code §2613.**
5. **Morgan Stanley Smith Barney Account was not appraised by the Probate Referee as required. Probate Code §2610(c) and Probate Code §8901.**
6. **Inventory and appraisals filed total $1,084.929.64. Beginning property on hand totals $872,934.64. Beginning property on hand should be the inventory and appraisal amount.**
7. **Petitioner sold real property of the conservatorship (court confirmed) during this account period. Need original closing escrow statements. Probate Code §2620(c)(4).**

Please see additional page

Reviewed by: KT
Reviewed on: 2/29/12
Updates:
Recommendation:
File 5 - McGlashan

Dept. 303, 9:00 a.m. Monday, March 12, 2012

8. **Schedule B- Gain on Sale lists the gain on the sale of the real property as $164.38. The gain is the difference between the inventory and appraisal value ($220,000) and the sale price ($240,000). Therefore the gain on sale is $20,000.00.**

9. **Disbursement schedule includes a disbursement to Howk & Downing in the amount of $2,743.04 for costs and filing fee associated with conservatorship. Need itemization of costs and filing fee.**

10. **Disbursement schedule includes a disbursement to Craig McGlashan for pre-conservatorship expenses in the amount of $947.50. Need itemization.**

11. **Disbursement schedule includes a retuned item chargeback fee to Bank of America in the amount of $36.00. Court may require clarification.**

12. **1999 Jaguar is valued at $8,500.00 on the inventory and appraisal. The property on hand at the end of the account period lists the Jaguar valued at $8,510.00.**

13. **If court requires bond to be increased pursuant to Probate Code §2320, bond should be increased to $1,907.217.24.**

14. **Need Order**

7 George & Julia Hagopian Living Trust 3-7-1991 Case No. 11CEPR00815

Atty Rube, Melvin K. (for Lisa Nesgis – Trustee – Petitioner)
Atty Shahbazian, Steven L. (for Georgette Karabian – Beneficiary – Objector)

Notice of Motion and Motion to Strike Portions of the Objections to First Account and Report of Trustee and Petition for Settlement; Supporting Memorandum of Points and Authorities

George Hagopian DOD: 11-25-07	
Julia Hagopian DOD: 5-12-10	
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	

LISA NESGIS, Trustee, is Petitioner.

Background:

- Trustee Lisa Nesgis filed First Account and Report of Trustee and Petition for its Settlement on 9-9-11.
- Beneficiary Georgette Karabian filed Objections on 10-27-11.
- On 1-20-12, Trustee filed this Notice of Motion and Motion to Strike Portions of the Objections, and supporting Memorandum of Points and Authorities [C.C.P. §436(a)]
- At status hearing on 1-31-12, a settlement conference was set for the matter of the First Account.
- Settlement Conference is scheduled for 10:30 on today's calendar (3-12-12).

Petitioner requests to strike the following portions of Beneficiary Georgette Karabian's Objections:

- Page 2, Paragraph 2, Lines 10 through Line 20 (only including the words "period from LISA" on line 20);
- Page 2, Paragraph 2, Line 23 beginning with the word "Because" through Page 3, Line 4;
- Page 4, Paragraph 4, Line 23 beginning with the words "has also" through Page 5, Line 9 ending with the number "$473,000.00;"
- Page 6, Paragraph 6, Line 1 through Line 16;
- Paragraph 1 of the Prayer found on Page 9 to the extent that the prayer requests that petitioner, as Trustee of the Trust, provide a further and more detailed Account and Report addressing the objections raised that pertain to trust assets and activities of the trustees prior to the death of Julia Hagopian on 5-12-10;

SEE PAGE 2

NEEDS/PROBLEMS/COMMENTS:

Note: This motion is scheduled for regular hearing on the 9:00 calendar. The matter of the accounting is scheduled for Settlement Conference at 10:30.

Note: This case is related to 11CEPR00181, which was opened on 3-7-11 when Beneficiary Georgette Karabian filed a petition to compel an accounting for a specific time period (4-24-04 through 5-12-10).

Trustee Lisa Nesgis objected in that case (11CEPR00181); however, then opened this case (11CEPR00815) with an accounting for a different time period (5-12-10 through 7-31-11).

