1 Manuela Avila Sanchez (Estate) **Case No. 04CEPR01151**

Atty Motsenbocker, Gary L. (for Public Administrator – Successor Administrator/Petitioner)

(1) First and Final Account and Report of Successor Administrator; (2) Petition for Settlement for Allowance of Compensation to Successor Administrator and to Attorney for Statutory and Extraordinary Fees; (3) for Reimbursement of Costs Advanced to the Estate and (4) for Final Distribution (Prob. C. 1060 et seq; 10953(c) & (d); 11000 et seq; and 11640)

DOD: 03/13/04		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
✓	Inventory	
✓	PTC	
✓	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	w/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	03/21/11
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	n/a

PUBLIC ADMINISTRATOR, Successor Administrator, is Petitioner.

Account period: **02/22/11 – 01/31/12**

Accounting - **$70,000.68**
Beginning POH - **$70,000.00**
Ending POH - **$13,440.96**

Administrator (statutory) - **$920.03**

Administrator x/o - **$1,000.00** (per Local Rules for sale of real property)

Attorney - **$920.03** (statutory)

Attorney x/o fees - **$4,135.00** (per itemized statement for Probate Code §850 action against a person claiming a right to decedent's real property)

Costs - **$520.00** (filing fees and bond premium)

Bond Fee - **$47.90** (ok)

Closing - **$500.00**

Petitioner requests to distribute remaining assets of the estate as follows:

Department of Health Services (creditor's claim) - **$3,550.42**
Department of Health Services (creditor's claim) - **$1,847.58**
Department of Health Services (remaining creditor's claim) - **First $2,381.90 of any thereafter discovered property**

Continued on page 2

NEEDS/PROBLEMS/COMMENTS:

1. **The proposed distribution of any future discovered property after payment of the remaining Creditor's Claims does not appear to be accurate. The Petition states that the decedent had 6 children, 5 of them predeceased her and 1 (Richard Sanchez) post deceased her. Petitioner appears to propose to treat the post deceased son as if he predeceased the decedent and pass his intestate share to his issue rather than to the Estate of Richard Sanchez.**

Reviewed by: JF
Reviewed on: 03/08/12
Updates: 03/09/12
Recommendation:
File 1 - Sanchez

Dept. 303, 9:00 a.m. Monday, March 19, 2012

Any other property not now known or discovered, after satisfaction of the Creditor's Claim of the Department of Health Services, pursuant to intestate succession, shall be as follows:

Pete Sanchez	-	1/5 share
Johnny Sanchez	-	1/10 share
Carmen Alawneh	-	1/10 share
Elva Sanchez	-	1/5 share
Billy Sanchez, Jr.	-	1/10 share
Eddie Sanchez	-	1/10 share
April Torres	-	1/20 share
Jo Ann Delgado	-	1/20 share
Mary Jo Sanchez	-	1/20 share
Christopher Sanchez	-	1/20 share

2 Lucas Grant Savage (CONS/PE) **Case No. 07CEPR00726**

Atty Vallis, James H (for Lester More/Conservator – Petitioner)

Third Account, Report of Conservator, and Petition for Fees

Age: 38 years		
DOB: 11/3/1973		
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	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

LESTER MOORE, maternal uncle by marriage and Conservator of the Person and Estate, is petitioner. *Petitioner was appointed Temporary Conservator on 7/25/2007, and was appointed General Conservator on 12/10/2008.*

Account period: 1/1/10 – 12/31/11

Accounting - **$63,106.41**
Beginning POH - **$11,356.28**
Ending POH - **$64,731.57**
($14,731.57 is cash)

Conservator - **waives**

Attorney - **$1,000.00**
(per Local Rule)

Bond - **$25,000.00**
(sufficient)

Petitioner prays for an Order:

1. Allowing and settling the [Second Amended] Second Interim Account and confirming and approving all acts of Petitioner as conservator;
2. Authorizing the attorney fees; and
3. Authorizing Petitioner to reimburse himself for expenditures paid on behalf of the estate for both the First and Second Interim Accounts.

Court Investigator Jo Ann Morris' Report filed 1/27/12.

