1A Juventino Banda-Nieto (Estate) Case No. 05CEPR00806

Atty Alabart, Javier A. (for Petitioners Alfredo Banda Arriaga and Remedios Nieto Rodriguez, parents)
Atty Ruiz, Eddie (co-counsel by association for Petitioners Alfredo Banda Arriaga and Remedios Nieto Rodriguez, parents)
Atty Fanucchi, Edward L. (for Maria Luisa Sanchez, Respondent, purported spouse)
Atty Kruthers, Heather H. (for Public Administrator, Administrator of the Estate)
Atty Williams, Robert; Perez, Holley, of Perez, Williams & Medina (*Request for Special Notice* filed 11/17/2009)

Hearing on the Amended First and Final Account and Report of Administrator and Petition for Allowance of Ordinary and Extraordinary Commissions and Fees (Probate Code § 9202, 10800, 10810, 10951 and 11600)

DOD: 5/14/2004

Cont. from 022812

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

PUBLIC ADMINISTRATOR, Administrator, is Petitioner.

Account period: 9/23/2005 – 1/12/2012

Accounting - **$214,903.66**
Beginning POH - **$203,823.43**
Ending POH - **$109,346.53** *(all cash)*

Administrator - **$2,500.00**
(amount requested is per the statement during the parties' negotiations of the exact fee request amounts that would be made by the attorney and administrator;)

Attorney - **$7,131.87**
(less than $7,298.07statutory; amount requested is per the statement during the parties' negotiations of the exact fee request amounts that would be made by the attorney and administrator;)

Attorney XO - **$6,030.00**
(per Itemization attached as Exhibit B for 40.2 hours @ 150.00/hour; for accounting of receipts from holder of funds prior to Decedent's death, addressing questions of law and fact regarding these and Mexican proceedings, and facilitating negotiations between the parties;)

Costs - **$758.00**
(filing fees and certified copies)

Bond fee - **$3,223.56** (o.k.)

~Please see additional page~

NEEDS/PROBLEMS/COMMENTS:

CONTINUED TO 4/17/2012

Per *Order Granting Stipulation to Move Hearings on Public [Administrator's] Amended First and Final Account, and Motion to Have Admissions Deemed Admitted*, which finds that these hearings are moved from 3/15/2012 to 4/17/2012 at 10:30 a.m. in Department 303.

Page 1B is the *Motion to Have Admissions Deemed Admitted and for Monetary Sanctions* filed by the Petitioners.

Continued from 2/28/2012. *Minute Order* states Ms. Kruthers advises the Court that she will be filing an accounting. The Court directs the Clerk's Office to set the hearing on the accounting for 3/15/2012 once it is filed.

Reviewed by: LEG
Reviewed on: 3/5/12
Updates: 3/9/12
Recommendation:
File 1A – Banda-Nieto

Dept. 303, 9:00 a.m. Thursday, March 15, 2012

Petitioner states:

- It was agreed among the parties, attorneys and the Court that the Public Administrator would file his final account and hold the remaining funds, after payment of commissions and fees, until the matter of who is entitled to receive distribution is resolved; thus, the estate is not in a condition to be closed as the heirs, devisees and/or legatees of the Decedent entitled to final distribution of the estate have not been determined;

- The two issues that have prevented closure of the estate administration are: the persons entitled to distribution of the estate, and the sufficiency of the amount of estate assets; a brief summary of the status of these issues is as follows:
    - Decedent's 1997 California Will admitted to probate for administration on 3/27/2006 identified Decedent's parents **ALFREDO BANDA ARRIAGA and REMEDIOS NIETO RODRIGUEZ** (now represented by Attorney Javier A. Alabart) as the only beneficiaries of Decedent's estate;
    - A woman named **MARIA LUISA SANCHEZ** (represented by Attorney Edward L. Fanucchi) is asserting that she is the rightful heir of the Decedent entitled to distribution of the entire estate of Decedent; this issue has not yet been resolved;
    - The source of the Decedent's estate assets is the Decedent's Workers' Compensation benefits, which were received as part of a settlement in the 1997 Workers' Compensation Appeals Board (WCAB) case FRE 01150566 that included settlement of a third-party case by way of a *Third-Party Compromise and Release* approved by Workers' Compensation Judge George J. Perlingieri; specifically, the assets of the Decedent's estate belonging to the Decedent at the time of Decedent's death consist of the amount remaining from that settlement after distributions made to the Decedent or for his benefit;
    - At the time of Decedent's death, the remaining settlement funds were held in trust by Attorney Robert F. Perez and the law firm of Perez, Makasian, Williams & Medina ("The Perez Law Firm") at the direction of Judge George J. Perlingieri;
    - A dispute arose as to whether the amount delivered to the Public Administrator after the Decedent's death by Attorney Robert F. Perez and The Perez Law Firm was the accurate amount remaining from the WCAB case settlement;
    - Ms. Sanchez and Attorney Fanucchi contended that there should have been substantially more settlement proceeds remaining; the Public Administrator's attorney conducted an extensive review of the initial WCAB settlement amount and the distributions made therefrom in an effort to resolve this issue; after receipt of numerous documents and discussion with The Perez Law Firm, the attorney was able to confirm that all proceeds were accounted for;
    - Because Attorney Fanucchi was still questioning the amount, the Court ordered attorneys Kruthers, Perez and Fanucchi to meet; at that meeting, after reviewing the forensic accounting results and supporting documentation, attorney Fanucchi indicated that although he needed to report back to his client [Ms. Sanchez], he was satisfied that all of the settlement funds had been accurately accounted for; subsequently, Attorney Fanucchi noted in Court that his client agreed that all funds had been property accounted for;
    - Neither Attorney Alabart nor his clients have ever objected, contested or disputed that the amount turned over by Attorney Robert Perez and The Perez Law Firm was the accurate amount remaining from the WCAB case settlement proceeds.

~Please see additional page~

Petitioner states, continued:

- A preliminary distribution of the estate in the amount of **$103,000.00** was made to Attorney Fanucchi on behalf of his client, Maria Luisa Sanchez, pursuant to Court order dated 11/5/2007; the *Receipt of Distribution* signed by Attorney Fanucchi was filed with the Court on 12/12/2007;
- After payment of commissions, fees and costs in the amount of **$19,643.43**, there will be **$89,703.10** to distribute upon further Court order.

Petitioner prays for an Order:

1. Settling, allowing and approving the First and Final Account and confirming and approving all acts and proceedings of the Petitioner as Administrator;
2. That pursuant to the specific agreement and acceptance by Attorney Fanucchi and his client, Maria Luisa Sanchez, and there being no objection by Attorney Alabart and his clients, Alfredo Banda Arriaga and Remedios Nieto Rodriguez, the amount of the funds delivered to the Public Administrator by The Perez Law Firm is accepted as the correctly accounted for amount remaining from the Decedent's 1997 Workers' Compensation Case FRE 01150566 and third-party settlement proceeds subject to probate administration with no further action to be pursued regarding this issue;
3. Authorizing Petitioner to pay the statutory compensation to Petitioner, and statutory fees and extraordinary legal fees to Petitioner's attorney; and
4. Authorizing Petitioner to pay from the estate the bond fee and the costs advanced.

1B Juventino Banda-Nieto (Estate) **Case No. 05CEPR00806**

Atty Alabart, Javier A. (for Petitioners Alfredo Banda Arriaga and Remedios Nieto Rodriguez, parents)
Atty Ruiz, Eddie (co-counsel by association for Petitioners Alfredo Banda Arriaga and Remedios Nieto Rodriguez, parents)
Atty Fanucchi, Edward L. (for Maria Luisa Sanchez, Respondent, purported spouse)
Atty Kruthers, Heather H. (for Public Administrator, Administrator of the Estate)
Atty Williams, Robert; Perez, Holley, of Perez, Williams & Medina (*Request for Special Notice* filed 11/17/2009)

Notice of Motion and Motion to Have Admissions Deemed Admitted and for Monetary Sanctions

DOD: 5/14/2004		
Cont. from 022812		
	Aff.Sub.Wit.	
	Verified	
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	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

ALFREDO BANDA ARRIAGA and REMEDIOS NIETO RODRIGUEZ, parents and Petitioners, filed a *Motion to Have Admissions Deemed Admitted and for Monetary Sanctions* on 1/20/2012.

Declaration of Javier A. Alabart in Support of Motion to Have Admissions Deemed Admitted and for Attorney's Fees and Costs was filed on 1/20/2012.

Memorandum of Points and Authorities in Support of Motion to Have Admissions Deemed Admitted and for Monetary Sanctions was filed on 1/20/2012.

Maria Luisa Sanchez' Opposition to Alfredo Banda Arriaga's Motion to Have Admissions Deemed Admitted and Request for Sanctions was filed on 2/21/2012.

Declaration of Edward L. Fanucchi in Support of Maria Luisa Sanchez' Opposition to Alfredo Banda Arriaga's Motion to Have Admissions Deemed Admitted, etc., was filed on 2/21/2012.

