

Atty **Teixeira, J. Stanley (for Petitioner John H. Colfer, Conservator)**

**(1) Fourth Account and Report of Conservator of the Estate and (2) Petition for Allowance of Attorney Fees**

		<b>JOHN H. COLFER</b> , spouse and Conservator of the Estate, is Petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. <i>Summary of Account</i> lists charges as <b>\$284,449.34</b>, while credits are listed as <b>\$283,641.49</b>, resulting in an unexplained difference of <b>\$807.85</b>, causing the accounting not to balance. Charges must equal credits as provided by Probate Code § 1061(c). Need clarification and/or amended account pursuant to Probate Code § 1060 et seq.</p> <p>2. <i>Petition</i> does not but should address the current sufficiency of bond. Based on the property on hand and annual income, Court may increase bond to <b>~\$97,000.00</b>.</p> <p><b>~Please see additional page~</b></p>
		<b>Account period: 11/1/2012 - 10/31/2014</b>	
<b>Cont. from</b>		Accounting - <b>\$284,449.34? OR \$283,641.49?</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Beginning POH - <b>\$253,003.52</b>	
<input checked="" type="checkbox"/>	<b>Verified</b>	Ending POH - <b>\$254,946.29</b> <i>(consisting of real property; personal property; cash of \$123,746.64;)</i>	
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>	Conservator - <b>none requested</b>	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	Attorney - <b>\$2,162.61</b> <i>(\$2,500.00 per Local Rule 7.16, less \$337.39 payment inadvertently received from Conservator prior to Attorney advising Conservator of need for court authorization;)</i>	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	W/	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>	Bond - <b>\$85,000.00</b> <i>(insufficient; Court ordered the bond remain as set on 1/30/2013 based on most conservatorship assets remaining in blocked accounts; Petition does not address bond;)</i>	
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>	<b>Petitioner prays for an Order:</b>	
<input type="checkbox"/>	<b>Aff. Posting</b>	1. Approving, allowing and settling the Fourth Account; and	
<input type="checkbox"/>	<b>Status Rpt</b>	2. Authorizing the attorney fees	
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
<b>Reviewed by:</b> LEG			
<b>Reviewed on:</b> 3/13/15			
<b>Updates:</b>			
<b>Recommendation:</b>			
<b>File 1 - Erwin</b>			

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

3. *Schedule C, Disbursements* shows the following automobile-related expenses; however, no automobile is listed on *Schedule E, Property on Hand*, as an asset of the Conservatorship estate, and the *Petition* contains no explanation for these disbursements, raising the question of the propriety of the Conservatee paying for automobile-related expenses:
- USAA on 11/7/2012 for auto and homeowners insurance of **\$137.62** (**Note:** total disbursements for USAA calculate as **~\$3,153.30**. The *Petition* and *Schedule C* do not but should indicate whether the payments are apportioned or adjusted to deduct charges for auto insurance, leaving only the homeowner's insurance portion as disbursements from the Conservatee's funds).
  - Sunnyside Auto Repair on 3/19/2013 of **\$299.10**.
  - Sunnyside Auto Repair on 9/23/2013 of **\$63.29**.
  - Wale & Eades on 10/4/2013 for re-upholstery of Buick auto of **\$492.19**.
  - Sunnyside Auto Repair on 2/11/2014 of **\$179.60**.

**Note:** Court will set status hearing as follows:

- **Thursday, December 15, 2016 at 9:00 a.m. in Dept. 303** for the next accounting.

Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.

**2 Francisco Alvarado (Estate)**

**Case No. 14CEPR00214**

**Atty Tomassian, Gerald M. (for Lorena Torres – Administrator – Petitioner)**

**(1) Waiver of Accounting and (2) Petition for Final Distribution and for (3) Allowance of Statutory Fees and Commissions**

<b>DOD: 10-23-13</b>	<b>LORENA TORRES</b> , Sister and Administrator with Full IAEA with bond of \$500,000.00, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	Accounting is waived.	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	I&A: \$277,891.29	
<input checked="" type="checkbox"/> <b>Verified</b>	POH: \$174,473.34 cash plus real property valued at \$65,000.00	
<input checked="" type="checkbox"/> <b>Inventory</b>	Administrator: \$7,500.00 (less than statutory)	
<input checked="" type="checkbox"/> <b>PTC</b>	Attorney: \$8,977.83 (Statutory)	
<input checked="" type="checkbox"/> <b>Not.Cred.</b>	Closing: \$2,500.00	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Distribution pursuant to intestate succession is to:	
<input checked="" type="checkbox"/> <b>Aff.Mail</b> w/o	Shanna Alvarado: \$155,495.51 cash plus real property valued at \$65,000.00.	
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input checked="" type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input checked="" type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input checked="" type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> skc
		<b>Reviewed on:</b> 3-13-15
		<b>Updates:</b>
		<b>Recommendation:</b> SUBMITTED
		<b>File 2 - Alvarado</b>



**Petition to: (1) Approve Trustee's First and Final Account and Report; (2) Ratify Trustee's Actions as Trustee; (3) Determine Whether Beneficiary Complied With Condition of Inheritance; and (4) for Attorney's Fees**

<b>DOD: 05/07/11</b>	<b>STEVEN M. BOTELHO</b> , Trustee, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. The Petition does not include the names and addresses of each person entitled to notice as required by Probate Code 17201. (See also, CA Rules of Court 7.902.)
	Account period: <b>03/28/14 – 12/19/14</b>	
	Accounting - <b>\$3,932,247.66</b>	
	Beginning POH - <b>\$3,600,000.00</b>	
	Ending POH - <b>\$3,627,530.85</b>	
<b>Cont. from</b>		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Trustee - <b>waived</b>	
<input checked="" type="checkbox"/> <b>Verified</b>	Trustee costs - <b>\$304,116.81</b> (to pay the Farmland Trust's liabilities and costs of administration including, payments for farming the land, loan payments, property taxes and legal services)	
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b> w/o		
<input type="checkbox"/> <b>Aff.Pub.</b>	<b>Background information:</b>	
<input type="checkbox"/> <b>Sp.Ntc.</b>	Testator Jerri L. Mendrin ("Jerri") died 05/07/11 and her estate was administered in Fresno County case 11CEPR00525, Jerri's surviving spouse, Kenneth Mendrin ("Kenneth") was appointed Executor. The terms of Jerri's will created a testamentary trust known as the Jerri L. Mendrin Farmland Trust ("The Farmland Trust") which was to be funded with 240 acres of farmland planted as a vineyard. Under the Farmland Trust, Kenneth was to be the income beneficiary of the Farmland Trust upon his acceptance of the Farmland Trust terms. Under the terms of the Farmland Trust, the Trustee was to hold and distribute the principal and net income of the trust estate to Kenneth during his lifetime with any accrued or undistributed income at Kenneth's death to be paid to his estate.	
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>	Section 5.04(b) of the Farmland Trust states that the trustee is responsible for receiving the proceeds of the sale of all crops grown on the Trust property and apply the proceeds to various costs and expenses (loans, taxes, etc.) and that any remaining proceeds are to be distributed to Kenneth or his issue.	