Examiner Notes from the 11-1-11 hearing on the accounting are on the left side of the file for reference.

At hearing on 11-1-11, the Court set the accounting matter set for Status Conference on 1-31-12.

Minute Order 1-31-12 states: Cases 11CEPR00815 and 11CEPR00181 (hereafter referred to as "both cases") are not consolidated. The hearings set for February 16, 2012 in both cases are off calendar. The attorney is not at a point in which to resolve the accounting in case 11CEPR00815. The Notice of Motion and Motion for Judgement on the Pleadings, set for March 12, 2012, in case 11CEPR00181 is taken off calendar. Pending the Settlement Conference set for March 12, 2012, all discovery and hearings are stayed; time limits stop. Mr. Shahbazian and Mr. Rube are to meet and confer prior to the Settlement Conference so the two sides can be fixed as to what will be addressed. Set on March 12, 2012, 9:00 a.m., Dept. 303 for Settlement Conference.

Reviewed by:
Reviewed on:
Updates:
Recommendation:
File 7 - Hagopian

7 George & Julia Hagopian Living Trust 3-7-1991 Case No. 11CEPR00815
Atty Rube, Melvin K. (for Lisa Nesgis – Trustee – Petitioner)
Atty Shahbazian, Steven L. (for Georgette Karabian – Beneficiary – Objector)

Notice of Motion and Motion to Strike Portions of the Objections to First Account and Report of Trustee and Petition for Settlement; Supporting Memorandum of Points and Authorities

Petitioner requests (Continued):

- Paragraph 2 of the Prayer found on Page 9 to the extent that the prayer requests that petitioner, as Trustee of the Trust, return all withdrawals or transfers to the Trustee, personally or to other immediate family members of the Trustee, with legal interest charged thereon to the extent that such transfers or withdrawals occurred prior to the death of Julia Hagopian on 5-12-10;

- Paragraph 3 of the Prayer found on Page 9 to the extent that the prayer requests that objector's objections pertain to the trust assets and activities of the trustees prior to the death of Julia Hagopian on 5-12-10;

Petitioner states this motion is made on the grounds that the above cited portions of the objections are irrelevant and improper because they refer to matters occurring prior to the death of Julia Hagopian on 5-12-10, which are not accounted for in the First Account, and on the further grounds that under California statutory and case law, objector has no standing to seek an accounting of the trust for the period beginning 4-24-04 through 5-12-10.

Memorandum of Points and Authorities in Support of Motion to Strike states the Motion to Strike should be granted. The Court may, upon a motion made pursuant to C.C.P. § 435, or at any time in its discretion, and upon terms it deems propert, strike out any irrelevant, false, or improper matter inserted in any pleading. *C.C.P. §436(a).* Moreover, a Motion to Strike can be used to attack the entire pleading, or any part thereof-even single words or phrases. *Warren v. Atchison, Topeka & Santa Fe Ry. Co. (1971) 19 Cal.App.3d 24, 40.*

The above-cited portionso fo the objections that petitioner wants stricken are subject to a motion to strike because they are irrelevant and improper objections in that said portions refer to trust assets and activities of the trustee that existed and occurred prior to the death of Julia Hagopian on 5-12-10 and are not part of the accounting.

Furthermore, as set forth in Petitioner's *Memorandum of Points and Authorities in Support of Motion for Judgment on the Pleadings* dated 1-20-12 and filed in 11CEPR00181, objector has no standing to receive any information or to an accounting of the trust from 4-26-04 through 5-12-10, the date of Julia Hagopian's death.

Therefore, any objections based on trust assets or activities of the trustees prior to 5-12-10 are irrelevant and improper to challenge the accounting filed by Petitioner and should be stricken.

Petitioner Requests the Court take Judicial Notice of the Memorandum of Points and Authorities filed 1-20-12 in 11CEPR00181.