NEEDS/PROBLEMS/COMMENTS:

CONTINUED TO 4/17/2012

Per *Order Granting Stipulation to Move Hearings on Public [Administrator's] Amended First and Final Account, and Motion to Have Admissions Deemed Admitted,* which finds that these hearings are moved from 3/15/2012 to 4/17/2012 at 10:30 a.m. in Department 303.

Continued from 2/28/2012. *Minute Order* states matter continued to 3/15/12 at the request of Mr. Alabart.

Note: Case files are with Research Attorney. Examiner prepared these brief outline notes from Court records of filed documents as of 2/17/2012.

Note for background: *Minute Order* dated 2/15/2012 from the hearing on the *Motion to Compel Further Responses to Form Interrogatories, Set One, and for Sanctions* states the Court deems the date of the verification to be consistent with the date of the DHL delivery receipt. The Court advises both counsel that it is not imposing sanctions at this time. The Court stays the motion pending how further motions are responded to.

Reviewed by: LEG
Reviewed on: 3/5/12
Updates: 3/9/12
Recommendation:
File 1B – Banda-Nieto

Dept. 303, 9:00 a.m. Thursday, March 15, 2012

2A Raymond Joseph Lemos, Jr. Case No. 06CEPR00443

Atty Fanucchi, Edward L. (for Jennifer Anooshian – Beneficiary)
Atty Gingo, George M. (of Mims, Florida, for Trustee and Executor Layne Hayden)
Atty Lemos, Matthew (Pro Per – Beneficiary)

Trustee Layne Hayden's Statement as to Revoked Terms of Executory Offer of Settlement Agreement and Current Offer to Settle with Jennifer Anooshian; Demand for Statement of Decision; Demand for Jury Trial

Cont. from 091211, 101811, 111511, 011912

	Aff.Sub.Wit.	
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	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

LAYNE HAYDEN, Trustee, filed this Statement as to Revoked Terms of Executory Offer of Settlement Agreement and Current Offer to Settle with Jennifer Anooshian; Demand for Statement of Decision; Demand for Jury Trial.

Petitioner's Demand for Jury Trial: Petitioner demands a jury trial on the issue of whether a settlement agreement dated 3-5-11 exists or is enforceable in part or in whole.

Petitioner's Demand for Statement of Decision: Petitioner states if the Court makes any fact-finding determination as to enforcement of the alleged settlement agreement or the right to a jury trial regarding the validity or partial or total enforcement thereof, the Trustee demands a Statement of Decision pursuant to California Code of Civil Procedure section 632.

Petitioner states the issue of accounting is res judicata. A full accounting was filed. Judge Kazanjian ordered that objections to the accounting be filed within a certain period. Judge Kazanjian ruled Jennifer Anooshian's objection untimely and struck the objection. Instead of filing a motion to set aside the order, Mr. Fanucchi wrote an ex parte letter to Judge Kazanjian asking her to set the order aside. Judge Kazanjian told him to file the appropriate motion. That was two years ago and he never filed the appropriate motion. Mr. Fanucchi brings up the issue of an accounting at every opportunity. The issue of the accounting is res judicata.

Regarding the settlement agreement: Matthew Lemos was not present at the meeting and Mr. Gingo was about to get on a plane, so Mr. Fanucchi was to keep the original and forward it to Matthew Lemos for signature. **The Trustee and Mr. Gingo recollect that Mr. Gingo initialed the bottom of each page except the signature page. The settlement agreement offered in court by Mr. Fanucchi does not carry Mr. Gingo's initials.** Additionally, the document was dated 3-5-11. In open court on 3-24-11 and 4-21-11, and particularly on 5-26-11, the Trustee stated there was no deal and any offer to deal was revoked. Matthew Lemos ***thereafter*** signed the proposed agreement on 5-31-11, after it had clearly been revoked in open court.

Matthew Lemos' Declaration filed 8-29-11 states that he signed, scanned and sent the document via email to Mr. Gingo on 3-8-11 with his signature, and the agreement was complete. *He later learned that an original signature was wanted by Mr. Fanucchi, and he was mailed the signed offer, which he signed and returned to Mr. Fanucchi's office on 5-31-11. However, that is irrelevant because his original 3-8-11 signature is absolutely sufficient. Mr. Gingo's claim that there was no agreement is invalid.*

SEE PAGE 2

NEEDS/PROBLEMS/COMMENTS:

CONTINUED TO 4-12-12
(per Order 3-5-12)

Probate Code § 825: Except as otherwise expressly provided in this code, there is no right to a jury trial in proceedings under this code.

Minute Order 9-12-11: The Court orders that any remaining proceeds from the Weber property be retained by the Executor until further order of the Court. Additionally, the Court directs that an accounting of the **estate** be prepared.

Minute Order 11-15-11: Mr. Fanucchi advises the Court that he has filed a PC 850 Petition that is set to be heard 1-19-12. The Court directs Mr. Gingo to file his response regarding the issue before the Court. Matter continued to 1-19-12. **See Page 4B.**

As of 1-12-12, no accounting of the estate has been filed.

Updates:

Contacts: Reviewed 1-12-12

Recommendation:

Reviewed by: skc

File 2A - Lemos

Dept. 303, 9:00 a.m. Thursday, March 15, 2012

2A Raymond Joseph Lemos, Jr. (Estate) Case No. 06CEPR00443

Atty Fanucchi, Edward L. (for Jennifer Anooshian – Beneficiary)
Atty Gingo, George M. (of Mims, Florida, for Trustee and Executor Layne Hayden)
Atty Lemos, Matthew (Pro Per – Beneficiary)

Trustee Layne Hayden's Statement as to Revoked Terms of Executory Offer of Settlement Agreement and Current Offer to Settle with Jennifer Anooshian; Demand for Statement of Decision; Demand for Jury Trial

SUMMARY (Continued):

The Trustee continues: The entire deal rested upon the sale of the commercial property between $250,000.00 and $275,000.00 because the debts, trustee fees, attorney fees, and a sum payable to Matt Lemos could not be paid in full if the property did not sell for this amount.

At the 3-5-11 meeting, the Trustee agreed to deed the home to Jennifer Anooshian on certain terms that are outlined in the Petition. At no time did the Trustee ever agree to be personally responsible for anything that had to do with the estate and trust, including known and unknown debts, and especially not while Jennifer Anooshian gets a home deeded to her at the Trustee's and creditors' expense. Petitioner states the rule was stated over and over in the 3-5-11 meeting by the Trustee that the trust stated the debts had to be paid before any assets were turned over to the beneficiaries per Probate Code 19001 that provides for the Trustee's duty not to give away assets at the creditors expense (Arluck v. Dobler, 116 Cal. App. 4th 1324 (2004).

Petitioner states there were $455,584.56 in known debts (listed) on the table. There was not sufficient cash to pay the trust debts, nor income, and only two assets remained: the home that Ms. Anooshian wanted and the commercial property on Weber. It was discussed that Ms. Anooshian had been residing in the Fremont home for the past five years, and she was to pay the mortgage because the trust could not pay it, directly to the accountants, who would pay the bank. The Trustee was not advised that there were arrears on the mortgage information regarding the home.

Ms. Anooshian was a co-owner with Tom Grow of Sign-a-Rama (not a corporation), which was the tenant of the commercial property. Similarly, Sign-a-Rama was to pay the mortgage on that property directly through the accountants. However, they unilaterally decided to stop paying the accountants and pay the mortgage company directly.

Petitioner states the reason for paying the accountants was to keep accurate records. The Trustee did not have access to the mortgage information regarding this property.

At the 3-5-11 meeting, Mr. Anooshian informed the Trustee that about $130,000.00 was owed on the commercial property and payments were current and would remain so. Trustee relied on this statement. Ms. Anooshian did not reveal that she was behind on her payments to the mortgage company, but Trustee learned this prior to Matt Lemos signing the document on 5-31-11, and learned that penalties amounted to approx. $13,000.00 greater than the $130,000.00 she had stated.

Ms. Anooshian also did not reveal, that she and Tom Grow planned to not make any more payments on the property or insurance, and that they would stay as long as possible and move Sign-a-Rama out, and not cooperate with the realtors, and prohibit the realtors from showing the property and advertising it with a sign. They took the sign down, and refused the realtor access to the building, refused to cut the grass, let the weeds grow three feet high, and piled up garbage two feet high all through the inside of the buildings. They further removed an air conditioner unit that cost $5,000.00 from the contract sale price.

In sum, Ms. Anooshian misled the Trustee with material misstatements and then took negative action to impair his ability to sell the property. The property ultimately sold for $210,000.00, which is not sufficient to pay fees, debts, and Matt Lemos.
The Trustee's current offer is:

- to distribute assets according to the trust
- to deed the Fremont property to Ms. Annoshian IF she does the following:
  - pays all known and unknown debts, including the future accounting bill and tax bill for future accounting bills and tax bills;
  - indemnifies, agrees to defend and holds harmless the Trustee and his agents, attorneys and representatives;
  - agrees that the 3-5-11 proposed settlement agreement did not mature into an agreement.