Continue on Page 2

Jerri inherited the farmland from her father and the adjacent farmland was inherited by Jerri's sister, Judy Botelho, and is actively farmed by the Petitioner, Steven Botelho. As a result of his actively farming the adjacent land, Petitioner is aware of the condition of the farmland held in Jerri's estate. In January 2014, Petitioner was concerned because no pruning or tying had been done to the vines on Jerri's property and Petitioner feared a crop would not be raised for harvest without intervention. At this time Kenneth was ill and was apparently not able to farm the land. Petitioner raised these concerns with Kenneth and an agreement was reached whereby Petitioner would farm the land under a standard 80/20 crop share farm lease.

Unfortunately, a dispute arose of the interpretation of the Farmland Trust which provided that "any accrued by undistributed income at the death of [Kenneth] shall be paid to his estate." Kenneth took the position that income accrues when the crop is set, but Petitioner/Trustee disagreed because farmers, estates and trusts all operate on a cash basis (not accrual basis) and therefore, income would accrue when the crop was sold. To say income accrued when the crop is set made no sense – what if the crop was lost due to disease, weather or drought? The parties participated in a Mandatory Settlement Conference and ultimately resolved the issue of when income accrued so to avoid litigation in the year Kenneth died. Petitioner/Trustee and Kenneth agreed that having a farm lease made the most sense because Kenneth could not farm, the Trustee conceded the issue of when the crop accrued and agreed that Kenneth would be entitled to income in any year in which he was alive.

Pursuant to the this agreement, Kenneth's attorneys prepared the Farm Lease which terms states that if Kenneth died during 2014, or any subsequent renewal term, then his share of the 2014 (or subsequent year) crop proceeds shall be paid to his daughter, Kim Mendrin, or his estate. The payment of rent is described in section 8 of the Farm Lease and provides that the total rent is an undivided twenty percent (20%) share of the gross income payable after each year's crop is sold. Recital D of the Farm Lease makes it clear that Petitioner, would be the Lessor upon the funding of the Farmland Trust because he was Trustee of the Farmland Trust and was the Lessee in his individual capacity. Kenneth died at some time before November 2014. [See Farm Lease, Exhibit 4]

Pursuant to the terms of the Farm Lease, Petitioner, in his individual capacity, complied with the terms of the Farm Lease. Petitioner farmed the land, paid all farming costs associated therewith and cultivated the crop through harvest. The total gross for the crop was \$322,247.66 and was paid directly to the Trust as the owner of the farmland and Lessor. 80% was payable to Petitioner, in his individual capacity (\$265,798.13) and the remaining 20% was retained by the Farmland Trust (\$66,449.53).

Petitioner, as Trustee of the Farmland Trust, prepared the accounting presented above, and confirmed that the Trustee was prepared to distribute net income in the amount of \$27,530.85 to Kim Mendrin. Petitioner distributed, the net proceeds of \$27,530.85 to Kim and subsequently, through her attorney, Kim demanded payment of the full gross amount of \$66,449.53. Kim's attorney took the position that the Trust was not entitled to receive any of the income and that said income from the crop was not subject to costs of administration or any necessary costs of owning the Farmland (property taxes, payment of liabilities secured by the Farmland, etc.).

Petitioner/Trustee submits that Kim's position is meritless and the demand for the gross income is being made in bad faith.

Continued on page 3

**Dept. 303, 9:00 a.m. Wednesday, March 18, 2015**

By demanding payment of the gross income, Kim is taking the position that Trustee had no right to pay the costs of administration out of the income by the Farmland Trust. Petitioner asserts that such a position finds no basis in law and that the Probate Code makes clear costs of administration are born by the beneficiaries and not the trustee.

Kim's attorney seems to argue that the Farmland Trust was never created which is inconsistent with the Court Order and terms of the Farm Lease. Furthermore, the Farmland Trust was the record owner of the land upon recordation of the Order. Since there are no other income streams, the **only** way costs of administration can be paid out of the income received under the Farm Lease.

The Farm Lease itself provides that the Lessor is to pay the property taxes, thus the demand for full payment ignores the terms of the Farm Lease. If the Court accepts the demand at face value, it would require the Trustee (as Lessor) to breach the requirements of the Farm Lease.

In addition, the Farm Lease was prepared by Kim's attorney (who formerly represented Kenneth). Even if the Court finds that there is some ambiguity in the Farm Lease terms, such ambiguity must be construed against Kenneth, and now Kim, because the lease was prepared by their attorney. Civil Code § 1654; *Robert Marsh & Co. v. Temper* (1930) 210 Cal 572 ("Where language in contract is ambiguous, contract shall be interpreted most strongly against the party who prepared it.") It would be inequitable for Kenneth (and Kim's) attorney to prepare an ambiguous lease agreement and then pounce on such ambiguity to obtain a result that was never contemplated by the parties.