8 Irene June Lowery aka Irene J. Lowery aka Irene Lowery (Estate)

Case No. 12CEPR00060

Atty **Houghton, Craig A. (for Leanne Walker Grant – Niece/Petitioner)**

Petition for Letters Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 10/22/10			**LEANNE WALKER GRANT,** niece, is Petitioner and requests appointment as Administrator with bond set at $7,000,000.00.
Cont. from			
	Aff.Sub.Wit.		Full IAEA – OK
✓	**Verified**		
	Inventory		Decedent died intestate
	PTC		
	Not.Cred.		Residence: Friant
✓	**Notice of Hrg**		Publication: The Business Journal
✓	**Aff.Mail**	w/	**Estimated Value of the Estate:**
✓	**Aff.Pub.**		Personal property - $6,939,598.00
	Sp.Ntc.		Annual income - 34,698.00
	Pers.Serv.		Real property - 103,500.00
	Conf. Screen		**Total - $7,077,796.00**
✓	**Letters**		
✓	**Duties/Supp**		Probate Referee: **STEVEN DIEBERT**
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:
Reviewed by: JF
Reviewed on: 03/01/12
Updates:
Recommendation: SUBMITTED
File 8 - Lowery

Dept. 303, 9:00 a.m. Monday, March 12, 2012

9 **Maxine A. Harcrow (Estate)** **Case No. 12CEPR00115**

Atty **Willoughby, Hugh W. (for Howard G. Harcrow – son/Petitioner)**

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

DOD: 08/28/11		
Cont. from		
	Aff.Sub.Wit.	s/p
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	x
	Aff.Mail	x
✓	**Aff.Pub.**	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✓	**Letters**	
✓	**Duties/Supp**	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

HOWARD G. HARCROW, son/named Executor without bond, is Petitioner.

Full IAEA – OK

Will dated 06/17/10 and Codicil dated 12/28/10.

Residence: Fresno
Publication: The Business Journal

Estimated Value of the Estate:

Personal property	-	$ 3,500.00
Real property	-	25,000.00
Total	**-**	**$28,500.00**

Probate Referee: **RICK SMITH**

NEEDS/PROBLEMS/COMMENTS:

1. **Need *Notice of Petition to Administer Estate.***
2. **Need proof of service by mail of *Notice of Petition to Administer Estate* at least 15 days before the hearing for:**
   - Robert C. Harcrow
   - Lois Riley

Reviewed by: JF
Reviewed on: 03/01/12
Updates:
Recommendation:
File 9 - Harcrow

Dept. 303, 9:00 a.m. Monday, March 12, 2012

10 **Thomas Dominic Greco (CONS/PE)** **Case No. 08CEPR00547**

Atty **Barrus, John E. (for Beverly A. Edlund – Conservator)**

Probate Status Hearing Re: Next Accounting

Age: 96		
DOB: 2-8-15		
Cont. from 101711, 010912		
	Aff.Sub.Wit.	
	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✔	**Letters**	11-19-08
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	X
	UCCJEA	
	Citation	
	FTB Notice	

BEVERLY A. EDLUND, Daughter, was appointed Conservator of the Person and Estate with $30,000.00 bond on 11-19-08.

On 8-23-10, the first account was settled and the Court set this status hearing for filing of the next account.

On 10-17-11 and 1-9-12, the matter was continued at Counsel's request.

NEEDS/PROBLEMS/COMMENTS:

<u>Continued from 10-17-11, 1-9-12</u>:

1. **As of 2-29-12, nothing further has been filed. Need second account pursuant to Probate Code §2620.**

Reviewed by: skc

Reviewed on: 2-29-12

Updates:

Recommendation:

File 10 – Greco

Dept. 303, 9:00 a.m. Monday, March 12, 2012

11 Rose Mary Freeman (Estate) Case No. 11CEPR00175

Atty Flanigan, Philip M. (for Jacqueline C. Gammon – Daughter – Administrator)

Probate Status Hearing - Filing Blocked Account

DOD: 5-24-06

	Aff.Sub.Wit.	
	Verified	X
	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	

JACQUELINE C. GAMMON, Daughter, was appointed Administrator with Full IAEA with bond of $190,000.00 on 4-12-11.

Final Inventory and Appraisal filed 3-30-11 reflected that the estate contained real property valued at $190,000.00 (as of Decedent's date of death 5-24-06).

On 11-29-11, Administrator filed an Ex Parte Application to Amend Order to allow for deposits into a blocked account because she was not able to obtain bond.

On 12-6-11, the Court authorized the opening blocked account in lieu of bond and Letters issued on 1-26-12.