SEE PAGE 3

2A Raymond Joseph Lemos, Jr. (Estate) Case No. 06CEPR00443

Atty Fanucchi, Edward L. (for Jennifer Anooshian – Beneficiary)
Atty Gingo, George M. (of Mims, Florida, for Trustee and Executor Layne Hayden)
Atty Lemos, Matthew (Pro Per – Beneficiary)

Trustee Layne Hayden's Statement as to Revoked Terms of Executory Offer of Settlement Agreement and Current Offer to Settle with Jennifer Anooshian; Demand for Statement of Decision; Demand for Jury Trial

SUMMARY (Continued):

Declaration of Edward L. Fanucchi in Reply to Trustee's Statement states:

1. Trustee has no right to a jury trial per Probate Code §§ 825, 850.
2. A Statement of Decision can be requested in a court trial but there would be no Statement of Decision required on the denial of a jury trial on the issues now pending before the court.
3. An accounting has not been provided in the form required (Probate Code §1060 et seq) and there has been no order approving any so-called accounting.
4. Regarding the terms of the agreement:
   - Mr. Fanucchi discusses the initialing on the page and the communications with Matthew Lemos.
   - Mr. Fanucchi states there was <u>no understanding</u> that the agreement was based on a sale price of $275,00.00 and the sale price of the Weber property was not discussed as a determinate of whether the Fremont residence would be sold. The court should recall that during the last status conference the court ordered the Trustee/Executor not to sell the Fremont property, although it appeared to be the intention of Trustee and Mr. Gingo to do so.
   - It was discussed at the meeting on 3-5-11 that most of the debts could be substantially negotiated lower.
   - There were no conditions precedent to the deeding of the Fremont house to Ms. Anooshian."
   - The Trustee/Executor has essentially washed his hands of tracking payments on the properties.
   - There were no conditions precedent to the agreement regarding management of Sign-A-Rama and its payments on the deed.
   - There was no request to delay verification of whatever facts the Trustee/Executor wanted before the agreement was executed voluntarily, without inducement from Ms. Anooshian.
   - The agreement cannot in any manner be revoked by the court for extrinsic fraud, i.e., to have prevented the Trustee/Executor, under direction of his attorney from making any investigation or inquiry prior to signing the agreement.

Attorney Fanucchi respectfully submits that the court find that the Agreement is in effect, that the Trustee/Executor comply with the Agreement fully, and that the Trustee execute a Grant Deed for the Fremont residence to Jennifer Anooshian and pay $20,000.00 to Matthew Lemos.

Mr. Fanucchi's paralegal submitted further declaration that their office has never received a signature bearing the date 3-8-11 for Matthew Lemos' signature.

<u>Minute Order 10-18-11</u>: Mr. Fanucchi informs the Court that he has not heard from Mr. Hayden or Mr. Gingo. The matter is continued to 11-15-11. The Court directs Mr. Fanucchi to contact Mr. Gingo. The Court advises counsel that if there is no agreement among the parties the Court will be expecting motions to be filed.

Dept. 303, 9:00 a.m. Thursday, March 15, 2012

2B **Raymond Joseph Lemos, Jr.** **Case No. 06CEPR00443**

Atty Fanucchi, Edward L. (for Jennifer Anooshian – Beneficiary - Petitioner)
Atty Gingo, George M. (of Mims, Florida, for Trustee and Executor Layne Hayden)
Atty Lemos, Matthew (Pro Per – Beneficiary)

Demand for Statement of Decision; Demand for Jury Trial Petition to Confirm Agreement Dated March 5, 2011

Cont. from 011912		
	Aff.Sub.Wit.	
✔	Verified	
	Inventory	
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✔	Notice of Hrg	
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	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	

JENNIFER ANOOSHIAN, Beneficiary, is Petitioner.

Petitioner states this Petition to Confirm Agreement dated March 5, 2011 is brought under Probate Code §850a(a)(3)(A). Petitioner states the Trustee/ Executor, Layne Hayden, Esq., refuses to convey title to Petitioner to the realty located at 3247 W. Fremont Ave., Fresno, CA 93711, in accordance with, and which is the subject of, the Stipulation entered into among the parties indicated hereinabove.

Exhibit A to the Petition is a file-stamped copy of the Stipulation to Mutual Settlement Agreement and Renunciation of Further Interest by Jennifer Anooshian filed 6-9-11 with reference to the 3-4-11 hearing on the trustee's Motion for Summary Judgment.

NEEDS/PROBLEMS/COMMENTS:

CONTINUED TO 4-12-12
(per Order 3-5-12)

Note: This petition appears to be a request for compliance with a settlement that has been subject to ongoing proceedings (See Page 4A).

1. **Notice was served on Attorney Gingo only, not Trustee/Executor Layne Hayden. Probate Code §1214 and Cal. Rule of Court 7.51 require direct notice to the party in addition to counsel.**

Reviewed by: skc
Reviewed on: 1-12-12
Updates:
Recommendation:
File 2B - Lemos

2B

Dept. 303, 9:00 a.m. Thursday, March 15, 2012

2C **Raymond Joseph Lemos, Jr. (Estate) [Lead Case]** **Case No. 06CEPR00443**

Atty Hayden, Layne E.
Atty Bergin, Robert E Jr
Atty Fanucchi, Edward L.
Atty Doerksen, Charles L.
Atty Gingo, George M.

Petition for Reimbursement of Taxes Paid and Other Relief

Age:			NEEDS/PROBLEMS/COMMENTS:
DOD:			**CONTINUED TO 4-12-12** (per Order 3-5-12)
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	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		Reviewed by:
	Status Rpt		Reviewed on:
	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 2C - Lemos

2C

Dept. 303, 9:00 a.m. Thursday, March 15, 2012

3 Alice Shu Ying Lee (Estate) Case No. 08CEPR01074

Atty **Shepard, Jefferson S., of Shepard, Shepard & Janian, Selma (for Petitioner Lisa Lepper)**

(1) First and Final Account, Report of Administration, Petition for Settlement, (2) fo Statutory and Extraordinary Commissions/Fees to Administrator and Attorney and (3) for Final Distribution (Prob. C. 10900, 10951, 11000, 11002, 10800, 10801, 10810, 10811, 11600, 11640)

DOD: 5/13/2008

Cont. from

	Aff.Sub.Wit.	
✓	Verified	
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✓	Notice of Hrg	
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	Sp.Ntc.	
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	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	FTB Notice	

LISA LEPPER, professional fiduciary and Administrator with Will Annexed, is Petitioner.

Account period: 6/1/2009 – 12/31/2011

Accounting - **$2,512,712.06**
Beginning POH - **$2,132,534.33**
Ending POH - **$1,106,263.66**

Administrator (statutory) - **$35,459.27**

Administrator XO - **$4,430.00**
(per itemization, for 40.5 hours @ $60.00 per hour, and for sale of two parcels of real property @ $1,000 each per Local Rule 7.18)

Attorney (statutory) - **$35,459.27**

Attorney XO - **$4,550.00**
(per itemization, for 12.75 hours @ $200.00 per hour, and for sale of two parcels of real property @ $1,000 each per Local Rule 7.18)

Closing - **$10,000.00**
(reserve for tax deficiencies)

Petitioner filed on 3/9/2012 *Declinations / Nominations [for] Successor Trustee* stating **JEAN CHANG** and **NENITA C. CHANG** resign as Successor Trustee of the **ALICE S. Y. LEE FAMILY TRUST dated 10/8/2001**, and nominate **LISA LEPPER** as Successor Trustee; nominations of Ms. Lepper by two other trust beneficiaries are also included.

Distribution pursuant to Decedent's Will is to: ALICE S. Y. LEE FAMILY TRUST dated 10/8/2001 -- $1,011,365.12, consisting of real property, receivables, securities and cash.

NEEDS/PROBLEMS/COMMENTS:

<u>Note</u>: Proposed order does not specifically make the finding that Lisa Lepper is appointed as Successor Trustee of the ALICE S. Y. LEE FAMILY TRUST dated 10/8/2001, though it appears by Petitioner's filing of the *Declinations / Nominations [for] Successor Trustee* filed on 3/9/2012 that the appointment is being presumed based upon the resignations and nominations; this finding may perhaps be inferred by the identification on Page 9 of the proposed order distributing the entire estate to Lisa Lepper, in Trust, as Successor Trustee. However, the Trust name is not included in this paragraph (nor anywhere in the proposed order), and Petitioner may choose to submit a revised proposed order which more specifically delineates both the appointment and distribution findings.

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

Dept. 303, 9:00 a.m. Thursday, March 15, 2012

4 Albert Esparza (Estate) **Case No. 09CEPR00915**

Atty Teixeira, J. Stanley (for Jo Anne Ruth Fuchs, personal representative)

Atty Esparza, Esther (pro per/beneficiary)

Atty Bagdasarian, Gary G. (former attorney for Esther Esparza and Della Esparza – Petitioner)

Petition by Interested Party for Suspension of Powers and Removal of Administrator; and for Appointment of Special Administrator

DOD: 7/11/08		
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	Aff.Sub.Wit.	
√	Verified	
	Inventory	
	PTC	
	Not.Cred.	
√	Notice of Hrg	
√	Aff.Mail	w
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
√	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

GARY G. BAGDASARIAN, former attorney for Estate beneficiaries Esther Esparza and Della Esparza, is Petitioner.

