

DOD: 04/04/12		<p>SONIA MARQUES SAMAJA, surviving spouse, is Petitioner.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><u>CONTINUED TO 04/11/13</u> Per request of Counsel</p>	
		<p>No other proceedings.</p>	<ol style="list-style-type: none"> The Petition is not marked at item 5(a)(2) regarding issue of a predeceased child. Petitioner states at 4c that a copy of the will is attached. However, the attachment appears to be a typed translation that is not certified. Need copy of will pursuant to Probate Code § 13651 (b) plus certified translation pursuant to § 8002(b)(2). Note: Although this is a summary proceeding, an order under this section necessarily includes a determination as to the validity of the will, even if it is not technically admitted to probate. See commentary under § 13151. Petitioner states that, under Brazilian law, the property seeking to be passed with this Petition was community property. However, this petition was filed as a summary proceeding under California law, which provides for the passing of assets to the proper heirs under California law only. The request for judicial notice of Brazilian law does not specifically request that this Court pass the property pursuant to Brazilian law instead of California law, but appears to argue that this is the case. If this is the case, need authority. The Petitioner does not provide sufficient facts to determine whether the property is community property under California law. Need further details (when were Petitioner and Decedent married, when and how was the property acquired, etc.) The Petitioner states that the decedent's children have all filed Disclaimers of Interest, disclaiming their interest in the Decedent's property (copies attached). If the property can be determined to pass to Petitioner under this section, upon the providing of pertinent information as requested above, then such disclaimers are unnecessary. If, however, it is determined that the decedent's children are entitled to shares, but are disclaiming them, there is no provision under this section, or any summary procedure, for disclaimers of interest. Summary proceedings provide for the passing of assets to the proper heirs under California law only. Further, pursuant to Probate Code § 282, disclaimers have the effect as if the person disclaiming interest predeceased the decedent. Petitioner does not state whether the three children disclaiming interest in the property have issue. 	
Cont. from		<p>Will dated 05/04/05 (copy not provided)</p>		
<input type="checkbox"/>	Aff.Sub.Wit.	<p>Petitioner states that she and the decedent were married in Brazil and their assets consist entirely of community property.</p> <p>Petitioner requests that the Court take judicial notice that under the Brazilian law of community property, all assets owned by spouses belong to both of them, regardless of the origin or whether they were acquired before or after marriage under the "Brazilian community property ruling." Both spouses are treated as joint holders of those assets, which are considered indivisible. (Article 1667 of the Brazilian Civil Code.) Article 1829 of the Brazilian Civil Code provides that if one of the spouses dies, the decedent's assets are apportioned 50% to the surviving spouse and 50% to the children. If the children waive their right to the 50% share, these assets will fully accrue to the surviving spouse.</p> <p>Petitioner states that the Decedent's three children have each disclaimed their interest in Decedent's property and that under Brazilian law, his assets would accrue in their entirety to Petitioner as the surviving spouse.</p> <p>Petitioner requests Court confirmation that ½ interest in 52 horses, including some unborn belongs to her and that ½ interest in 52 horses, including some unborn passes to her.</p>		
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail		w/	
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting		Reviewed by: JF	
<input type="checkbox"/>	Status Rpt		Reviewed on: 03/08/13	
<input type="checkbox"/>	UCCJEA		Updates: 03/12/13	
<input type="checkbox"/>	Citation		Recommendation:	
<input type="checkbox"/>	FTB Notice		File 1 - Samaja	

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

DOD: 01/24/13		<p>ANTOINE E. HOMSI, nephew/named Executor without bond, is Petitioner.</p> <p>Full IAEA – OK</p> <p>Will dated 02/24/10 and Codicil dated 09/18/12</p> <p>Residence: Fresno Publication: The Business Journal</p> <p>Estimated Value of the Estate: Personal property - \$ 7,500.00 Real property - 155,000.00 Total - \$162,500.00</p> <p>Probate Referee: STEVEN DIEBERT</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Friday, 08/09/13 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Friday, 05/09/14 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <p>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.</p>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit. s/p		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail w/		
<input checked="" type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: JF</p> <p>Reviewed on: 03/07/13</p> <p>Updates:</p> <p>Recommendation: SUBMITTED</p> <p>File 2 - Kalebjian</p>	

Pro Per Lovejoy, Raymond (Pro Per Petitioner)