On the date that Letters issued, 1-26-12, the Court set this status hearing for filing of proof of blocked account. Notice was mailed to Attorney Flanigan.

Status Report filed 2-24-12 by Attorney Flanigan states that as of 2-2-12, there have been no deposits because the only asset of the estate is the real property which has not yet been sold. Upon sale, the proceeds will be deposited into a blocked account.

NEEDS/PROBLEMS/COMMENTS:

1. **The status report is not verified by the Administrator pursuant to Probate Code §1021.**

Reviewed by: skc

Reviewed on: 3-1-12

Updates:

Recommendation:

File 11 - Freeman

Dept. 303, 9:00 a.m. Monday, March 12, 2012

12 Priscilla Wiggins (Med Treat) **Case No. 12CEPR00131**

Atty Halkousis Coyle, Sylvia (for Petitioner Community Regional Medical Center)

Atty Teixeira, J. Stanley (court appointed for the Patient)

Verified Petition for Authorization of Medical Treatment of Adult Without Conservator (Prob.C. 3200)

Age: 64 years		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	X
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

SANDRA BETENCOURT, on behalf of **COMMUNITY REGIONAL MEDICAL CENTER** ("CRMC") is petitioner.

Petitioner states she is the Care Coordinator (Social Worker) for the 2C Med-Surg Unit of CMRC, the health care facility in which **PRISCILLA WIGGINS**, (the "Patient") is located.

The Patient is an adult person for whom no conservator is currently appointed.

The Patient is in need of medical treatment and is currently an in-patient at CRMC. The Petitioner in consultation with the Patient's physicians recommends the removal of a large uterine sarcoma (cancerous fibroid).

The nature of the medical condition of the Patient which requires medical treatment is: large, painful, ulcerating growth that if left untreated will most likely become septic.

The probable outcome of the above described medical treatment: will relieve Patient's discomfort, prevent death from sepsis, and allow the Patient to be discharged to a facility where she can obtain an appropriate level of care.

The available alternatives to the above medical treatment is: leave the mass, which will continue to ulcerate, eventually become septic, which would continue to prevent her from being safely discharged from Petitioner's acute care facility.

Petitioner states she and numerous other members of the health facility have made numerous efforts to obtain the informed consent of the Patient, but Petitioners cannot obtain the informed consent from the Patient because of Patient's mental health status. Specifically, Patient cannot participate in a decision about the recommended health care due to her ongoing lack of rational thought process as a result of her mental health condition.

Petitioner has been unable to locate any friends or relatives of the Patient to obtain the consent on her behalf.

Please see additional page

NEEDS/PROBLEMS/ COMMENTS:

1. **Need *Notice of Hearing.***
2. **Need proof of personal service of the *Notice of Hearing* along with a copy of the Petition on:**
   a. **Priscialla Wiggins (patient)**

Reviewed by: KT
Reviewed on: 3/1/12
Updates:
Recommendation:
File 12 - Wiggins

12 Priscilla Wiggins (Med Treat) Case No. 12CEPR00131

Petitioner requests that she be appointed to consent on behalf of the Patient for the recommended treatment.

Declaration of Physician in Support of Petition for Authorization of Medical Treatment filed on 2/8/12.

Wherefore, Petitioner requests that the Court enter an order authorizing the Petitioner to consent to the above medical treatment for Priscilla Wiggins.

13A Olivia Quijano (GUARD/E) **Case No. 0584746**

Atty Freitas, Regina (pro per Petitioner/Guardian)

Petition for Termination of Guardianship

Age: 19 years DOB: 12/25/1992		
Cont. from 092711, 110811, 012412		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

REGINA FREITAS, Guardian/mother, is Petitioner.

Father: **GABRIEL QUIJANO** – *deceased.*

Paternal grandfather: Edward Quijano – *consents and waives notice.*
Paternal grandmother: Ines Quijano – *consents and waives notice.*
Maternal grandfather: Robert Maciel – *consents and waives notice.*
Maternal grandmother: Lupe Maciel – *consents and waives notice.*

The minor is now an adult and will be using the funds for her college education.