Petitioner states:

1. Personal Representative Jo Anne Ruth Fuchs was issued Letters of Administration on 1/8/10;
2. Decedent had 2 children at the time of his death, Esther Esparza and Jewel Esparza;
3. Petitioner Attorney Bagdasarian is a creditor of Esther Esparza, pursuant to the Order dated and filed 6/6/11 (attached to Petition);
4. An *Inventory & Appraisal – Partial No. 1*, was filed 9/29/10, reflecting the amount of $8,100.00;
5. Ms. Fuchs filed a bond in the amount of $30,000 on 12/8/09;
6. Ms. Fuchs has failed to file the balance of the *Inventory & Appraisal* as required under PrC §§8800 (b) and (c) within 4 months and *Letters* were issued to her on 1/8/10;
7. *A Judgment Determining Ownership and Directing Administrator to Transfer Property to Claimant* was entered 12/9/10;
8. After repeated requests, the Administrator has failed to complete the sale of the vehicles described in said 12/9/10 Order, provide a *Final Account and Report*, and close the Estate;
9. The inattention to the sale of the vehicles, failure to provide information requested, and failure to perform acts as Personal Representative required to complete the Estate administration constitutes a breach of the Administrator's duty to the beneficiaries of the Estate and Petitioner.
10. Given Mr. Fuch's failure to complete the Inventory & Appraisal, sell the Estate assets and close the Estate, she has demonstrated neglect of the Estate, has prolonged that neglect, and has mismanaged the Estate; therefore her powers should be suspended.
11. Finally, the Public Administrator should be appointed as Special Administrator of the Estate.

Petitioner therefore requests:

- A citation of the Court be issued to Ms. Fuchs to appear and show cause why she should not be removed as Administrator and her *Letters* revoked;
- That the Court order that the powers of Ms. Fuchs be immediately suspended pending investigation of the charges made against her;
- That the Court appoint the Public Administrator's office as Special Administrator of the Estate.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: NRN

Reviewed on: 3/7/12

Updates:

Recommendation:

File 4 - Esparza

Dept. 303, 9:00 a.m. Thursday, March 15, 2012

5 **Marie D. Alandt (Estate)** **Case No. 09CEPR00959**

Atty **Harris, Justin D. (for Franklin Alandt – Executor)**

First and Final Account and Report of Status of Administration and Petition for Settlement Thereof; (2) for Allowance of Statutory Attorneys' Compensation; (3) and for Final Distribution [Prob. C. §§ 1060 et seq., 10800, 10810, 12200]

DOD: 09/07/91		
Cont. from 011212		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	w/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	02/23/10
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
	Order	x
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

FRANKLIN ALANDT, Executor, is Petitioner.

Account period: **11/20/09 – 11/04/11**

Accounting	-	**$375,908.00**
Beginning POH	-	**$375,908.00**
Ending POH	-	**$375,908.00**
Executor	-	**waives**
Attorney	-	**waives**

Distribution, pursuant to decedent's Will, is to:

Franklin J. Alandt	-	equal share
Joseph G. Alandt	-	equal share
Johanna M. Alandt	-	equal share

NEEDS/PROBLEMS/COMMENTS:

CONTINUED FROM 01/12/12

As of 03/06/12, the following issues remain:

1. **Need order.**

Reviewed by: JF	
Reviewed on: 03/06/12	
Updates: 03/09/12	
Recommendation:	
File 5 - Alandt	

Dept. 303, 9:00 a.m. Thursday, March 15, 2012

6 **Aida T. Berlese (Estate)** **Case No. 11CEPR00380**

Atty **Berlese, Margaret J. (for Elizabeth E. Berlese – Executor)**

Failure to File Inventory and Appraisal

DOD: 03/26/11			**NEEDS/PROBLEMS/COMMENTS:**
			OFF CALENDAR
			Inventory & Appraisal filed 02/02/12
Cont. from			
	Aff.Sub.Wit.		
	Verified		
✓	**Inventory**		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		**Reviewed by:** JF
	Status Rpt		**Reviewed on:** 03/06/12
	UCCJEA		**Updates:**
	Citation		**Recommendation:**
	FTB Notice		**File 6 - Berlese**

Dept. 303, 9:00 a.m. Thursday, March 15, 2012

7 **Terence Wayne Harper aka Terry Harper (Estate)** **Case No. 11CEPR00657**

Atty **Dowling, Michael D. (for Patricia Harper – Executor)**

(1) Waiver of First and Final Account and Report of Executor and Petition for Settlement Thereof; (2) for Allowance of Attorney's Fees for Ordinary Services and Costs; and (3) for Final Distribution (Prob. C. 10800, 10810, 10954, 12200)

DOD: 05/12/11		
Cont. from		
	Aff.Sub.Wit.	
	Verified	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	w/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	09/07/11
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

PATRICIA HARPER, Executor, is Petitioner.

Accounting is waived.

I & A	-	**$234,500.00**
POH	-	**$234,500.00**
Executor	-	**waived**
Attorney	-	**$7,690.00** (statutory)

Distribution, pursuant to Decedent's Will, is to:

Patricia Harper – Community property interest in household furniture and furnishings ($1,500.00) and Community property interest in jewelry ($5,000.00)

Patricia Harper, Trustee of the Testamentary Trust established under the Will of Terry Harper dated May 19, 1998 – Community Property interest in real property and Community Property interest in household furnishings and jewelry.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: JF

Reviewed on: 03/07/12

Updates: 03/12/12

Recommendation: SUBMITTED

File 7 - Harper

Dept. 303, 9:00 a.m. Thursday, March 15, 2012

8 John Eugene Mowrey (Estate) **Case No. 11CEPR00706**

Atty Herold, Kim M. (for Cindy Sue Mowrey, Executor – Petitioner)

(1) First and Final Report of Status of Administration Upon Waiver of Account and (2) Pettion for Settlement Thereof, (3) for Allowance of Statutory Attorneys' Compensation, for Reimbursement of Costs Advanced, and (4) for Final Distribution (Prob. C. 10800, 10810, 12201)

DOD: 7/27/11		
Cont. from		
	Aff.Sub.Wit.	
√	Verified	
	Inventory	
	PTC	
	Not.Cred.	
√	Notice of Hrg	
√	Aff.Mail	w
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	9/22/11
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
√	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

CINDY SUE MOWREY, Daughter and Executor, is Petitioner.

Accounting is waived.

I&A - **$210,000.00**
POH - **$186,727.43** ***(all cash)***

Executor (statutory) - **waives**

Attorney (statutory) - **$7,200.00**

Costs Advanced- **$1,216.50**
(Filing fees (x2), publication fee, certified copies)

Distribution, pursuant to Decedent's Will, as follows:

Cindy Sue Mowry - **½ of Estate**
Cathy Lynn Walker - **½ of Estate**

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: NRN
Reviewed on: 3/7/12
Updates:
Recommendation: SUBMITTED
File 8 - Mowrey

Dept. 303, 9:00 a.m. Thursday, March 15, 2012

9A Janet Rae Scott (Estate) Case No. 11CEPR00942

Atty Kruthers, Heather H., of County Counsel's Office (for Public Administrator, Special Administrator)

Probate Status Hearing: Special Administration

DOD: 9/29/2011		
Cont. from 011912		
	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	

PUBLIC ADMINISTRATOR was appointed Special Administrator with General Powers and Full IAEA authority on 10/19/2011.

***Letters of Special Administration* expire on 1/19/2012. Extended Letters per *Minute Order* dated 1/19/2012 to expire on 3/15/2012.**

***Ex Parte Petition for Letters of Special Administration* filed 10/18/2011** identified the following urgent issues that needed to be addressed by the Public Administrator:

1. Decedent died with very little cash and a vehicle estimated at $**2,000.00**; immediate authority was needed to liquidate the vehicle to pay for burial or cremation costs;
2. It was believed that Decedent owned several apartments located on Van Ness Ave.; however, it appeared that Decedent deeded these properties to an individual named **JIM LeMON** without proper consideration; this man had already listed the properties for sale; special administration authority was necessary to commence a civil action and record a lis pendens against the properties;
3. Decedent is survived by her mother who is subject to a conservatorship, and the Public Guardian as her Conservator agrees to the appointment; Decedent is also survived by her sister, whose counsel reported that she had no objection to the appointment of the Public Administrator as special administrator.

***Order on Ex Parte Petition for Letters of Special Administration* signed 10/19/2011** set this status hearing for the status of the special administration.

***Status Report Regarding Special Administration* filed by the Public Administrator on 1/9/2012 states:**

- The Public Administrator's Office has secured both residences that are in the Decedent's name (both located on Van Ness Ave.), and rents are collected on one of them, while the other has been fixed, is ready to rent, and a search for a suitable tenant is ongoing;
- There are no monies remaining in Decedent's bank accounts;
- The Public Administrator is questioning the validity of the transfer from Decedent to James LeMon of properties located on Van Ness Ave., and James LeMon has placed a **$5,000.00** lien on the two residences in Decedent's name;
- The law firm of Dowling, Aaron and Keeler (DAK) has agreed to handle the civil litigation in this matter, and attorneys from that firm have spoken to attorney Roger Wilson, who represents Mr. LeMon;
- The Public Administrator intends to file a petition requesting authority to retain DAK with the understanding that no fees would be paid without prior court approval;
- The Public Administrator will also be filing a petition to become the general administrator of this estate.