NEEDS/PROBLEMS/COMMENTS:

1. **Need order.**

Reviewed by: NRN
Reviewed on: 3/7/12
Updates:
Recommendation:
File 2 - Savage

Dept. 303, 9:00 a.m. Monday, March 19, 2012

3 **Ruth Ford (Estate)** **Case No. 10CEPR00588**

Atty **Kruthers, Heather (for the Petitioner/Administrator Public Administrator)**

(1) First and Final Account and Report of Successor Administrator and (2) Petition for Allowance of Ordinary and Extraordinary Commissions and Fees and (3) for Distribution [Prob. C. 216; 9202; 10800; 10810; 10951; 11600; 11850(a)]

DOD: 1/1/1996		
Cont. from 020812		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
✓	**Notice of Hrg**	W/
✓	**Aff.Mail**	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✓	**Letters**	9/13/10
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

PUBLIC ADMINISTRATOR, Administrator, is Petitioner.

Account period: 9/13/10 – 10/31/11

Accounting	-	**$50,000.00**
Beginning POH	-	**$50,000.00**
Ending POH	-	**$24,070.86**
Administrator (statutory)	-	**$1,600.00**
Administrator X/O (for sale of real property and preparation of tax returns)	-	**$1,248.00**
Attorney (statutory)	-	**$1,600.00**
Bond fee	-	**$125.00** (o.k.
Court fee (certified copies)	-	**$25.50**
Closing	-	**$500.00**

Distribution, pursuant to intestate succession, is to:

Larry Ford, Carmen Gant, Yvonne Ford, Shirley Shackelford, Diane Levi, Leo Ford, Tony Ford, Alfred Ford and Garfield Gilbert - $1,688.85 each.

Amanda Ford and Robert Ford, III - $844.43 each and

Louis Ireland, Lamont Ireland and Kelly Ireland - $562.95 each.

NEEDS/PROBLEMS/COMMENTS:

Continued from 2/8/12. *As of 3/8/12 the following issues remain:*

1. **Petitioner filed a Petition for Court Authorization to Sell Real Property on 3/11/11using a fee waiver because at the time the estate had no cash. The Petition was heard on 4/28/11 and granted. It appears that now that the property has been sold that the filing of $395.00 should be paid as a cost of administration.**

2. **Petition states beneficiary, Alfred Ford (son) is currently incarcerated and that pursuant to Probate Code 216 notice will be given to the Director of Victims Compensation and Government Claims Board. It appears that any distribution to Alfred Ford should be held until the Director of Victims Compensation has had a chance to respond to the notice. (Note: A copy of the Notice of Hearing was sent to the Director of Victims Compensation on 1/12/12.)**

Reviewed by: KT
Reviewed on: 3/8/12
Updates:
Recommendation:
File 3 - Ford

4 Suzanne M. Bennetts (Estate) **Case No. 10CEPR01115**

Atty Renge, Lawson K. (for Petitioner/Executor Kimberly R.W. Bennetts)

First and Final Account and Report of Executor and (2) Petition for Final Settlement and Distribution (Prob. C. §§10800, 10810, 10831, 10900, 10951, 11640)

DOD: 10/13/10		
Cont. from 121211, 022712		
	Aff.Sub.Wit.	
✓	Verified	
✓	Inventory	
✓	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	W/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✓	Letters	2/9/11
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	FTB Notice	

KIMBERLY R. W. BENNETTS, Executor, is petitioner.

Accounting is waived.

I & A - **$113,976.64**

Executor - **waives.**

Attorney - **$4,419.30**
(statutory)

Costs - **$790.33**
(filing fee, publication, probate referee, certified copies)

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

Adrienne Vance - real property, 1/2 of $4,148.00, ½ of 5 shares of PG& E stock, ½ of 38.801 shares of PG& E stock, ½ of a 2000 Chevy, and ½ of the household furniture and furnishings.

Kimberly R.W. Bennetts - 1/2 of $4,148.00, ½ of 5 shares of PG& E stock, ½ of 38.801 shares of PG& E stock, ½ of a 2000 Chevy, and ½ of the household furniture and furnishings.

NEEDS/PROBLEMS/COMMENTS:

Continued from 2/27/12. Minute order states the court takes the matter under submission. Counsel is directed to file a memorandum. Later and off the record, the court vacates its previous direction and continues the matter to 3/19/12.