(1) Final Account and Report [on Waiver of Account] and (2) Petition for Final Distribution

DOD: 7/13/2011		RAYMOND LOVEJOY, son and Executor, is Petitioner.		NEEDS/PROBLEMS/COMMENTS:	
				Continued from 1/16/2013. Minute Order dated 1/16/2013 states examiner notes are provided to the Petitioner. The Petitioner is directed to cure the defects. Matter continued to 3/13/2013. The Court directs the court examiner to examine the Will with respect to the signature.	
		Accounting is waived? (need waivers of account)		The following issues from the last hearing remain:	
Cont. from 011613				1. Need signed <i>Waiver of Accounting</i> from the following devisees:	
	Aff.Sub.Wit.			<ul style="list-style-type: none"> William Lovejoy, son; John Lovejoy, son. 	
✓	Verified			2. <i>Petition</i> does not contain a statement regarding whether notice has been sent to the Franchise Tax Board as required pursuant to Probate Code 9202(c)(1) for estates in which <i>Letters</i> were issued 7/1/2008 or after, and Court records contain no proof of service of such notice. Need proof of mailed service to the Franchise Tax Board pursuant to Probate Code § 9202(c)(1).	
✓	Inventory	I & A	—	\$215,650.00	Note: Issue #2 raised above still remains to be addressed, as the <i>Supplement to Final Account and Report and Petition for Final Distribution</i> filed by Petitioner on 2/6/2013 does not satisfactorily address the requirement that notice shall be sent to the Franchise Tax Board in all estates in which <i>Letters</i> have been issued on or after 7/1/2008, pursuant to Probate Code § 9202(c).
✓	PTC	POH	—	\$215,650.00	
✓	Not.Cred.				
✓	Notice of Hrg	Executor	—	waives	
✓	Aff.Mail				
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.				
	Conf. Screen				
	Letters			101311	
	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
✓	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
	UCCJEA				
	Citation				
	FTB Notice				X
		Distribution pursuant to Decedent's Will is to:			
		<ul style="list-style-type: none"> RAYMOND LOVEJOY – dresser, costume jewelry and entire interest in real property; RUTH ANN HARDY – bed and costume jewelry; LINDA WHITE – costume jewelry and Betty Boop items; WILLIAM LOVEJOY – costume jewelry and Betty Boop items; SALLY LOVEJOY – costume jewelry and Betty Boop items; JOHN LOVEJOY – costume jewelry and Betty Boop items. 			
				Reviewed by: LEG	
				Reviewed on: 3/6/13	
				Updates:	
				Recommendation:	
				File 3 – Lovejoy	

Amended Petition for Probate of Will and for Letters Testamentary

DOD: 11/18/12	JOANN FRIEDWALD , daughter, is Petitioner and requests appointment as Executor without bond.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED TO 04/08/13</u> Per Petitioner's request</p> <ol style="list-style-type: none"> The Petition is marked at item 3(d)(2) stating that all beneficiaries are adults and have waived bond, however no waivers are attached to the Petition. Note: If the Will states that bond is not required, then item 3(d)(1) of the Petition should be marked and no waivers are needed. Petitioner is requesting appointment as Executor; however, no copy of the Will is attached to the petition, therefore the Examiner is unable to determine whether Petitioner was nominated as Executor. Need copy of the Will. Note: The original Will was deposited with the Court, however deposit of the original Will does not excuse the need for a copy of the will being attached to the Petition. Either Item 5(a)(7) or 5(a)(8) should be checked regarding issue of a predeceased child. Need <i>Notice of Petition to Administer Estate</i> and Proof of Service by mail at least 15 days before the hearing to any and all persons who should be named in Item 8 of the Petition. Publication does not include that the Petitioner is requesting Full Authority under the Independent Administration of Estates Act (IAEA). Need revised publication if Full IAEA is to be granted. <p>Note: The court may require bond if the proposed personal representative resides outside California or for other good cause, even if the will waives bond, pursuant to California Rules of Court 7.201(b) and Probate Code 8571.</p>	
Cont. from 021913	Petitioner is a resident of Wasilla, Alaska.		
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory	Full IAEA – NEED not published for		
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.	Will dated ??? – NEED copy of Will attached to Petition		
<input type="checkbox"/> Notice of Hrg	x		
<input type="checkbox"/> Aff.Mail	x		
<input checked="" type="checkbox"/> Aff.Pub.	Residence: Fresno Publication: The Fresno Bee		
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.	Estimated Value of the Estate: Personal property - \$150,000.00		
<input type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters	Probate Referee: RICK SMITH		
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections	Note: If the petition is granted status hearings will be set as follows:		
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order	<ul style="list-style-type: none"> • Friday, 04/26/13 at 9:00a.m. in Dept. 303 for filing of the bond (if necessary) and • Friday, 07/26/13 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Friday, 04/25/14 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <p>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.</p>		
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
			Reviewed by: JF
			Reviewed on: 03/06/13
		Updates:	
		Recommendation:	
		File 4 – Friedwald	