NEEDS/PROBLEMS/ COMMENTS:

<u>Page 9B</u> is the *Petition for Letters of Administration* filed by the Public Administrator.

<u>Continued from 1/19/2012</u>. *Minute Order* [Judge Chittick] states matter continued to 3/15/2012. The Court extends the Letters of Special Administration to 3/15/2012. The Court orders that the letters may issue from the minute order.

Reviewed by: LEG	
Reviewed on: 3/6/12	
Updates:	
Recommendation:	
File 9A - Scott	

Dept. 303, 9:00 a.m. Thursday, March 15, 2012

9B Janet Rae Scott (Estate) **Case No. 11CEPR00942**

Atty **Kruthers, Heather H., of County Counsel's Office (for Petitioner Public Administrator)**

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

DOD: 9/29/2011			**PUBLIC ADMINISTRATOR** is Petitioner and requests appointment as Administrator without bond.
			Full IAEA – o.k.
Cont. from			
	Aff.Sub.Wit.		
✓	**Verified**		
✓	**Inventory**		Decedent died intestate.
	PTC		
	Not.Cred.		
✓	**Notice of Hrg**		Residence – Clovis Publication – The Business Journal
✓	**Aff.Mail**	W/	
✓	**Aff.Pub.**		
	Sp.Ntc.		
	Pers.Serv.		**Value of the Estate (per *I & A* filed 2/28/2012):** Personal property - $ 4,700.00 Real property - $227,500.00 **Total - $232,200.00**
	Conf. Screen		
	Aff. Posting		
	Duties/Supp		
	Objections		
	Video Receipt		Probate Referee: Steven Diebert
	CI Report		
	9202		
✓	**Order**		
✓	**Letters**		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

Notes:

- ***Letters of Special Administration* issued on 10/21/2011 for the purpose of liquidating personal property for burial expenses and for commencing a civil action against Jim LeMon alleging illegal transfer of estate real property.**
- **Public Administrator seeks appointment as Administrator of the estate because Decedent is survived by her mother who is subject to a Conservatorship, and the Public Guardian as her Conservator agrees to the appointment; Decedent is also survived by her sister, who has agreed to the appointment of the Public Administrator.**

Reviewed by: LEG

Reviewed on: 3/3/12

Updates:

Recommendation: SUBMITTED

File 9B - Scott

Dept. 303, 9:00 a.m. Thursday, March 15, 2012

10 **In Re: Varni Family Trust dated 3-27-97 (Trust)** **Case No. 11CEPR01041**

Atty **Smith, Frederick W., Jr. (of Oakdale, CA, for Petitioner Dorothy Powell, by and through her agent, Craig Powell)**

(1) Petition Pursuant to Prob. C. §17200; (2) Request for Accounting; (3) Request for Suspension of Trustee Powers; (4) Request for Removal of Trustee; (5) Request for Appointment of Neutral Trustee; (6) Request for Reimbursement of Attorney's Fees and Costs [Prob. C. §17200]

Louis Varni
DOD: 2-25-10

Eva Varni
DOD: 9-18-05

Cont. from 020112

	Aff.Sub.Wit.	
✔	Verified	X
	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	

DOROTHY POWELL, by and through her agent, **CRAIG POWELL**, is Petitioner. Petitioner is the sister of Eva Varni and a beneficiary of the **VARNI FAMILY TRUST created 3-27-97, amended and restated in its entirety on 2-21-03, and amended on 12-3-03**.

ALBERT PINASCO is the sole remaining successor trustee by the terms of the trust (he served as an initial co-trustee with the trustors, then as co-trustee with the surviving trustor, and now alone) and pursuant to the Notification by Trustee under Probate Code §16061.7 executed on 1-21-11 (attached). Mr. Pinasco is also a beneficiary and an officer of the Varni Corporation, which is owned by the trust.

Petitioner states Mr. Pinasco has failed to keep beneficiaries reasonably informed of the status of the administration of the trust and has failed to furnish the material information necessary to protect the beneficiaries' interests as required by Probate Code §§ 16060 and 16061.

After the death of the surviving trustor on 2-25-10, Petitioner did not receive any information regarding the trust for nearly 11 months. Petitioner contacted the trustee and requested a copy of the trust and asset information beginning in October 2010; however, the first formal information received was the notification to beneficiaries which was sent on 1-21-11 (almost one year after the death of the surviving trustor.

Petitioner also requested information regarding the assets of the trust, an accounting, and requested to meet with the trustee regarding trust administration.

In response, Petitioner was provided with a one-page document listing the principal assets of the trust as four parcels of real estate and 100% of the shares in the Varni Corporation. No asset valuations or accounting was provided.

SEE PAGE 2

NEEDS/PROBLEMS/COMMENTS:

CONTINUED TO 4-26-12

at Attorney Smith's request

Note: On 1-26-12, the Probate Clerks' Office received a telephone call from an attorney associated with the trust (not Frederick W. Smith, Jr.), who stated that this Petitioner, Dorothy Powell, has died, and requested to continue the matter. The clerk informed the caller that only the Petitioner's attorney could receive a continuance by phone.

Therefore, this matter remains on calendar, subject to the following issues:

1. **The Petition is brought by Dorothy Powell, by and through her agent, Craig Powell, who signed the verification. However, the Petition does not explain the circumstances of the agency or the relationship between Dorothy Powell and Craig Powell.**

   Craig Powell has not been appointed as a guardian ad litem by the Court in this proceeding pursuant to Probate Code §1003.

   Additionally, the Court has been informed that Petitioner Dorothy Powell has died.

   Therefore, based on all of these issues, need clarification and authority for CRAIG POWELL to bring this petition, and verify it, on behalf of DOROTHY POWELL.

   If the parties wish to pursue this matter, the Court may require amendment.

SEE PAGE 3

Reviewed by: skc

Reviewed on: 3-6-12

Updates:

Recommendation:

File 10 - Varni

Dept. 303, 9:00 a.m. Thursday, March 15, 2012

SUMMARY (Continued):

Petitioner did not receive any detailed information until a beneficiaries' meeting on 8-6-11, to which she was forbidden to bring representation of any kind. At the meeting, a PowerPoint presentation included a list of the properties owned and a balance sheet for Varni Corporation (*not the trust*). This information was provided 18 months after the death of the surviving trustor and still no accounting was provided.

Petitioner states the trustee has not provided an accounting pursuant to Probate Code §16062, which requires account at termination or at least annually. A letter from the trustee's counsel dated 1-27-11 stated an accounting would be forthcoming, but the only information Petitioner received is the list and balance sheet noted above and provided at the beneficiaries' meeting. These documents do not conform to the requirements for the contents of an accounting (Probate Code §16063), including receipts and disbursements, assets and liabilities, trustee's compensation, and compensation of any agents hired.

In addition, Petitioner is informed and believes the trustee purchased a residence and adjacent vacant lot in Tahoma, California for $865,000.00, and spent $27,778.92 for additional improvements to the property, presumably an investment for the trust. The balance sheet provided to beneficiaries shows the property has expenses of $62,198.76 for the period 6/2010-5/2011, yet this property has not generated any income. The purchase was made in December 2009, two months before the death of Louis Varni, at which Mr. Pinasco was a co-trustee. Mr. Varni was supposedly the beneficiary of this purchase; however, at that time, he was in poor health and advanced in age and it was highly unlikely that he would have ever visited or used the property. Petitioner speculates that Mr. Pinasco has used it himself since it has not been rented to third parties.

A trustee has a duty to manage assets as a prudent investor would, exercise reasonable care, skill and caution per Probate Code §16047(a), and also has a duty to make the trust property productive. The purchase and subsequent management of the Tahoma Property is a violation of the trustee's duty, since approximately one million dollars from the trust was spent on it, but it has not been rented out or generated any income. This money could have been available to distribute to beneficiaries of the trust.

Petitioner states the trustee has only made one small distribution to the beneficiaries at the meeting.
He has not provided a list of assets or proposed distribution schedule. Specifically, he has failed to make the distributions of tangible personal property in violation of the specific trustee's duties.

Petitioner further states that the trustee has a conflict of interest in that he is trustee, beneficiary, and an officer of Varni Corporation, which is owned by the trust. Trustees are subject to removal whenever it appears that their private interests conflict with their trust duties, and when it appears that trust property has been appropriated to their own use. *See* Moore v. Bowes (1937) 8 C.2d 162, 165; Estate of Vokal (1953) 121 C.A.2d 252, 258. Petitioner states that because he "is wearing multiple hats" it is difficult for him to act in the best interest of all trust beneficiaries.

Petitioner states the trustee should be removed from office, his powers suspended, and an independent successor trustee appointed because:

- He does not keep the beneficiaries informed regarding the administration of the trust;
- He has not provided an accounting for the trust;
- He has mismanaged assets of the trust; and
- He has not distributed the assets of the trust.