Petitioner states an investment reversal occurred in Olivia's account due to alleged (by Petitioner) account-churning and inappropriate investment strategies. Petitioner states she brought suit which resulted in approximately $20,000 of Olivia's account being replenished. This occurred in 2005-2006. At all times mentioned, Olivia's investments were made pursuant to advice from account executives with Petitioner's approval. An in-depth accounting was performed during the litigation. Accordingly, Petitioner requests the guardianship be terminated without the need for another accounting.

NEEDS/PROBLEMS/COMMENTS:

Continued from 1/24/12. Minute Order states examiner notes are provided to petitioner. Petitioner is directed to cure the defects.

1. **Need *Notice of Hearing*.**
2. **Need proof of service of the *Notice of Hearing* on:**
   a. **Olivia Quijano (former minor)**

Reviewed by: KT
Reviewed on: 2/29/12
Updates:
Recommendation:
File 13A - Quijano

Dept. 303, 9:00 a.m. Monday, March 12, 2012

13B Olivia Quijano (GUARD/E) **Case No. 0584746**

Atty Freitas, Regina (pro per Guardian/mother)

Status Hearing re: Final Accounting

Age: 19 years DOB: 12/25/1992		
Cont. from 092711, 110811		
	Aff.Sub.Wit.	
	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

REGINA FREITAS, mother, is Guardian of the estate.

Guardian Regina Freitas filed a Petition to Terminate the Guardianship and a Petition for Withdrawal of Funds from Blocked Account.

Petitioner's first account for the account period ending 5/29/1998 showed a property on hand balance of $113,884.53. The petition for termination (page 9A) stated all funds have been held in a blocked account at Merrill-Lynch. The termination petition further stated the current balance of the account is $108,383.75.

On 8/9/11 the Court continued the Petition to Terminate the Guardianship (page 9A), granted the petition to withdraw funds from blocked account, as amended, authorizing withdrawal of $25,000.00 and set this status hearing for the filing of the final account.

NEEDS/PROBLEMS/COMMENTS:

Continued from 1/24/12. Minute Order states examiner notes are provided to petitioner. Petitioner is directed to cure the defects.

1. **Need final account or current status report. – *Declaration re Final Account filed on 11/8/11.*** *Declaration is not in the property format for an accounting. It does not comply with Probate Code §1060. Notice of the Accounting has not been sent as required. Also, the declaration indicates there was a withdrawal in 1999 of $79,516.50 that would need clarification as all funds were ordered into a blocked account.*

Reviewed by: KT
Reviewed on: 2/29/12
Updates:
Recommendation:
File 13B - Quijano

14 Cylis Joe Gilbert (GUARD/P) **Case No. 08CEPR01213**

Atty **Rich-Mount, Sheri (for Guardian/maternal grandmother Van Linge-Schuh, Victoria)**

Atty **Bird, Seth T. (pro per Petitioner/father)**

Petition for Visitation

Age: 5 years		
DOB: 4/22/2006		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

SETH BIRD, father, is petitioner.

VICTORIA VAN LINGE-SCHUH, maternal grandmother was appointed guardian on 9/1/09.

Mother: **CHERISSE GILBERT**

Paternal grandfather: Kenneth Bird
Paternal grandmother: Kimberly Bird
Maternal grandfather: Keith Gilbert

Petitioner states he is the father of the minor. Petitioner is requesting visitation with his son. Petitioner states he lives in a two bedroom apartment with his fiancée and 13 month old daughter. The minor has his own bedroom, a bed and a bunch of belongings at his home. Petitioner requests a minimum of two days and one night per week. Petitioner would like to pick the minor up from school on Friday afternoon and return him on Saturday at 6:00 p.m. Father states he is willing to have more visitation if the court will allow it. Petitioner states he believes the visits will help toward terminating the guardianship in the near future.

NEEDS/PROBLEMS/COMMENTS:

<u>Continued to 3/27/12</u> at the request of the petitioner.