1. **Kimberly R. W. Bennetts disclaimed his interest in the real property.**
   The disclaimer acts as if the Kimberly pre-deceased the decedent. Therefore, if the Kimberly has issue, his issue would be entitled to the share of the estate the Kimberly disclaimed. Probate Code §275 et seq. The Court will need to know if Kimberly has issue prior to distribution. – Memorandum Re: Disclaimer filed on 2/16/12. Supplemental Brief re: Disclaimer filed on 3/8/12. ***(Please see additional page)***

2. **Order does not comply with Local Rule 7.6.1.**

Reviewed by: KT
Reviewed on: 2/16/12
Updates:
Recommendation:
File 4 - Bennetts

Memorandum Re Disclaimer filed on 2/16/12. Estate Counsel responds to said inquiry as follows: The disclaimer executed by a beneficiary under a will does not transfer the disclaimed interest to the disclaiming party's issue if prohibited by the will. Mr. Renge states only two beneficiaries are named in the decedent's Will, namely Kimberly R.W. Bennetts, the disclaiming party and Adrienne Vance. The Fifth paragraph of decedent's Will provides, in part as follows: "Except as otherwise provided in this Will, I have intentionally and will full knowledge made no provision for any other person or relative living at my death, whether claiming to be an heir of mine or not for any person who would have been entitled to share in my estate if I had died intestate and I direct that such person or persons, if any, shall take no part of my estate."

Mr. Renge concludes, unequivocally, the "Fifth" paragraph of the Will directs that the "classes" of potential beneficiaries in said paragraph "shall take no part in my estate." Accordingly, the "issue" of Kimberly R. W. Bennetts who are unnamed in the Will may be intestate heirs or beneficiaries but are precluded from taking any property in this case. The decedent, Suzanne M. Bennetts, in executing her Will made a deliberate decision to exclude all persons other than Kimberly R.W. Bennetts and Adrianne Vance from taking her estate.

Supplemental Brief re: Disclaimer filed on 3/12/12. Attorney cites the *Estate of Carroll (1956) 138 Cal.App 2d 363, 365* which gives instruction and guidance concerning the disposition of an intestate "share" considered in relation to California's Anti-Lapse statutes. Attorney Renge concludes, Suzanne M. Bennetts " is presumed to know the law (Carroll, supra) and that her intent was to preclude "any person" or "relative" whether "claiming to be an heir of mine or not" and "any person" entitled to an intestate share of her estate, "shall take no part of my estate." The effect of the disclaimer was to expose the real property to claims from the disclaimant's "issue." However, said claims are clearly negated by the decedent's intent to disinherit said claimants – employing clear, unambiguous language.

To further confirm the analysis which refers to the antilapse statute inoperative in the case as bar is the following observation from *Estate of Dye (2001) 92 Cal.App.4th 966, 986,* "It has been said that it will be assumed that the testator had [an anti-lapse] statute "in mind when he drew up his will."" Again, the decedent "opted out" from the application of intestacy laws by unequivocally and expressly declaring in her Will that "any person who would have been entitled to share in my estate if I had died intestate . . . shall take no part of my estate." Ipso facto, if disclaimant's "issue" are intestate beneficiaries of the Estate, they are disinherited from taking an intestate share.

In contrast and comparison, some of the reported "disinheritance provisions" that were decided not to result in disinheritance, considering the anti-lapse statute may be reviewed in cases such as *Estate of Tolman, (2010) 181 Cal.App4th 1433,* which was offered by the Court in the case at bar for comment. Said provision was the subject of a contest between unnamed beneficiaries claiming an interest in decedent's estate by reason of being "lineal descendants" of decedent and opposing beneficiaries asserting that they were disinherited by "Paragraph 7" as "heirs." The Tolman Court, addressing said contest, made a distinction between "heirs" which were precluded from receiving property and "lineal descendants" which the Court decided were not disinherited.

The disinheritance provision in the Will of Suzanne M. Bennetts is more inclusive than the "incomplete provision" of Tolman which was limited to disinheriting "heirs" or anyone claiming to be an "heir." Here, decedent, Bennetts, disinheritance instructions are not so limited, disinheriting not only "heirs" but "any other person or relative living at [decedent's] death, whether claiming to be an heir of mine or not" and additionally, disinheriting "any person who would have been entitled to share in my estate if I had died intestate." Accordingly the lesson learned from Tolman's "disinheritance clause" is that disinheritance language must identify the person(s) to be excluded. Because Tolman will only referenced "heirs," "lineal descendants" were decided by the Court to be unincluded in the disinheritance – with judicial distinction made that the word, "heir" was not synonymous with the word, "lineal descendants," and therefore uncovered by the "heir restriction."