Petitioner also requests that the Court order trustee's compensation and/or share of the assets be charged for Petitioner's attorney's fees and costs for bringing this Petition.

Petitioner requests an Order:

- **That Mr. Pinasco provide an accounting of the assets in the trust and the subtrusts created thereunder;**
- **That Mr. Pinasco be removed as trustee;**
- **That Justice Steven M. Vartabedian be appointed as the neutral successor trustee;**
- **That Mr. Pinasco surrender all assets of the trust and subtrusts created thereunder to the Court-appointed neutral successor trustee;**
- **That Mr. Pinasco's compensation/distributive share of the trust be charged and credited to Petitioner for the costs and attorney's fees for bringing this Petition; and**
- **Any such additional order as the Court deems proper.**

SEE PAGE 3

NEEDS/PROBLEMS/COMMENTS (Continued):

2. **Petitioner provides a list of parties entitled to notice pursuant to Probate Code §17201; however, there appear to be a number of beneficiaries who are not included.**

   The Court may require clarification and notice pursuant to Probate Code §17201 and Cal. Rule of Court 7.51 (including minors).

   The list of persons that may require notice may include:

   - Roberta (Jane) Pores (Eva Varni's sister)

   - Eva Varni's five grand-nieces and nephews

   - Kimala Hockey and her children

   - Dan Stetson and Jan Stetson (unknown relation to Eva Varni)

   - Kathy Pinasco and Sherry PInasco (unknown relation to Eva Varni)

   - Lisa Pacheco (Louis Varni's sister)

   - Heirs of deceased heirs, as mentioned in the trust

   - "caregivers who served Eva Varni and Louis Varni during their lifetimes" pursuant to the 2-21-06 Amendment.

   Note: 30 days' notice is required. The Court may not shorten time for giving notice per Probate Code §17203(b).

3. **Petitioner requests appointment of Justice Steven M. Vartabedian as the neutral successor trustee; however, there is no indication that he is aware of or would agree to serve as successor trustee. He was not served with notice of this petition, and there is no signed consent or acceptance of trust provided.**

4. **Pursuant to Probate Code §15602, a person not named as a trustee in the trust instrument must provide a bond; however, Petitioner does not provide an estimate for bond purposes. The code states that the Court may not excuse the requirement except in compelling circumstances.**

11 Maxwell Family (Trust) **Case No. 11CEPR01088**

Atty Reinhardt, Dave

Atty Georgeson, C. Russell

Age:			NEEDS/PROBLEMS/COMMENTS:
DOD:			NO EXAMINER NOTES
Cont. from			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		Reviewed by:
	Status Rpt		Reviewed on:
	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 11A - Maxwell

Dept. 303, 9:00 a.m. Thursday, March 15, 2012

12 Robert Snyder (CONS/PE) **Case No. 12CEPR00028**

Atty Walters, Jennifer L. (for Petitioner/sister Catherine Snyder)
Atty Wright, Janet L (court appointed for the Conservatee)
Atty Rube, Melvin (for Objector/spouse Kristin Snyder)
Atty Motsenbocker, Gary (for son Ross Snyder)

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

Age: 53 years
DOB: 5/24/1958

Cont. from 022312

	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	

TEMPORARY of the Person (Catherine Snyder) and Temporary of the Estate (Bruce Bickel) EXPIRES 3/15/12

CATHERINE SNYDER, sister, is petitioner and requests appointment as Conservator of the person, with medical consent and dementia powers for the administration of dementia medications and of the estate.

Estimated value of the estate:
Personal property - $15,000.00

Declaration of John Kirby, M.D., 1/5/12

Petitioner states the proposed conservatee suffered a stroke on 12/4/2011, leaving him partially paralyzed and unable to speak. Proposed conservatee is married, however, he and his wife are estranged and she is not informed of his medical or financial wishes. His wife has a problem with alcohol and as lost her license for a hit and run accident she was involved in. Petitioner is requesting conservatorship to take care of her brother's interests. She is a nurse and works in a hospital setting.

Court Investigator Dina Calvillo's Report filed on 2/21/12

Please see additional page

NEEDS/PROBLEMS/COMMENTS:

A competing Petition for Appointment as Conservator has been filed by proposed conservatee's son, Ross Snyder and is set for hearing on 3/27/12.

Continued from 2/23/12. Minute Order states the court orders Catherine Snyder to continue as conservator of the person only. The temporary as to conservator of the estate as to Catherine Snyder is denied. The Court appoints Bruce Bickel as temporary Conservator of the estate. Mr. Bickel will be responsible for any separate accounts and accounts that are in Robert Snyder's name only, including the automobile. The temporaries are extended to 3/15/12. The Court orders that if Ms. Snyder received any of Robert Snyder's mail, she is to see to it that a copy is made and sent to Mr. Bickel. Payments for the house are to continue coming out of Robert Snyder's account. Any visitation is to be in accordance with what the medical professional at the facility dictates. In the event that Robert Snyder is moved from the present facility, the visitation order is to remain in full force and effect until further order of the Court, or until Robert Snyder is able to make know what his wishes are. Ms. Walters is directed to prepare the order. *As of 3/7/12 no order has been submitted.*

Court Investigator Advised Rights on 2/8/12.

Voting Rights Affected need Minute Order.

Reviewed by: KT
Reviewed on: 3/7/12
Updates:
Recommendation:
File 12 - Snyder

Objections to the Appointment of Catherine Snyder as Conservator of the Person and Estate filed by Kristen Snyder, proposed consersvatee's spouse, on 2/10/12. Kristin Snyder objects to the appointment of Catherine Snyder stating the spouse or a person nominated by the spouse has a higher statutory preference than petitioner for appointment as conservator of the person. However, given her marital difficulties with the conservatee she feels her appointment as conservator would only exacerbate the current animosity being exhibited by conservatee's extended family (petitioner, conservatee's mother and brothers) toward the conservatee's immediate family (son, daughter and Objector) and would not be in the best interest of the conservatee. Objector does believe that it would be in the best interest of the conservatee to have their son, Ross Snyder, or an impartial fiduciary appointed as the conservator of the person. Therefore, pursuant to Probate Code §1811 Objector nominates Ross Snyder to be the conservator of the conservatee's person. If Ross Snyder is unable or unwilling to act as conservator, then Objector nominates Bruce Bickel as the conservator of the conservatee's person.

Objector objects to the establishment of a conservatorship of the estate. Objector and conservatee are legally married and have been since September 12, 1981. Although Objector and conservatee are having marital problems, Objector is not a party to any action or proceeding against the conservatee for legal separation, dissolution of marriage, annulment, or adjudication of nullity of their marriage.

Objector believes that as the spouse of the conservatee, she is entitled as a matter of law under Probate Code §3051(a) and Probate Code §3051(b)(1) to manage and control the community property of the conservatee and Objector; that as a matter of law under Probate Code §3051(b)(2), all of the community property of the conservatee and Objector is not a part of the conservatorship estate; and that Objector does not consent to any portion of the community property of the conservatee and Objector to be included in and subject to Probate Code §3071, to be managed, controlled, and disposed of as part of the conservatorship estate of the conservatee.

Objector prays for an order as follows:

1. That a conservatorship of the person be established for Robert Snyder;
2. That the petition of Catherine Snyder to be appointed as conservator of the person of Robert Snyder be denied.
3. That Ross Snyder be appointed as conservator of the person of Robert Snyder, or in the alternative that Bruce Bickel, a private fiduciary be appointed as conservator of the person of Robert Snyder;
4. That the petition of Catherine Snyder for the establishment of a conservatorship of the estate and for appointment as conservator of the estate of Robert Snyder be denied.

Consent of Bruce Bickel to act as the conservator of the person of Robert Snyder filed on 2/14/12.

Declaration filed 2-22-12 by Attorney Janet Wright, court-appointed counsel for Robert Snyder, states that she has met with Mr. Snyder on three occasions since the last hearing. With each visit, there has been a marked improvement in his physical condition and vocabulary. Mr. Snyder is communicating more effectively, but continues to supplement verbal communication with body language, facial expressions, and tone.

Mr. Snyder continues to indicate his preference for his sister, Catherine Snyder (Petitioner) to make medical and financial decisions. Mr. Snyder is even more emphatic that he does not want his wife, Kristen Snyder, to make decisions, does not want to live with her, and does not want her to visit.

In regards to the appointment of his son, Ross Snyder, Mr. Snyder indicated that he did not want his son to make decisions for him, but he does want his son and daughter to visit.

NEEDS/PROBLEMS/COMMENTS:

1. **Petition does not include information about the bond. Temporary appointment required bond of $22,128.33. Therefore bond should be set at $22,128.33.**
2. **Capacity Declaration of John M. Kirby does not include the dementia attachment. Therefore the request for administration of dementia medications cannot be granted.**

13 Alma Laverne Lawless (Det Succ) **Case No. 12CEPR00052**

Atty Barrus, John E. (for Gerald Dean Lawless – spouse and Trustee/Petitioner)

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

DOD: 06/18/06		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	w/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

GERALD DEAN LAWLESS, Trustee of the Gerald Dean Lawless and Alma Laverne Lawless Family Trust, Dated July 9, 1992, is Petitioner.