1. **Need *Notice of Hearing.***
2. **Need proof of service of the *Notice of Hearing* on:**
   a. **Victoria Van Linge-Schuh (guardian/maternal grandmother)**
   b. **Sheri Rich-Mount attorney for Guardian Victoria Van Linge-Schuh.**
   c. **Kimberly Bird (paternal grandmother/person with a current visitation order)**
   d. **Cherisse Gilbert (mother)**
   e. **Kenneth Bird (paternal grandfather)**
   f. **Keith Gilbert (maternal grandfather)**

Reviewed by: KT
Reviewed on: 3/1/12
Updates:
Recommendation:
File 14 - Gilbert

15 Anthony Perez & Bobby Gray (GUARD/P) **Case No. 11CEPR00661**

Atty Ruiz, Francisco (pro per Petitioner)
Atty Ruiz, Rebecca (pro per Petitioner)

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

Anthony age: 9 months
DOB: 5/27/11

Bobby age: 1 ½ years
DOB: 6/29/10

Cont. from 091911, 121211

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

TEMPORARY EXPIRES 3/12/12

FRANCISCO RUIZ and **REBECCA RUIZ,** maternal uncle and aunt, are Petitioners.

Father: **ROY PEREZ –** *personally present in court on 9/11/11. .*
Mother: **ASHLEY GRAY** – *consents and waives notice*

Paternal grandfather: Not Listed – *notice dispensed with per minute order dated 12/12/11.*
Paternal grandmother: Not Listed - *notice dispensed with per minute order dated 12/12/11.*

Maternal grandfather: Not Listed
Maternal grandmother: Josie Gray – *consents and waives notice.*

Petitioners state that parents are on drugs and there is domestic violence between them. Anthony was born premature and Petitioners have been caring for him since birth. CPS placed the children with petitioners on 07/05/11.

Court Investigator Julie Negrete's Report filed on 9/12/11.

NEEDS/PROBLEMS/COMMENTS:

Continued from 12/12/11.

1. **Need *Notice of Hearing.***
2. **Need proof of service at least 15 days before the hearing of *Notice of Hearing* with a copy of the *Petition* <u>or</u> Consent and Waiver of Notice:**
   a. **Maternal grandfather**
3. ***Confidential Screening Forms* list the same SSN for both Petitioners and is missing Driver License information for either Petitioner.**

Reviewed by: KT
Reviewed on: 2/29/12
Updates:
Recommendation:
File 15 – Perez & Gray

Dept. 303, 9:00 a.m. Monday, March 12, 2012

16 Destyni McCorvey (GUARD/P) Case No. 12CEPR00034

Atty Hickson, Linda (pro per Petitioner/maternal grandmother)
Atty Compango, Latonda (pro per Objector/mother)

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

Age: 12 years DOB: 7/11/1999		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	W/O
	Aff.Pub.	
	Sp.Ntc.	
✓	Pers.Serv.	W/O
✓	Conf. Screen	
✓	Letters	
✓	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	X
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

LINDA HICKSON, maternal grandmother, is petitioner.

Father: **JOHN McCORVEY**

Mother: **LATONDA COMPAGNO** – *personally served on 1/13/12.*

Paternal grandfather: Not listed
Paternal grandmother: Not listed
Maternal grandfather: Curtis Harper

Petitioner states mom has started using drugs and stealing. Mom is in a domestic violence relationship and Petitioner fears for the safety of the minor.

Objections of mother, Latonda Harper-Compagno filed on 1/19/12 states Linda Hickson will not provide a safe, stable environment for the minor. Ms. Harper-Compagno states she was removed from her for child abuse in Monterey County. Ms. Harper-Compagno states Ms. Hickson is in the process of losing physical custody of her physically challenged daughter.

NEEDS/PROBLEMS/COMMENTS:

1. **Need proof of personal service of the *Notice of Hearing* along with a copy of the *Petition* or *Consent and Waiver of Notice* or Declaration of Due Diligence on:**
   a. **John McCorvey (father) – *proof of service by mail filed on 1/17/12. Probate Code §1511 requires personal service on the father.***
2. **Proof of personal service of the *Notice of Hearing* on Destyni McCorvey (minor) and proof of service by mail on John McCorvey (father) and Curtis Harper (paternal grandfather) do not include the name and address of the person serving the documents and it does not indicate that the *Notice of Hearing* was served with a copy of the petition as required.**
3. **Need proof of service of the Notice of Hearing along with a copy of the petition or consent and waiver of notice or declaration of due diligence on:**
   a. **Paternal grandparents**

Note:

Pursuant to the UCCJEA the minor lives with her mother in Fresno.

Petitioner is a resident of Los Banos.