**Petitioner prays for an Order:**

1. Approving Trustee's First and Final Account;
2. Approving and ratifying the Trustee's actions;
3. Confirming the Trustee performed his obligations under the Farm Lease;
4. Finding that Kenneth, and now Kim, did not accept the terms of the Farmland Trust and are therefore not entitled to any income;
5. Ordering Kim to return the net income payment of \$27,530.85 to the Trustee;
6. Ordering Kim to pay the Trustee's reasonable attorney's fees and costs associated with bringing this Petitioner and defending his actions as Trustee; and
7. For all other orders the Court deems just and proper

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

<b>DOD: 2-19-14</b>	<b>JOAN E. HERWALDT</b> , Named Alternate Executor without bond, is Petitioner. (Named executor is deceased.)	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> The Court will set status hearings as follows:</p> <ul style="list-style-type: none"> <li>• <b>Wednesday, August 19, 2015</b> for filing the Inventory and Appraisal</li> <li>• <b>Wednesday, June 15, 2016</b> for filing the first account or petition for final distribution</li> </ul> <p>If the proper items are on file prior to the status hearing dates pursuant to local rules, the status hearings may be taken off calendar.</p>
	Full IAEA – ok	
<input checked="" type="checkbox"/> <b>Aff.Sub.Wit.</b>	Will dated: April 29 (No year)	
<input checked="" type="checkbox"/> <b>Verified</b>	(Proof of Subscribing Witness Randall S. Walker indicates that the year was 1987.)	
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>	Residence: Fresno Publication: Business Journal	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Estimated value of estate:	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	Personal property: \$9,000.00	
<input checked="" type="checkbox"/> <b>Aff.Pub.</b>	Real property: \$242,000.00	
<b>Sp.Ntc.</b>	Probate Referee: Rick Smith	
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<input checked="" type="checkbox"/> <b>Letters</b>		
<input checked="" type="checkbox"/> <b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> skc
		<b>Reviewed on:</b> 3-13-15
		<b>Updates:</b>
		<b>Recommendation:</b> SUBMITTED
		<b>File 5 - Harris</b>





**Probate Status Hearing Re: Failure to File the Inventory and Appraisal and for Failure to File a First Account or Petition for Final Distribution**

	<p><b>ARTHUR K. O'BRIEN</b>, son, was appointed executor with full IAEA authority without bond on 07/14/2006.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>
<p><b>Cont. from 022814, 050914, 062314, 102314, 012115</b></p>	<p><b>PUBLIC GUARDIAN</b> was appointed as Successor Administrator with full IAEA authority without bond on 06/23/2014.</p>	<p><b><u>Off Calendar. First and Final Account filed on 02/23/2015. Hearing is set for 04/08/2015.</u></b></p>
<p><b>Aff.Sub.Wit.</b></p>	<p>Letters issued on 08/06/2014.</p>	<p>1. Need First Account or Petition for Final Distribution.</p>
<p><b>Verified</b></p>	<p>Final Inventory and Appraisal was filed 09/19/2014 showing an estate valued at \$87,500.00.</p>	
<p><b>Inventory</b></p>		
<p><b>PTC</b></p>	<p>Supplemental Inventory and Appraisal was filed 01/13/2015 showing an estate valued at \$3,055.50.</p>	
<p><b>Not.Cred.</b></p>		
<p><b>Notice of Hrg</b></p>	<p><b>Former Status Report Regarding Failure to File Final Account filed by the Public Administrator on 10/16/2014</b> states the sole asset of the estate is 50% interest in the real property located in Fresno County. As part of the divorce settlement between Liane O'Brien and the decedent, they became tenants in common of the property. Liane O'Brien died May 4, 2006. Arthur K. O'Brien, Jr. petitioned and was appointed administrator of her estate on 10/24/2006 (Case #06CEPR00774). However, he never paid the bond, Letters were never issued, and nothing further was done in the estate. The Public Guardian had Arthur O'Brien's 50% interest in the real property appraised by Steven Diebert and has found a potential buyer for the property. However, the property needs to be sold in conjunction with the Liane O'Brien estate. Therefore, the Public Administrator requested that a status hearing be set for Liane O'Brien's estate, and it was set for 10/15/2014. At that hearing Arthur K. O'Brien, Jr. resigned as administrator. The Public Guardian needs to get the 50% interest of the real property owned the Liane O'Brien estate appraised by Rick Smith. In order to allow time to file the appraisal, complete the sale of the property, and to prepare the documents for the final account, it is respectfully requested that the next status hearing for this matter be set no sooner than 90 days from the date of this hearing.</p>	
<p><b>Aff.Mail</b></p>		
<p><b>Aff.Pub.</b></p>		
<p><b>Sp.Ntc.</b></p>		
<p><b>Pers.Serv.</b></p>		
<p><b>Conf. Screen</b></p>		
<p><b>Letters</b></p>		
<p><b>Duties/Supp</b></p>		
<p><b>Objections</b></p>		
<p><b>Video Receipt</b></p>		
<p><b>CI Report</b></p>		
<p><b>9202</b></p>		
<p><b>Order</b></p>		
<p><b>Aff. Posting</b></p>		
<p><b>Status Rpt</b></p>		
<p><b>UCCJEA</b></p>		
<p><b>Citation</b></p>		
<p><b>FTB Notice</b></p>		<p><b>Reviewed by:</b> LV  <b>Reviewed on:</b> 03/13/2015  <b>Updates:</b>  <b>Recommendation:</b>  <b>File 8 – O'Brien</b></p>

	DENISE RAMIREZ, maternal aunt, was appointed guardian on 5/18/2006.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need proof that a guardianship has been established in the state of Arizona.
	Father: <b>UNKNOWN</b>	
	Mother: <b>GRACIE PEREZ</b>	
<b>Cont. from 121014</b>	Maternal grandmother: Rosie Perez	
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>	Guardian, Denise Ramirez, petitioned the court to move with the minor to Yuma, Arizona.	
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>	On 6/11/14 the Court granted the request to move and set this status hearing for the filing of guardianship in Arizona.	
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed on: 3/16/15</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 9 – Ramirez</b>

Atty Rindlisbacher, Curtis D., of Perkins, Mann & Everett (for Kenneth Wall, Administrator)