40 days since DOD.

No other proceedings.

I & A - $71,667.00

Will dated 07/09/92 devises personal property to husband and the residue of estate to Gerald Dean Lawless as Trustee of the Gerald Dean Lawless and Alma Laverne Lawless Family Trust.

Petitioner requests Court determination that decedent's 1/3 interest in real property located at 2408 E. Pontiac Way, Fresno, CA pass to him as Trustee of the Gerald Dean Lawless and Alma Laverne Lawless Family Trust pursuant to decedent's Will.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: JF

Reviewed on: 03/07/12

Updates:

Recommendation: SUBMITTED

File 13 - Lawless

Dept. 303, 9:00 a.m. Thursday, March 15, 2012

14 Robert Arthur Ryan (Estate) **Case No. 12CEPR00053**

Atty Barrus, John E. (for Jennifer R. Kemp – daughter/Petitioner)

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

DOD: 12/18/11		
Cont. from		
✓	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	w/o
	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	

JENNIFER R. KEMP, daughter/named Executor without bond, is Petitioner.

Full IAEA – OK

Will dated: 08/15/11

Residence: Clovis
Publication: The Business Journal

Estimated Value of the Estate:

Personal property	- $931,000.00
Real property	- 160,000.00
Total	**- $1,091,000.00**

Probate Referee: **RICK SMITH**

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: JF
Reviewed on: 03/07/12
Updates:
Recommendation: SUBMITTED
File 14 - Ryan

Dept. 303, 9:00 a.m. Thursday, March 15, 2012

15 Jason G. Derrick (Det Succ) **Case No. 12CEPR00109**

Atty Lind, Ruth P (for Evelyn Derrick and Foy Derrick – parents/Petitioners)

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

DOD: 11/15/11			**EVELYN DERRICK** and **FOY DERRICK,** parents, are Petitioners.
			40 days since DOD.
Cont. from			
	Aff.Sub.Wit.		No other proceedings.
✓	**Verified**		
✓	**Inventory**		I & A - $95,173.67
	PTC		
	Not.Cred.		Decedent died intestate
✓	**Notice of Hrg**		Petitioners request Court determination that Decedents 100% interest in real property in the City and County of Fresno, California described as Lot 19 of Tract No. 3679 Trend Homes No. 15, according to the map thereof recorded in Book 46, Pages 74 and 75 of Plats, Fresno County Records and 181.497 Janus Fund D Shares, 262.051 Shares T. Rowe Price Equity Income FD, and 256.277 Shares Neuberger 7 Berman Genesis FD pass to them in equal 50% shares pursuant to intestate succession.
✓	**Aff.Mail**	w/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:
Reviewed by: JF
Reviewed on: 03/07/12
Updates:
Recommendation: SUBMITTED
File 15 - Derrick

Dept. 303, 9:00 a.m. Thursday, March 15, 2012

16 Phoua Xiong (Spousal) **Case No. 12CEPR00121**

Atty Roberts, Gregory J. (for Soua Cha – surviving spouse/Petitioner)

Spousal or Domestic Partner Property Petition (Prob. C. 13650)

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

SOUA CHA, surviving spouse, is Petitioner.

No other proceedings.

Decedent died intestate.

Petitioner states that Petitioner and decedent were married in 1981 and remained married until decedent's death in May 2011. The real property seeking to be passed to Petitioner with this Petition was purchased while Petitioner and decedent were married and was purchased with community property assets. The mortgage payments, taxes, and insurance and maintenance of the property was all paid by Petitioner and decedent from their joint accounts. The real property was the community property of Petitioner and decedent.

Petitioner requests Court confirmation that decedent's interest in real property located at 3114 W. Bellaire Way, Fresno, CA and real property located at 1803 Augusta Lane, Atwater, CA passes to him or her.

NEEDS/PROBLEMS/COMMENTS:

1. **The Petition is not marked at item 1(b) seeking confirmation of property belonging to the surviving spouse; however, item 7(b) of the Petition lists property the Petitioner is seeking to have confirmed as belong to him or her and the order is also marked requesting this confirmation.**

Reviewed by: JF

Reviewed on: 03/07/12

Updates:

Recommendation:

File 16 - Xiong

Dept. 303, 9:00 a.m. Thursday, March 15, 2012

17 Charisma Jade Linares Koenig (GUARD/P) Case No. 12CEPR00210

Atty Cipolla, Julie A (of Modesto for Petitioner/maternal grandmother Gloria Linares)

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

Age: 15 months
DOB: 11/13/2010

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	X
✓	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

GENERAL HEARING 5/2/12

GLORIA LINARES, maternal grandmother, is petitioner.

Father: **JOHN KOENIG, JR.**

Mother: **CHRISTINA LINARES** – *deceased.*

Paternal grandfather: John Steven Koenig, Sr.
Paternal grandmother: Laura Cota
Maternal grandfather: Leonel Linares

Petitioner states the minor's parents were not married. Mom died on 2/18/12. Father is incapable of providing for the minor's needs. Petitioner states she recently learned that the father has substance abuse, alcohol abuse and domestic violence problems. Petitioner states her family has always tried to provide for the father, because he was the father of the minor. However, he became enraged when he learned that he would they would not be giving him the house that Petitioner and her husband had purchased for their daughter. Father stated that the house belonged to the minor, and he and the minor had a right to live in it. The father removed the child from the only family she knows at a time when the minor does not understand why she no longer has a mother. The father's actions were vindictive and not in the best interest of the minor.

NEEDS/PROBLEMS/COMMENTS:

1. **Petition states there is good cause to excuse notice to the father, John Koenig, Jr. because he was using drugs as recently as this month. He has a history of domestic violence with the child's deceased mother and his ex-wife. He does not have a job. He left with the child to Fresno without notice to anyone. Father has never been the minor's primary caregiver. Petitioner fears the father will abscond with the minor to relative's house if he is given notice of the hearing. If court does not dispense with notice will need:**
   a. ***Notice of Hearing.***
   b. **Proof of personal service o the *Notice of Hearing* along with a copy of the *temporary petition* or *Consent and Waiver of Notice* or *Declaration of Due Diligence* on John Koenig, Jr. (father).**
2. **Need Letters**

Reviewed by: KT
Reviewed on: 3/7/12
Updates:
Recommendation:
File 17 - Koenig

Dept. 303, 9:00 a.m. Thursday, March 15, 2012

18 **Arthur T. Polin, Sr. (Estate)** **Case No. 06CEPR00151**

Atty **Valdez, Beatrice (pro per Administrator)**

Probate Status Hearing Re: First Account or Petition for Final Distribution (Prob. C. §12200, et seq)

DOD: 1/1/2000	**BEATRICE VALDEZ** was appointed Administrator with full IAEA and without bond on 3/14/2006.	**NEEDS/PROBLEMS/COMMENTS:**
Cont. from	Order appointing Beatrice Valdez as Administrator ordered all cash proceeds to be held in Barrus and Roberts attorney trust account, all of which interest was to be paid to the estate.	**1. Inventory and Appraisal filed on 2/16/12 is incomplete. Items #3 (all or a portion of the estate) and #5 (property tax certificate) are not completed. The signatures of the Administrator, Beatrice Valdez and the [former] attorney John Barrus are not dated.**
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		**2. Need current status report, first account or petition for final distribution.**
Notice of Hrg	Inventory and appraisal was filed on 2/17/06. The estate consists of real property valued at $45,000.00.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.	On 6/13/2007 a Notice of Proposed Action was filed indicating the real property was to be sold for $145,500.00.	
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt	On 10/16/2009 John Barrus substituted out and Beatrice Valdez is now representing herself.	
CI Report		
9202		
Order		
Aff. Posting	First account or petition for final distribution was due 5/14/07.	**Reviewed by: KT**
Status Rpt		**Reviewed on: 3/7/12**
UCCJEA		**Updates:**
Citation		**Recommendation:**
FTB Notice		**File 18 - Polin**

Dept. 303, 9:00 a.m. Thursday, March 15, 2012

19 Jessie C. Garcia (Det Succ) **Case No. 11CEPR00823**

Atty Garcia, Steve (pro per Petitioner)

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

DOD: 12/20/05		
Cont. from 102711, 120811		
	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	

STEVE GARCIA, son, is petitioner.

40 days since DOD.

No other proceedings.

Decedent died intestate.

I & A - **NEED**

Petitioner requests Decedent's 50% interest in real property pass to decedent's four children, Richard Garcia, Steve Garcia, Virginia Lazalde and Victoria Garcia in equal shares pursuant to intestate succession.

NEEDS/PROBLEMS/COMMENTS:

See related case on page 20 of this calendar.