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

Age: 18		<u>NO TEMPORARY REQUESTED</u>		NEEDS/PROBLEMS/COMMENTS:	
		DIANA GARDUQUE , mother, is Petitioner and requests appointment as Conservator of the Person with Medical Consent powers.		Voting rights affected. Need minute order.	
		Declaration of Lydia Favor, M.D. –		Court Investigator advised rights on 01/15/13.	
Cont. from 013013		NEED COMPLETED DECLARATION		<u>CONTINUED FROM 01/30/13</u>	
	Aff.Sub.Wit.		<p>Voting rights affected.</p> <p>Petitioner states that the proposed conservatee was born with a seizure disorder and developmental delays and needs constant care. Conservatorship is necessary in order to make decisions on the conservatee's behalf.</p> <p>Court Investigator Jennifer Young filed a report on 01/22/13.</p>	As of 03/06/13, nothing further has been filed in this matter and the following problems remain:	
✓	Verified			<ol style="list-style-type: none"> The Capacity Declaration filed 12/07/12 is incomplete. Need completed capacity declaration. The Petition is incomplete at item 11. The names, residence addresses, and relationships to the proposed conservatee of all second degree relatives (parents, grandparents, children, grandchildren, and siblings) are to be listed. Need Citation and proof of personal service at least 15 days before the hearing of the <i>Citation</i> along with a <i>Notice of Hearing</i> and copy of the <i>Petition for Appointment of Probate Conservator</i> on the proposed conservatee. Need Notice of Hearing. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Probate Conservator</i> <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: <ul style="list-style-type: none"> All second degree relatives (to be listed in item 11 of the Petition) Need Order. 	
	Inventory				
	PTC				
	Not.Cred.				
	Notice of Hrg	x			
	Aff.Mail	x			
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.	x			
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
✓	Video Receipt				
✓	CI Report				
	9202				
	Order	x			
	Aff. Posting				
	Status Rpt				
	UCCJEA				
	Citation	x			
	FTB Notice				
				Reviewed by: JF	
				Reviewed on: 03/06/13	
				Updates:	
				Recommendation:	
				File 5 - Garduque	

Age: 1		TEMPORARY EXPIRES 03/13/2013		NEEDS/PROBLEMS/COMMENTS:	
		<p>TONYA MARIE GOMEZ, paternal grandmother, is petitioner.</p>		<p>1. Proof of personal service of Notice of Hearing on Petition for Guardianship filed 02/22/2013 showing service on Alonso Soto Leal, paternal grandfather, and Yolanda Martinez, maternal grandmother, indicates a service date of 02/06/2012. Please provide a corrected proof of service.</p> <p>2. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice for:</p> <ul style="list-style-type: none"> Robert Nigglet Harris (Maternal Grandfather) – Unless the Court dispenses with notice. <p>Notice: Declaration of Due Diligence filed 01/11/2013 states the mother, Raquel Brittany Harris, last saw her father twelve years ago and does not know of his whereabouts.</p>	
Cont. from		<p>Father: ALFONSO JOSEPH LEAL, Consents and Waives Notice</p>			
	Aff.Sub.Wit.				
✓	Verified				
	Inventory				
	PTC				
	Not.Cred.				
✓	Notice of Hrg				
	Aff.Mail		x		
	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				
		<p>Mother: RAQUEL BRITTANY HARRIS, Consents and Waives Notice</p>			
		<p>Paternal Grandfather: Alfonso Soto Leal, personally served on 02/06/2012</p>			
		<p>Maternal Grandfather: Robert Nigglet Harris, Declaration of Due Diligence filed 01/11/2013</p>			
		<p>Maternal Grandmother: Yolanda Martinez, personally served 02/06/2012</p>			
		<p>Petitioner states: the child has resided with her and the father since the child's birth. The child's parents are 15 and 16 years old and the petitioner believes they are very young. The petitioner wishes to allow the mother visits with the child but is seeking guardianship to ensure that the child is returned to her care.</p>			
		<p>Court Investigator Jennifer Young's report filed 03/06/2013.</p>			
		<p>Reviewed by: LV</p>			
		<p>Reviewed on: 03/07/2013</p>			
		<p>Updates:</p>			
		<p>Recommendation:</p>			
		<p>File 6 - Leal</p>			