Court Investigator Jennifer Young to provide:

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

Reviewed by: KT
Reviewed on: 3/1/12
Updates:
Recommendation:
File 16 – McCorvey

Dept. 303, 9:00 a.m. Monday, March 12, 2012

17 Kayue Perez (GUARD/P) **Case No. 12CEPR00047**

Atty Lindsey, Mary Ann (pro per – paternal grandmother/Petitioner)

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

Age: 4 months		
DOB: 10/16/11		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	x
	Aff.Mail	x
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	n/a
✓	**Conf. Screen**	
✓	**Letters**	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	x
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

TEMPORARY EXPIRES 03/12/12

MARY ANN LINDSEY, paternal grandmother, is petitioner.

Father: **JOHNATHAN LINDSEY** – *court dispensed with notice on 01/25/12*

Mother: **CRISTAL PEREZ** – *consents and waives notice.*

Paternal grandfather: FRANK LINDSEY
Maternal grandparents: NOT LISTED

Petitioner states that the mother gave up her parental rights to her at the hospital. The mother is on drugs, unstable and not capable of providing for Kayue. Petitioner states that she lives Kayue very much and wants guardianship of him. Petitioner states that the mother has 6 other children that live with various people, she does not care for any of them.

Court Investigator Jennifer Daniel's report was filed – NEED REPORT.

NEEDS/PROBLEMS/COMMENTS:

1. **Need *Notice of Hearing.***
2. **Need proof of service by mail at least 15 days before the hearing of *Notice of Hearing* with a copy of the *Petition for Appointment of Guardian of the Person* or Consent and Waiver of Notice or Declaration of Due Diligence for:**
   - Frank Lindsey (paternal grandfather)
   - Maternal grandparents
3. **UCCJEA is incomplete. It must state the dates, address and with whom the child has resided since birth.**
4. **Need CI report and clearances – CI to provide.**

Note: Petition contains conflicting information. Petitioner lists herself and a non-relative friend and also as the paternal grandmother. Petition also lists Johnathan Lindsey as the father but the Declaration of Due Diligence filed on 1/12/12 lists the father as unknown. Need clarification of Petitioner's relationship to the minor and of the identity of the minor's father.

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

Dept. 303, 9:00 a.m. Monday, March 12, 2012

18 Maricella Isabella Becerra (GUARD/P) **Case No. 12CEPR00192**

Atty Soto, Dianna Blanco (Pro Per – Non-Relative – Petitioner)

Petition for Appointment of Temporary Guardian of the Person (Prob. C. 2250)

Age: 9 months		
DOB: 6-7-11		
	Aff.Sub.Wit.	
✔	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	X
✔	**Conf. Screen**	
✔	**Letters**	
✔	**Duties/Supp**	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✔	**Order**	
	Aff. Posting	
	Status Rpt	
✔	**UCCJEA**	
	Citation	
	FTB Notice	

GENERAL HEARING 4-30-12

DIANNA BLANCO SOTO, Non-Relative (friend of Mother), is Petitioner.

Father: **UNKNOWN**
Mother: **KATHY GARVER**
- *Nomination of Guardian and Consent and Waiver of Notice filed 2-27-12*

Paternal Grandfather: *Not listed*
Paternal Grandmother: *Not listed*
Maternal Grandfather: *Not listed*
Maternal Grandmother: *Not listed*

Petitioner states the child has been in her care since birth and knows her as "mama." The adoption process has started but is not complete. Petitioner and the biological mother both think it is in the child's best interest for guardianship to be in place until the adoption process is complete.

NEEDS/PROBLEMS/COMMENTS:

1. **Petitioner states the father is unknown, but does not provide any further information or diligence to identify or locate him.**

   If notice is not excused, need proof of service of Notice of Hearing with a copy of the Temporary Petition at least five Court days prior to the hearing per Probate Code §2250(e) or consent and waiver of notice or declaration of due diligence on the father.

Reviewed by: skc
Reviewed on: 3-1-12
Updates:
Recommendation:
File 18 - Becerra

Dept. 303, 9:00 a.m. Monday, March 12, 2012

Pro Per Guzman-Fiel, Cenaida (Pro Per Petitioner, step-mother)

Petition for Appointment of Temporary Guardian of the Person (Prob. C. 2250)

Age: 15 years		
DOB: 10/18/1996		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	X
✓	Conf. Screen	
	Aff. Posting	
✓	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
✓	Letters	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

General Hearing set for 4/30/2012

CENAIDA GUZMAN-FIEL, step-mother, is Petitioner.