Status Hearing

<b>DOD: 12/8/1988</b>	<p><b>KENNETH WALL</b>, son, was appointed Administrator with full IAEA authority without bond on 7/8/2008; <i>Letters</i> issued on 7/8/2008.</p> <p><b>Background:</b></p> <ul style="list-style-type: none"> <li><i>First and Final Report of Administrator and Petition for Settlement of Account, for Allowance of Compensation to Administrator and Attorneys for Ordinary Services; and for Final Distribution and Reimbursement of Costs</i> filed 10/30/2014 sought to distribute a share of the <i>Estate of Camille Dolores Smith</i> totaling <b>\$35,188.40</b> in cash to <b>MAXIMILANO GODINEZ</b>, Administrator of the <i>Estate of Kelli Michelle Godinez (Decedent's daughter)</i>, Case 07CEPR01353;</li> <li>Court records show <b>MAXIMILANO GODINEZ, JR.</b>, who was represented by <b>SHELDON FEIGEL</b> (now <b>prohibited from practicing law in California effective 1/8/2015</b>) was appointed Successor Administrator on 10/23/2008 with a bond of <b>\$250,000.00</b> to be posted, which was not posted and <i>Letters of Administration</i> never issued to him;</li> <li>Therefore, the <i>Estate of Kelli Michelle Godinez</i> is not in a position to receive assets from the <i>Estate of Camille Dolores Smith</i>, which of necessity delays completion of final distribution of the <i>Estate of Camille Dolores Smith</i>.</li> </ul> <p><b>Minute Order dated 12/17/2014 [Judge Cardoza]</b> from the hearing on the first and final account in the <i>Estate of Camille Dolores Smith</i> set this <i>Status Hearing</i> on 1/21/2015 for the failure to proceed with administration in the <i>Estate of Kelli Michelle Godinez</i>, Case 07CEPR01353, ordering as follows:</p> <ul style="list-style-type: none"> <li>The Court orders that the <b>\$35,188.40</b> be held by the Petitioner [<b>KENNETH WALL</b>] on behalf of the estate until an administrator is qualified to receive the funds in case 07CEPR01353.</li> </ul> <p><b>Clerk's Certificate of Mailing filed 12/11/2014</b> shows a copy of the <i>Notice of Status Hearing</i> was mailed to Sheldon Feigel and Maximilano Godinez, Jr., on 12/11/2014.</p>	<p><b>NEEDS/PROBLEMS/ COMMENTS:</b></p> <p><b>Page 16</b> is a Status Hearing for the related <i>Estate of Kelli Michelle Godinez</i>, Case 07CEPR01353.</p> <p><b>Continued from 1/21/2015.</b> <i>Minute Order</i> states Mr. Rindlisbacher is still awaiting the closure of the Kelli Michelle Godinez Estate, 07CEPR01353.</p> <p>1. Need verified Status Report and proof of service of the Status Report pursuant to Local Rule 7.5(B).</p>
<b>Cont. from 012115</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
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<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
	<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 3/12/15</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 10 - Smith</b></p>	

**11 Mariangela Straight (Estate)**

**Case No. 13CEPR00164**

**Atty Molsenbocker, Gary L. (for Administrator Kenneth W. Price)**

**Probate Status Hearing Re: Filing First Account or Final Distribution**

<b>DOD: 1-13-13</b>	<b>KENNETH W. PRICE</b> was appointed Administrator with Full IAEA with bond of \$80,000.00 on 4-2-13.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b><u>CONTINUED TO 5-13-15</u></b></p> <p><b>Note:</b> Increased bond totaling \$386,500 was filed 12-17-14.</p> <p>1. <b>Need first account or petition for final distribution pursuant to Probate Code §12200 or verified written status report pursuant to local rule.</b></p>
<b>Cont from 090514, 121814</b>	At the hearing on 4-2-13, the Court set this status hearing for the filing of the first account.	
<b>Aff.Sub.Wit.</b>	Bond was filed and Letters issued on 4-16-13.	
<b>Verified</b>		
<b>Inventory</b>	I&A includes \$33,358.26 cash, real property valued at \$95,000.00, and \$295,413.95 in stock (total \$423,772.21).	
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>	<b>Status Report filed 8-28-14 states</b> the Administrator is also the Administrator of the Estate of Madeline Scheppner 13CEPR00872, which contains property that will be distributed to this estate. The Administrator is in the process of filing the petition to distribute in that estate. Therefore it is requested that this petition be continued for at least 90 days to allow distribution to this estate.	
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>	<b>Status Report filed 12-5-14 states</b> since the last status report, the administrator of the Scheppner case has listed and sold the real property, which was the only asset. The administrator and his attorney anticipate filing a final account within the next 10 days. After distribution to this estate, Mr. Price can file his first and final account. 90 days is requested.	
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>	<b>Supplemental Status Report filed 12-12-14 states</b> an Order on Ex Parte Application to Increase Bond was filed 10-29-14. The increased bond was requested; however, on 12-10-14 it was discovered that the increased bond still had not issued. The bonding company was contacted and agreed to issue the additional bond immediately.	
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 3-12-15</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 11 - Straight</b></p>



Probate Status Hearing Re: Filing Inventory and Appraisal

<b>DOD: 1/1/14</b>	<p><b>CRAIG MACGLASHAN</b>, son, was appointed Executor with Limited IAEA authority and without bond on 8/28/14.</p> <p>Letters issued on 8/28/14.</p> <p>Minute Order dated 8/28/14 set this status hearing for the filing of the Inventory and Appraisal.</p> <p><b>Status Report filed on 12/24/14</b> states he was the Conservator of the Estate of the Decedent. The final account in the conservatorship is set to be heard on 1/12/15. Once final accounting is approved, Petitioner will file and inventory and appraisal with the Court.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued to 5/13/15</b> with the permission of Judge Kazanjian.</p> <p>1. Need Inventory and Appraisal.</p>
<b>Cont. from 012115</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by: KT</b>
		<b>Reviewed on: 3/13/15</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 13 - McGlashan</b>

Pro Per Gonzalez, Adam (Pro Per Petitioner, father)  
 Atty Vezzola, Mark A.; Radoff, Mark A., of Escondido, CA (for Tohono O'odham Nation)

Petition for Termination of Guardianship

		ADAM GONZALEZ, father, is Petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> The related <i>Petition for Appointment of Guardian</i> of <b>JASMINE GONZALEZ</b> (sibling of Adam and Makayla Gonzalez) filed by Miroslava Ibarra, maternal grandmother, is set for hearing on <b>4/20/2015</b>.</p> <p><b>Continued from 2/4/2015.</b> Minute Order states examiner notes handed in open court. Mr. Gonzalez represents that his mother is deceased. Matter continued for the remaining defects to be cured.</p> <p><b>The following defects from the last hearing remain:</b></p> <ol style="list-style-type: none"> <li>1. <i>Order on Court Fee Waiver</i> filed on 12/5/2014 shows Petitioner's fee waiver request was denied. Therefore, Petitioner owes the <b>\$60.00</b> filing fee for the petition for termination, which Court records indicate has not been paid to date, and Petitioner does not appear to have requested reconsideration of the fee waiver order.</li> <li>2. Need <i>Notice of Hearing</i> and proof of service by mail of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Termination of Guardianship</i>, or <i>Consent to Termination and Waiver of Notice</i> for:                     <ul style="list-style-type: none"> <li>• Evelyn D. Chavez, mother;</li> <li>• Adam Gonzalez, Ward;</li> <li>• paternal grandfather;</li> <li>• Miroslava Ibarra, maternal grandmother;</li> <li>• <b>TOHONO O'ODHAM INDIAN NATION</b>, the ICWA Tribe of the wards identified in the initial <i>Petition for Guardianship</i> filed 10/12/2005. (<b>Note: Please see Additional Page for Notice of Intervention.</b>)</li> </ul> </li> </ol>
		ALFRED CHAVEZ, maternal grandfather, was appointed Guardian on 4/17/2006.	
Cont. from 020415			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
~Please see Petition for details~			
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
	Notice of Hrg	Court Investigator' Report filed 1/27/2015.	
<input checked="" type="checkbox"/>	Aff.Mail	X	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input checked="" type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
~Please see additional page~			
<input checked="" type="checkbox"/>	Clearances		
<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		
		Reviewed by: LEG	
		Reviewed on: 3/12/15	
		Updates: 3/13/15	
		Recommendation:	
		File 14 - Gonzalez	