Petition for Appointment of Temporary Guardianship of the Person

Age: 2		GENERAL HEARING 04/30/2013		NEEDS/PROBLEMS/COMMENTS:	
		SHEILA MORENO , cousin, is petitioner.		1. Page #4 of the Guardianship Petition –Child Information Attachment was not completed. Need a Declaration with page #4 attached.	
		Father: JOHNNY TORRES , consents and waives notice		2. Page #5 of the Guardianship Petition –Child Information Attachment was not completed. This page pertains to whether the child has any known Indian Ancestry. Need a Declaration with page #5 attached.	
Cont. from		Mother: CHARLENE CROWLY , consents and waives notice			
	Aff.Sub.Wit.				
✓	Verified	Paternal Grandparents: Unknown			
	Inventory	Maternal Grandfather: Unknown			
	PTC	Maternal Grandmother: Selena Black			
	Not.Cred.				
	Notice of Hrg	n/a			
	Aff.Mail				
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.	n/a	Petitioner states: the mother cannot take care of the child. Petitioner alleges that the mother has a severe alcohol problem. Petitioner has had the child since she was 8-10 months old. Petitioner alleges that the on 02/26/2013 the minor's sibling was removed from the home by CPS.		
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
✓	UCCJEA				
	Citation				
	FTB Notice				
				Reviewed by: LV	
				Reviewed on: 03/08/2013	
				Updates:	
				Recommendation:	
				File 7 - Torres	

Age: 5		<u>GENERAL HEARING 05/01/2013</u>		NEEDS/PROBLEMS/COMMENTS:	
		CHARLOTTE ASHLEY , paternal grandmother, is petitioner.		1. Need Notice of Hearing.	
Cont. from		Father: JERMAINE WILLIAMS		2. Need proof of personal service five (5) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:	
<input type="checkbox"/>	Aff.Sub.Wit.			<ul style="list-style-type: none"> • Jermaine Williams (Father) • Lejeana Ramsey (Mother) 	
<input type="checkbox"/>	Verified	Mother: LEJEANA RAMSEY		3. UCCJEA does not provide the child's residence for the past five years as required.	
<input checked="" type="checkbox"/>	Inventory	Paternal Grandfather: Jhonin Williams			
<input type="checkbox"/>	PTC				
<input type="checkbox"/>	Not.Cred.	Maternal Grandfather: Mark Ramsey			
<input type="checkbox"/>	Notice of Hrg	Maternal Grandmother: Denise Ramsey			
<input type="checkbox"/>	Aff.Mail	<p>Petitioner states: The child has been residing with the petitioner for the past year. Petitioner alleges that the child does not get the care from his mother he needs. The father is prison. Petitioner alleges that on 02/01 the mother grabbed the child out of the car and wanted to the fight the petitioner. 911 was called and a report was made.</p>			
<input type="checkbox"/>	Aff.Pub.				
<input type="checkbox"/>	Sp.Ntc.				
<input type="checkbox"/>	Pers.Serv.			x	
<input checked="" type="checkbox"/>	Conf. Screen				
<input checked="" type="checkbox"/>	Letters				
<input checked="" type="checkbox"/>	Duties/Supp				
<input type="checkbox"/>	Objections				
<input type="checkbox"/>	Video Receipt				
<input type="checkbox"/>	CI Report				
<input type="checkbox"/>	9202			Reviewed by: LV	
<input checked="" type="checkbox"/>	Order			Reviewed on: 03/08/2013	
<input type="checkbox"/>	Aff. Posting			Updates:	
<input type="checkbox"/>	Status Rpt			Recommendation:	
<input checked="" type="checkbox"/>	UCCJEA			File 8 –Williams	
<input type="checkbox"/>	Citation				
<input type="checkbox"/>	FTB Notice				