Father: **SALVADOR M. FIEL**

Mother: **CHRISTINA ELENA FIEL**, *deceased (1997);*

Proposed ward consents and waives notice.

Paternal grandfather: Roberto Fiel; *deceased;*
Paternal grandmother: Isabel Fiel; *deceased;*

Maternal grandfather: Unknown
Maternal grandmother: Maria Estrada

Petitioner states it has become necessary that she obtain guardianship of her step-daughter as the Petitioner and the child's father were together for 15 ½ years until they separated in February 2011, and at that time the child's father left Fresno and made no provisions for support of Isabel, nor for her older sister and her younger half-sister (Petitioner's and the father's child.) Petitioner states the father made no contact with the child for eight months after leaving for Lemon Grove, he provided no financial support for the child, and he has failed to respond to the pending petition for dissolution action which she filed (11CEFL04775), and for which she awaits an entry of judgment. Petitioner states the father abandoned her and the children, stating that he has no interest in returning to Fresno and does not care if the child remains in her care. Petitioner states a temporary guardianship is necessary so that if the situation arises, she is able to approve the need for medical attention and to make decisions about the child's education while she is still a minor.

Petitioner requests to be excused from giving notice to the father because he abandoned the child by leaving Fresno without any provisions for support for her.

NEEDS/PROBLEMS/COMMENTS:

1. **Need *Notice of Hearing* and proof of five (5) court days' notice by personal service of the *Notice of Hearing* and a copy of the *Petition for Appointment of Temporary Guardian*, or *Consent to Appointment of Guardian and Waiver of Notice*, or a *Declaration of Due Diligence* for:**
   - **Salvador M. Fiel, father, *if Court does not excuse notice to him as requested.***

Reviewed by: LEG
Reviewed on: 3/1/12
Updates:
Recommendation:
File 19 – Fiel

Dept. 303, 9:00 a.m. Monday, March 12, 2012

20 Dorothy C. McClure (CONS/PE) **Case No. 12CEPR00191**

Atty Franco, Paul C. (for Petitioner Linda Dunn)

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

Age: 94 years		
DOB: 5/28/1917		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	X
✓	Conf. Screen	
✓	Letters	
	Duties/Supp	X
	Objections	
	Video Receipt	
✓	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

GENERAL HEARING 4/3/12

LINDA DUNN, daughter, is petitioner and requests appointment as temporary conservator of the person and of the estate without bond.

Estimated value of the estate:

Personal property-	$ 1,120.00
Social Security-	$13,416.00
Total -	**$14,536.00**

Petitioner states a temporary conservatorship is necessary in order to maintain both the payment to and residence of the proposed conservatee at Golden Living Center. The proposed conservatee is diagnosed with dementia, and requires unique and special needs.

Petition requests medical consent and dementia powers for the administration of dementia medications and placement in a secured perimeter facility.

Court Investigator Charlotte Bien's Report filed on 2/29/12

NEEDS/PROBLEMS/COMMENTS:

Court Investigator Advised Rights on 2/28/12.

1. **Need *Duties of Conservator***
2. **Need *Notice of Hearing***
3. **Need proof of personal service of the *Notice of Hearing* along with a copy of the Petition on:**
   a. **Dorothy McClure (proposed conservatee)**
4. **Need proof of service of the *Notice of Hearing* along with a copy of the Petition on:**
   a. **Steven Dunn (grandson)**
   b. **Nancy Dunn (granddaughter)**
   c. **Michele Crastes (granddaughter)**
   d. **Sean Moore (grandson)**
   e. **Ruth Edland (sister)**
5. **Petition requests medical consent and dementia powers. These powers are not generally granted at the temporary hearing absent exigent circumstances. Petition does not provide any current emergency necessitating the granting of medical consent and dementia powers.**

Reviewed by: KT
Reviewed on: 3/1/12
Updates:
Recommendation:
File 20 - McClure

Dept. 303, 9:00 a.m. Monday, March 12, 2012