**Declaration in Opposition to Termination of Guardianship filed by ALFRED CHAVEZ, Guardian, on 2/2/2015.**

**Tohono O'Odham Nation's Notice of Intervention; Discovery & Disclosure Request; Memorandum of Points & Authorities filed 3/13/2015 requests that the Court provide the Tribe's counsel with copies of all reports and other documents which may be the basis for any decision with respect to the [Petition for Termination], stating:**

- Pursuant to ICWA § 1911, Probate Code § 1459.5 and CA Rule of Court 7.1015, the Tohono O'odham Nation of Arizona ("Tribe") exercises its right to intervene in this matter to be effective immediately;
- Intervention is appropriate because this is a child custody proceeding within the meaning of 25 USC § 1903(1) involving two "Indian children" within the meaning of 25 USC § 1903(4); the grounds for this intervention and request for discovery and disclosure are fully set forth in the *Memorandum of Points and Authorities*;
- The Tribe intervention is appropriate because the children are eligible for enrollment and are the biological children of **ADAM GONZALEZ**, an enrolled member of the Tribe (*Certificate of Final Determination attached as Exhibit A*);
- The Tribe requests discovery and disclosure of copies of all reports and other documents relating to this action pursuant to 25 USC § 1912(c), which provides that each party to a foster care placement or termination of parental rights proceeding under State law involving an Indian child shall have the right to examine all reports or other documents filed with the court upon which any decision with respect to such action may be based;
- *[Please refer to **Page 3 lines 4 to 20** for specific documents requested by the Tribe];*
- Such documents or pre-hearing discovery and disclosure should be produced on or before the next date set in this matter so that the intervening party may have adequate time to prepare for the next appearance hearing.

**For the foregoing reasons, this Court should identify this case as requiring compliance with the Act, acknowledge the Tribe's standing as an intervening party, and authorize disclosure of all documents filed in this matter to the Tribe and its counsel.**

**15 Fernando Zapata, Jayare Zapata, Noah Zapata & Marcell Zapata  
(GUARD/P) Case No. 05CEPR00945**

Atty Zapata, Marie (pro per Guardian/paternal aunt)  
 Atty Zapata, Wendy (pro per Guardian/paternal aunt)  
 Atty Basquez, Emilia (pro per Petitioner/mother)

**Petition for Termination of Guardianship**

		EMILIA BASQUEZ, mother, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  Fernando is now age 18 therefore his guardianship has terminated by operation of law.  Continued from 1/21/15. As of 3/13/15 the following issues remain:
		Please see petition for details.	
<b>Cont. from 012115</b>			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			<b>Reviewed by: KT</b>
			<b>Reviewed on: 3/13/15</b>
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 15 – Zapata</b>

Atty Feigel, Sheldon W. (prohibited from practicing law in California effective 1/8/2015)  
 Pro Per Godinez, Jr., Maximilano (Pro Per Successor Administrator)

**Probate Status Hearing for Failure to File Bond and have Letters Issue, Failure to File an Inventory and Appraisal and Failure to File a First Account or Petition for Final Distribution**

<b>DOD: 8/27/2007</b>	<b>MAXIMILLANO GODINEZ, JR.</b> , step-son, was appointed Successor Administrator with full IAEA authority with bond of <b>\$250,000.00</b> on 10/23/2008.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Page 10</b> is a Status Hearing for the related <i>Estate of Camille Dolores Smith</i>, Case 08CEPR00560.</p> <p><b>Continued from 1/21/2015.</b> <i>Minute Order</i> states Maximilano Godinez states his desire to remain and act as Successor Administrator of this estate. The Court admonishes Mr. Godinez with regard to posting the bond and getting his Letters of Administration issued. Examiner notes handed; matter continue to allow time for the defects to be cured.</p> <p><b>The following defects from the last hearing remain:</b></p> <ol style="list-style-type: none"> <li>1. Need proof of <b>\$250,000.00</b> bond to be filed with the Court.</li> <li>2. Need <i>Final Inventory and Appraisal</i> pursuant to Probate Code § 8800(b),</li> <li>3. Need first account and/or petition for final distribution</li> </ol>
<b>Cont. from 012115</b>	<b>Bond was not posted and Letters of Administration never issued.</b>	
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>	X	
<b>Bond</b>	X	
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>	<b>Notice of Status Hearing filed 12/11/2014</b> set this Status Hearing on 1/21/2015 for failure to file bond, failure of issuance of Letters, failure to file an inventory and appraisal, and failure to file a first account and/or petition for final distribution.	
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>	<b>Clerk's Certificate of Mailing filed 12/11/2014</b> shows a copy of the <i>Notice of Status Hearing</i> was mailed to Sheldon Feigel and Maximilano Godinez, Jr., on 12/11/2014. A courtesy copy of the <i>Notice of Status Hearing</i> was mailed to Attorney Curtis Rindlisbacher on 12/11/2014.	
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
<b>Reviewed by:</b> LEG		
<b>Reviewed on:</b> 3/12/15		
<b>Updates:</b>		
<b>Recommendation:</b>		
<b>File 16 – Godinez</b>		

Petition for Visitation

		<b>BLANCA DE RAMIREZ</b> , maternal grandmother, is petitioner.  Please see petition for details.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  Continued from 1/14/15.	
Cont. from 111914, 011415				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W/
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			X
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: KT	
			Reviewed on: 3/13/15	
			Updates:	
			Recommendation:	
			File 17 - Agundez	