Continued from 12/8/11. *As of 3/7/12 the following issues remain:*

NEED AMENDED PETITION BASED ON THE FOLLOWING:

1. **Petition requests court determination that decedent's interest in real property passes to his four children. Probate Code §13151 requires that all successors in interest to the property join in the petition. Therefore need amended petition including all those who succeed to the property.**
2. **Need inventory and appraisal.**
3. **Need name and date of death of decedent's spouse. Local Rule 7.1.1D.**
4. **#9a(3) of the petition was not answered re: issue of predeceased child.**
5. **Petition was filed using a fee waiver. When the amended petition is filed all who join in the petition must qualify individually for a fee waiver.**

Reviewed by: KT
Reviewed on: 3/7/12
Updates:
Recommendation:
File 19 – Garcia

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

DOD: 5/4/05		
Cont. from 102711, 120811		
	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	

STEVE GARCIA, son, is petitioner.

40 days since DOD.

No other proceedings.

Decedent died intestate.

I & A - **NEED**

Petitioner requests Decedent's 50% interest in real property pass to decedent's four children, Richard Garcia, Steve Garcia, Virginia Lazalde and Victoria Garcia in equal shares pursuant to intestate succession.

NEEDS/PROBLEMS/COMMENTS:

Please see related case on page 19.

Continued from 12/8/11. *As of 3/7/12 the following issues remain:*

NEED AMENDED PETITION BASED ON THE FOLLOWING:

6. **Petition requests court determination that decedent's interest in real property passes to his four children. Probate Code §13151 requires that all successors in interest to the property join in the petition. Therefore need amended petition including all those who succeed to the property.**
7. **Need inventory and appraisal.**
8. **Need name and date of death of decedent's spouse. Local Rule 7.1.1D. (It appears from the death certificate attached to the petition that decedent was survived by his spouse Jessie Garcia, decedent on page 18 of this calendar. If that is true then Jessie's estate would be entitled to all or a portion of this estate.)**
9. **#9a(3) of the petition was not answered re: issue of predeceased child.**
10. **Petition was filed using a fee waiver. When the amended petition is filed all who join in the petition must qualify individually for a fee waiver.**

Reviewed by: KT
Reviewed on: 3/7/12
Updates:
Recommendation:
File 20 – Garcia

Dept. 303, 9:00 a.m. Thursday, March 15, 2012

21A Ashlynn Petty, Autumn Petty & Adrianna Petty (GUARD/P)

Case No. 04CEPR00502

Atty Ruth-Heffelbower, Duane (pro per Petitioner/paternal grandfather)
Atty Ruth-Heffelbower, Clare Ann (pro per Petitioner/paternal grandmother)

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

Autumn age: 11 years
DOB: 2/18/2001

Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
	Aff.Mail	
	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	X
	Citation	
	FTB Notice	

Temporary Granted Ex Parte on 3/2/12.
TEMPORARY EXPIRES 3/15/12.

GENERAL HEARING 5/15/12

DUANE RUTH-HEFFELBOWER and **CLARE ANN RUTH-HEFFELBOWER,** paternal grandparents are petitioners.

Father: **ANDREW RUTH-HEFFELBOWER** – *consents and waives notice.*

Mother: **JAYE ELLINGTON PETTY RUTH-HEFFELBOWER**

Maternal grandfather: Donn Petty – *consents and waives notice.*
Maternal grandmother: Cheryl Petty – *consents and waives notice.*

Petitioners state mom has been confined under W&I §5150 three time in the last 9 days. Petitioner's suspect drugs are involved considering her past history. The minor has been under great stress through this and previous erratic periods. Autumn was the ward of her maternal grandparents from 2004 to 2010.

NEEDS/PROBLEMS/COMMENTS:

This Petition is as to AUTUMN only.

Petitioners were previously granted guardianship of Ashlynn on July 15, 2004.

Page 21B is the guardianship of Adrianna filed by the maternal grandparents.

1. **Need proof of personal service of the *Notice of Hearing* along with a copy of the temporary petition or *Consent and Waiver of Notice* or *Declaration of Due Diligence* on:**
   a. **Jaye Ellington Petty Ruth-Heffelbower (mother)** – *mother was served by mail on 3/5/12. Probate Code §2250(e)(1) requires personal service.*
2. **Need UCCJEA**
3. **Need Duties of Guardian**

Reviewed by: KT
Reviewed on: 3/8/12
Updates: 3/13/12
Recommendation:
File 21A - Petty

Dept. 303, 9:00 a.m. Thursday, March 15, 2012

21B Ashlynn Petty, Autumn Petty & Adrianna Petty (GUARD/P)

Case No. 04CEPR00502

Atty Petty, Donn, (pro per Petitioner/maternal grandfather)
Atty Petty, Cheryl (pro per Petitioner/maternal grandmother)

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

Adrianna age: 7 years DOB: 2/25/2005		
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	X
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	X
	Citation	
	FTB Notice	

Temporary Granted Ex Parte on 3/7/12.
TEMPORARY EXPIRES 3/15/12.

GENERAL HEARING 5/15/12

DONN PETTY and **CHERYL PETTY,** maternal grandparents are petitioners.

Father: **ANDREW RUTH-HEFFELBOWER**

Mother: **JAYE ELLINGTON PETTY RUTH-HEFFELBOWER**

Paternal grandfather: Duane Ruth-Heffelbower
Paternal grandmother: Clare Ann Ruth-Heffelbower

Petitioners state ?

NEEDS/PROBLEMS/COMMENTS:

This Petition is as to ADRIANNA only.

Petitioners were previously granted a guardianship for Autumn on November 4, 2004. The guardianship for Autumn was terminated on September 21, 2010.

Page 21A is the guardianship of Autumn filed by the paternal grandparents. Ashlynn is currently under a guardianship with the paternal grandparents as her guardian.

4. **Need proof of personal service of the *Notice of Hearing* along with a copy of the temporary petition or *Consent and Waiver of Notice* or *Declaration of Due Diligence* on:**
   b. **Andrew Ruth-Heffelbower (father)**
   c. **Jaye Ellington Petty Ruth-Heffelbower (mother)**

   Parents were served by mail on 3/7/12 *without* a copy of the temporary petition. Probate Code §2250(e)(1) requires parents to be personally served with the Notice of Hearing AND a copy of the temporary petition.

5. **Temporary Petition does not state why a temporary guardianship is necessary.**

6. **Need UCCJEA**

7. **Need Duties of Guardian**

Reviewed by: KT
Reviewed on: 3/8/12
Updates: 3/9/12
Recommendation:
File 21B - Petty

Dept. 303, 9:00 a.m. Thursday, March 15, 2012

22 Perla A. Cariaga (CONS/PE) **Case No. 12CEPR00065**

Atty Cariaga, Joel D. (Pro Per – Conservator)

Special Further Hearing Re: Clarification and Further Information Re: Conservatorship of the Estate

Age: 49	**JOEL D. CARIAGA**, Spouse, is Petitioner.	**NEEDS/PROBLEMS/COMMENTS:**
DOB: 4-18-62		
	On 2-29-12, JOEL D. CARIAGA was appointed Conservator of the Person with medical consent powers and Conservator of the Estate.	
	Subsequent to the hearing of 2-29-12, on 3-5-12, the Court stayed the order of appointment and set this special further hearing for clarification regarding the request for Conservatorship of the Estate.	
	The Court requested that the Conservator provide further information, including: • What is the total value of the life insurance policy that Conservator requests access to? • Is the cash value for the policy a different amount? • What are the terms of the policy regarding disability? For instance, are premiums waived in the event of a disability? • What is Conservator's intent regarding access to the policy? Is it Conservator's intent to borrow against the cash value? Is it Conservator's intent to maintain the premiums?	
		Reviewed by: skc
		Reviewed on: 3-8-12
		Updates:
		Recommendation:
		File 22 - Cariaga

	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	

Dept. 303, 9:00 a.m. Thursday, March 15, 2012

23 Anthony Lee Monianci (GUARD/P) **Case No. 12CEPR00212**

Atty Castanon, Beatrix Antonia (pro per – maternal aunt/Petitioner)

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

Age: 12
DOB: 04/20/99

Cont. from

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

GENERAL HEARING 05/02/12

BEATRIX CASTANON, maternal aunt, is Petitioner.

Father: **RUDOLPHUSLEE MONIANCI -** *incarcerated*

Mother: **JENNIFER BOERS –** *deceased*

Paternal grandparents: NOT PROVIDED

Maternal grandparents: NOT PROVIDED

Half-Siblings: JAQULYN SHORTER (21); JADE SHORTER (18)

Petitioner states that temporary guardianship is necessary because the minor's mother died in November 2011 and his father is incarcerated. Petitioner states that the mother's will nominates her to be appointed as guardian of mother's minor children. Petitioner states that the minor is currently living with his sisters and their father and states that she plans for him to remain living there.

NEEDS/PROBLEMS/COMMENTS:

1. **Need Child Information Attachment (Form GC-210(CA)), this is a required attachment to the Petition for Appointment of Guardian.**
2. **Need *Notice of Hearing.***
3. **Need proof of personal service at least 5 court days before the hearing of *Notice of Hearing* with a copy of the *Temporary Petition* or Consent and waiver of Notice or Declaration of Due Diligence for:**
   - Rudolphuslee Moniani (father)
   - Anthony Lee Monianci (minor)

Reviewed by: JF

Reviewed on: 03/07/12

Updates:

Recommendation:

File 23 - Monianci

Dept. 303, 9:00 a.m. Thursday, March 15, 2012