		<u>Please see Petition for details</u>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need proof of personal 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 or declaration of due diligence for: <ul style="list-style-type: none"> <li>• Michael Villareal (Father)</li> <li>• Isabel Cedillo (Paternal Grandmother)</li> <li>• Dion Fernandez (Maternal Grandfather)</li> </ul>
<b>Cont. from 012115</b>			
	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>		
	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
✓	<b>Notice of Hrg</b>		
	<b>Aff.Mail</b> x		
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
✓	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
	<b>Letters</b>		
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
	<b>Order</b> n/a		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		
		<b>Reviewed by:</b> LV	
		<b>Reviewed on:</b> 03/13/2015	
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 18 – Fernandez</b>	

Atty Hernandez, Starlotte (Pro Per – Maternal Aunt – Guardian - Petitioner)

Atty Hernandez, Salvador Jr. (Pro Per – Maternal Uncle – Guardian - Petitioner)

Petition to Fix Residence Outside the State of California

		See petition for details.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Note:</u> This petition pertains to the minor <u>Makayla Colombero only.</u></p> <p><u>Note:</u> Pursuant to Probate Code §2352(d), Petitioners shall cause a guardianship or equivalent proceeding to be commenced in the new state of residence, if longer than four months. Therefore, if granted, the Court will set a status hearing as follows for proof of establishment of a guardianship there:</p> <ul style="list-style-type: none"> <li>• Wednesday, July 22, 2015</li> </ul> <p>If proof of establishment of guardianship is filed prior to the status hearing date, the status hearing may be taken off calendar.</p>	
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			W
	Conf. Screen			
✓	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 3-13-15	
			Updates:	
			Recommendation:	
			File 19 – Santos & Colombero	

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

		See petition for details.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need Notice of Hearing.  2. Need proof of personal service of Notice of Hearing with a copy of the temp petition at least five court days prior to the hearing per Probate Code §2250(e) on: - Marcus Bravo (Father) - Alexandra Zepeda (Mother)  3. Need current UCCJEA (GC-120), which provides the minor's residence information since birth and additional information regarding related cases involving the minor.  (Note: Petitioner previously filed a UCCJEA in connection with her prior petition on 5-15-14; however, a new one was not filed with this new petition.)	
	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	x		
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 3-13-15	
			Updates:	
			Recommendation:	
			File 20 - Bravo	

<b>DOD: 7-26-14</b>	<b>Petitioners are Decedent's 11 children as follows:</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<ul style="list-style-type: none"> <li>• SANTIAGO LOPEZ, JR.</li> <li>• RAMON LOPEZ</li> <li>• IRMA OLGUIN</li> <li>• OLGA CORTEZ</li> <li>• MARTA NORA LOPEZ</li> <li>• RICHARD LOPEZ</li> <li>• IA TERESA LOPEZ SOLIS</li> <li>• AGAPITO LOPEZ</li> <li>• JESUS LOPEZ</li> <li>• DIEGO LOPEZ</li> <li>• ABRAHAM LOPEZ</li> </ul>	
	40 days since DOD	
	No other proceedings	
	I&A: \$140,000.00 (real property located at 7220 W. Springfield in Raisin City, CA)	
	Decedent died intestate	
	Petitioners request Court determination that Decedent's 100% interest in the real property located at 7220 W. Springfield in Raisin City, CA, passes to them in 1/11 interests each.	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input checked="" 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		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		<b>Reviewed by:</b> skc
		<b>Reviewed on:</b> 3-13-15
		<b>Updates:</b>
		<b>Recommendation:</b> SUBMITTED
		<b>File</b> 21A – Lopez

Pro Per Vasquez, Robert R. (Pro Per Petitioner, son)

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

<b>DOD: 11/25/2014</b>	ROBERT R. VASQUEZ, son and named Executor without bond, is Petitioner.		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p style="text-align: center;"><b>OFF CALENDAR</b></p> <p style="text-align: center;"><b>Request for Dismissal entered as requested on 3/13/2015.</b></p> <p><b>The following defects remain:</b></p> <ol style="list-style-type: none"> <li>A copy of Decedent's Will is not attached as required to the following documents: <ul style="list-style-type: none"> <li><i>Petition for Probate</i> filed 12/23/2014; copy of Will should be Attachment 3(e)(2);</li> <li><i>Proof of Subscribing Witness</i> signed by Kenneth Butler filed 12/23/2014; copy of Will should be Attachment 1;</li> <li><i>Proof of Subscribing Witness</i> signed by Yvonne Moffat filed 12/23/2014; copy of Will should be Attachment 1.</li> </ul> </li> <li>Need <i>Affidavit of Publication</i> from the <i>Fresno Bee</i> or <i>Business Journal</i> pursuant to Probate Code §§ 8120 – 8124, and Local Rule 7.9.</li> <li><i>Inventory and Appraisal</i> filed 1/14/2015 is not due until 4 months after <i>Letters</i> issue to a general personal representative. However, the document has been preliminarily reviewed for the benefit of the Petitioner, and is found <u>not satisfactory</u> for the administration of this estate due to the following defects: <ul style="list-style-type: none"> <li>Caption does not indicate whether it is partial or final inventory and appraisal;</li> <li>Item 5 is incomplete re: property tax certificate.</li> <li><i>Statement About the Bond</i> is not signed and dated.</li> <li><i>Declaration of Probate Referee</i> is blank.</li> <li><i>Attachment 1</i> contains real property in the inventory list (must be on Attachment 2 and appraised by probate referee.)</li> <li>No <i>Attachment 2</i> is attached, required for estates containing real property, with probate referee appraisal value.</li> </ul> </li> </ol>
	Full IAEA – <b>Need publication</b>		
<b>Cont. from 020415</b>			
<input checked="" type="checkbox"/> <b>Aff.Sub.Wit.</b>	Will Dated: 5/7/2014		
<input checked="" type="checkbox"/> <b>Verified</b>			
<b>Inventory</b>	Residence: Fresno		
<b>PTC</b>	Publication: <b>Need</b>		
<b>Not.Cred.</b>			
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	<b>Estimated value of the Estate:</b>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	W	Real property - \$125,000.00	
	/	Personal property - \$320,000.00	
	O	Annual income-PP - \$ 3,000.00	
<b>Aff.Pub.</b>	X	<b>Total - \$448,000.00</b>	
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>	<b>Probate Referee: Steven Diebert</b>		
<input checked="" type="checkbox"/> <b>Letters</b>			
<input checked="" type="checkbox"/> <b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<input checked="" type="checkbox"/> <b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			
<b>Reviewed by:</b> LEG			
<b>Reviewed on:</b> 3/12/15			
<b>Updates:</b> 3/13/15			
<b>Recommendation:</b>			
<b>File 22 – Vasquez</b>			

23 Angel Estrada, Serena Estrada & Serenity Estrada (GUARD/P)

Case No. 15CEPR00045

Pro Per Estrada, Estrella (Pro Per Petitioner, half-sister)  
 Pro Per Aguayo, Beatriz (Pro Per Petitioner, non-relative)

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

		<b>NO TEMPORARY REQUESTED</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>ESTRELLA ESTRADA</b> , half-sister, and <b>BEATRIZ AGUAYO</b> , non-relative, are Petitioners.	1. Need <i>Notice of Hearing</i> and proof of personal service of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian</i> , or <i>Consent to Appointment of Guardian</i> and <i>Waiver of Notice</i> , or a <i>Declaration of Due Diligence</i> , for: <ul style="list-style-type: none"> <li>• Jose Estrada, father;</li> <li>• Christina Rios, if Court does not find diligence per <i>Declaration of Due Diligence</i> filed 1/13/2015.</li> </ul> 2. Need proof of service by mail of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian</i> , or <i>Consent to Appointment of Guardian</i> and <i>Waiver of Notice</i> , or a <i>Declaration of Due Diligence</i> : <ul style="list-style-type: none"> <li>• Angelica Estrada, half-sister (age 16);</li> <li>• Isabel [last name not stated], half-sister (if age 12 or older);</li> <li>• maternal grandmother.</li> </ul>
<b>Cont. from</b>		~Please see Petition for details~	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input type="checkbox"/>	<b>Notice of Hrg</b>	X	
<input type="checkbox"/>	<b>Aff.Mail</b>	X	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>	X	
<input checked="" type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input checked="" type="checkbox"/>	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>Clearances</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input checked="" type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
		<b>Court Investigator's Report was filed on 3/10/2015.</b>	
			<b>Reviewed by:</b> LEG
			<b>Reviewed on:</b> 3/13/15
			<b>Updates:</b>
			<b>Recommendation:</b>
			File 23 - Estrada

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

Taylor Cruz (8)	<b><u>TEMPORARY EXPIRES 03/18/15</u></b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need <i>Notice of Hearing</i> .  2. Need proof of service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: a. Paternal grandparents b. Maternal grandparents
Raul Cruz (5)	<b>LUCIA JUAREZ MONTIJO</b> , maternal aunt, is Petitioner.  Father: <b>RAUL CRUZ GUILLEN</b> – <i>Consent &amp; Waiver of Notice filed 01/14/15</i>  Mother: <b>RITA DUARTE CRUZ</b> – <i>deceased</i>  Paternal grandparents: NOT LISTED  Maternal grandparents: NOT LISTED  <b>Petitioner states</b> that the children have lived with her since their mother passed away. Their father is unable to care for them and consents to the guardianship.  <b>Court Investigator Samantha Henson filed a report on 03/16/15.</b>		
Cont. from			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg	x		
Aff.Mail	x		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.	n/a		
✓ Conf. Screen			
✓ Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
			<b>Reviewed by:</b> JF <b>Reviewed on:</b> 03/13/15 <b>Updates:</b> 03/16/15 <b>Recommendation:</b> <b>File 24 - Cruz</b>

Pro Per Eng, Polly (Pro Per Petitioner, maternal aunt)

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

		<b>NO TEMPORARY REQUESTED</b>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Need Notice of Hearing.</li> <li>2. Need proof of personal service of the Notice of Hearing along with a copy of the petition or consent and waiver of notice or declaration of due diligence on:                     <ol style="list-style-type: none"> <li>a. Sydney Love (father of Ucinthia)</li> </ol> </li> <li>3. Need proof of service of the Notice of Hearing along with a copy of the petition or consent and waiver of notice or declaration of due diligence on:                     <ol style="list-style-type: none"> <li>a. Ucinthia's unknown paternal grandparents.</li> </ol> </li> </ol>
		<p><b>POLLY ENG</b>, maternal aunt, is Petitioner.</p> <p>Please see petition for details.</p> <p>Court Investigator's Report was filed on 3/2/2015</p>	
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	X	
✓	Conf. Screen		
	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
✓	Clearances		
	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			<p><b>Reviewed by:</b> LEG/KT</p> <p><b>Reviewed on:</b> 3/13/15 &amp; 3/16/15</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 25 – Praseutsyhet &amp; Love</b></p>

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

Ryder, 3 months	<u><b>GENERAL HEARING: 05/06/15</b></u>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<b>MILES G. NEWLAND</b> and <b>ELIZABETH NEWLAND</b> , paternal uncle and aunt, are Petitioners.	1. Need <i>Notice of Hearing</i> .
	Father: <b>GARRETT NEWLAND</b>	2. Need proof of personal service at least 5 court days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Temporary Guardian of the Person</i> <u>or</u> <i>Consent &amp; Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for:
<b>Cont. from</b>	Mother: <b>ASHLIE GILBERT</b>	a. Garrett Newland (father)
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Paternal grandfather: MILES NEWLAND	b. Ashlie Gilbert (mother)
<input checked="" type="checkbox"/> <b>Verified</b>	Paternal grandmother: VALERIE NEWLAND	
<input type="checkbox"/> <b>Inventory</b>	Maternal grandfather: JOSEPH CAINE	
<input type="checkbox"/> <b>PTC</b>	Maternal grandmother: MELANIE GILBERT	
<input type="checkbox"/> <b>Not.Cred.</b>	<b>Petitioners state</b> that both parents are in jail and unable to care for Ryder.	
<input type="checkbox"/> <b>Notice of Hrg</b>	Petitioners state temporary guardianship is needed to add Ryder to their insurance.	
<input type="checkbox"/> <b>Aff.Mail</b>		
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input checked="" type="checkbox"/> <b>Conf. Screen</b>		
<input checked="" type="checkbox"/> <b>Letters</b>		
<input checked="" type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input checked="" type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 03/13/15
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 26 - Newland</b>

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

<b>DOD: 05/18/2014</b>	<b>CYNDEE A. JORDAN</b> , as Trustee of the Brock Living Trust, is petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Minute Order of 03/10/2015: Matter is continued for additional research by the Court; parties may file additional information. If the petition is approvable, no appearance will be necessary on 03/18/2015.</b></p> <p>1. The Inventory and Appraisal does not list real property it lists a promissory note which is personal property. A petition requesting an order concerning personal property only is not permitted under Probate Code §13151.</p> <ul style="list-style-type: none"> <li>The Supplemental to Petition to Determine Succession to Real property filed 11/18/2014 admits that the promissory note is personal property. Therefore this procedure cannot be used under Probate Code §13151. Where only personal property is involved the Affidavit procedure under Probate Code §13100 is the appropriate summary procedure.</li> </ul>
	40 days since DOD	
	No other proceedings	
<b>Cont. from 111814, 120914, 012715, 031015</b>	I&A - <b>\$55,355.71</b>	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>	Will dated 11/10/2003 devises the residue of the estate shall pass to the Trustee of the Trust designated as the Brock Living Trust.	
<input checked="" type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>	Petitioner requests Court determination that decedent's 49.11% interest in Promissory Note dated December 22, 1997 pass to CynDee A. Jordan, as Trustee of the Brock Living Trust.	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	w/	
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>	<b>Supplemental to Petition to Determine Succession to Real Property filed 11/18/2014</b> states the Inventory and Appraisal lists a promissory notes (which is personal property). However, the note is secured by a certain Deed of Trust dated 12/22/1997, recorded in the Official Records of the County of Madera on 12/24/1997 as Document No. 9734162, as assigned pursuant to that certain Corporation Agreement of Deed of Trust dated 01/09/1998, recorded in the Official Records in the County of Madera on 05/21/1998, as Document No. 9814033 (the "Deed of Trust"). The Deed of Trust is listed on the Inventory and Appraisal. A deed of trust is a security interest in real property wherein in legal title in real property is transferred to a trustee, which holds it as security for a loan between a borrower and a lender. Hence, the Petition seeks on order concerning real property and personal property and it appropriate under Probate Code §13151.	
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
<b>Please see additional page</b>		
		<b>Reviewed by: LV</b>
		<b>Reviewed on: 03/16/2015</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 27 - Brock</b>

**Memorandum of Points and Authorities in Support of Petition to Determine Succession to Property filed 01/12/2015.****Petition to Determine Succession To Property Is the Appropriate Procedure To Transfer Interest in Real Property Where Total Estate Is Below \$150,000.00 But Above \$50,000.00.**

A decedent's successor in interest (as defined by Probate Code § 13006) may transfer a decedent's interest in real property (and personal, if any) by filing a petition under Probate Code § 13150-13158 when the total value of real and personal property does not exceed \$150,000.00. However, where there is no interest in real property to be transferred this procedure is unavailable. Here, the petition filed a Petition to Determine Succession to Real Property to determine succession to both a promissory note and the Deed of Trust securing said promissory note.

**Deed of Trust Is Interest In Real Property.**

A deed of trust is a conveyance of real property to secure payment of a debt, which is usually evidenced by a separate promissory note. *Hohn v. Riverside County Flood Control etc. Dist.* (1964) 228 Cal. App 2d 605, 6011. California authority has long held that the holder of a deed of trust possesses an interest in the underlying real property. *Massae v. Superior Court* (1981) 118 Cal. App. 3d 527, 536 ("Of course the California real property security instrument known as a deed of trust creates rights or interests in real property"). "[A] trust deed *definitely* does represent an interest in the land, for the title is in the trustee for the benefit of the creditor." *Estate of Moore* (1955) 135 Cal. App. 2d 122, 131 (emphasis added); *Bank of Italy v. Bentley* (1933) 217 Cal. 644; *Snyder v. Western Loan & Bldg. Co.* (1934) 1 Cal. 2d 697, 701; *Py v. Pleitner* (1945) 70 Cal. App. 2d 576, 579; *Mortgage Guarantee Co. v. Lee* (1943) 61 Cal. App. 2d 367, 375. This has been the rule in California ever since 1859. *Koch v. Briggs* (1859) 14 Cal. 256; *Bank of Italy*, supra, 217 Cal. At 655; *Moore*, supra, 135 Cal. App. at 132. In sum, "any rule that rests upon the assumption that the holder of a trust deed note does not have any interest in the land *finds no substantial basis in California law.*" *Moore*, supra, 135 Cal. App. at 132 (emphasis added). As such, the petition is appropriate and the relief sought – that is, an order determining interest in both the promissory note and the Deed of Trust – should be granted.

**Public Policy Favors Granting The Petition**

An overlying issue in this matter is the need to have a clean record of title for the Deed of Trust. If the Petition is denied, the Petitioner will be left with two avenues to attempt to transfer the deed of trust; she can either record a 13100 affidavit or probate the assets. The former will not clear title and the latter is a waste of judicial resources.

A 13100 affidavit is insufficient to clear title because it cannot be used to transfer and interest in real property. Prob. Code §13100. This presents two issues for the Petitioner. First, if the real property securing the deed of trust is sold, an escrow company will request a payoff demand from the record owner of the deed of trust and once escrow companies to determine who needs to make the payoff demand and where such funds should be distributed. Additionally, a title company will not issue a title policy with a 13100 affidavit in the chain of title. Therefore, if a 13100 affidavit were to be used the petitioner will find herself in a position where escrow cannot close and a title policy will not issue as a result of failing to have a court order determining succession to the Deed of Trust.

Therefore, if the Petition is denied the Petitioner will be left with no choice but to probate the Deed of Trust. This uneconomical giving the small value of the estate assets. Moreover, it would serve as a waste of judicial resources.

Petition for Appointment of Temporary Guardian of the Person

		<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>Minute Order of 03/12/2015:</b> Matter is short-set due to the notifying issues and possible CPS removal per counsel.
	<u>Please see Petition for details</u>	<b>Note: Minute Order reflects that the petitioner, Joan Shannon-Harr, is represented by Jennifer Walters however no substitution of attorney has been filed.</b>
Cont. from 031215		1. Need Notice of Hearing.
<input type="checkbox"/> Aff.Sub.Wit.		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 checked="" type="checkbox"/> Verified		<ul style="list-style-type: none"> <li>• Greg Naron (Father)</li> <li>• Willow Shannon (Mother)</li> </ul>
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg	x	
<input type="checkbox"/> Aff.Mail		
<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		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		<b>Reviewed by:</b> LV
		<b>Reviewed on:</b> 03/16/2015
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 28 - Shannon</b>