In conclusion, a review of some reported cases discussing disinheritance and the application of anti-lapse confirms that if a disinheritance provision is clearly drawn, identifying the person(s) or classes of persons to be disinherited, said provisions must be given effect as being the intent of a testator or testratrix. The Estate of Suzanne M. Bennetts is not a "doubtful case" (Carroll, suprea, 366) where the imagination must be stretched for disinheritance of disclaimant's "issue" – unlike Carroll in which the sum of $1.00 was instructed, Dye in which no specific disinheritance language was employed, or Tolman which contained a limited definitional application, referencing only "heirs." Thus, the named beneficiary in the Bennetts Will should be awarded all of the real property in the Estate instead of sharing with disclaimant's "issue."

5 Ruby Marie Walker (Estate) **Case No. 11CEPR00184**

Atty Deal Leonard E. (for Alishia Mulligan – Administrator with Will Annexed/Petitioner)

(1) First and Final Report of Alishia Mulligan, Administrator with Will Annexed, on Waiver of Accounting; and (2) Petition for Final Distribution (Prob. C. 10954, 11600)

DOD: 01/10/11		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
	Notice of Hrg	n/a
	Aff.Mail	n/a
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	01/11/12
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
	Order	x
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

ALISHIA MULLIGAN, Administrator with Will Annexed (Successor), is Petitioner.

Accounting is waived.

I & A	-	$156,161.70
POH	-	$156,161.70
Administrator	-	waived
Attorney	-	waived

Distribution, pursuant decedent's will and subject to assignments of interest by Alden McQueary and James F. Walker, is to:

Alishia Mulligan as Trustee of the Kenneth Walker Living Trust, dated March 10, 2011 – all property of the estate

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: JF

Reviewed on: 03/08/12

Updates: 03/09/12

Recommendation: SUBMITTED

File 5 - Walker

Dept. 303, 9:00 a.m. Monday, March 19, 2012

Atty **Herold, Kim M. (for Arlene Apkarian & Tomar Mason – Petitioners)**

Petition to Modify Trust Due to Changed Circumstances and to Appoint Successor Trustee (Prob. C. 15409, 17200(b))

Age:		
DOD:		
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	

ARLENE APKARIAN, Sole Trust Beneficiary, and **TOMAR MASON**, Trustee, are Petitioners.

Petitioners request a Court order modifying Article 15(g) of the Joe and Rosamond Duran Revocable Living Trust dated 4/16/93 and amended and restated on 11/1/99 (the "Trust"), as it specifically applies to Petitioner Apkarian's Special Needs Trust ("SNT"), which was established under the Trust, so that Petitioner Apkarian can appoint an independent trustee.

Petitioners state:

1. Petitioner Arlene Apkarian is the sole current income and principal beneficiary of the SNT.
2. The current trustee of the Trust, Petitioner Tomar Mason, no longer wishes to act as Trustee, and her *Resignation (copy attached to Petition)* is conditioned upon the consent of Laura K. Miller as successor trustee.
3. **However, Article 15 of the Trust appoints Bill Mason as the successor trustee. He has declined to serve as successor trustee (*Bill Mason's Declination attached to Petition).* Article 15 of the Trust also states that if there is a vacancy in the trusteeship, a majority of the beneficiaries then eligible to receive mandatory or discretionary distributions or net income under the Trust may name a corporate fiduciary to serve as successor trustee.**
4. The Trust consists of cash assets with an approximate value of $84,000.00. Petitioner has been unable to locate any corporate fiduciaries that are willing to manage such a small trust account (Petitioner and her attorney contacted Wells Fargo Bank, Bank of the West, and Merrill Lynch --- and each informed them that it was unable to act as trustee for the Trust, due to the low value of the assets.)
5. **PrC §15409** allows the Court to modify a trust, on petition by a trustee or beneficiary, if, "owing to circumstances not known to the settlor and not anticipated by the settlor, the continuation of the trust under its terms would defeat or substantially impair the accomplishment of the purposes of the trust."
6. The Trust was established to supplement Petitioner Apkarian's special needs. Petitioner is a competent adult, but had some previous health issues that prevented her from being completely self-sufficient. After over two decades with this condition, however, she has made a miraculous recovery and may not need to the protection of this Trust in the future. The Trust does allow for a termination if Petitioner no longer requires it, however, until it is determined that Petitioner's condition has permanently ceased, it is Petitioner's wish that the Trust remain in effect.
7. The provisions of Article 15(g) of the Trust requires the appointment of a corporate trustee, and this provision applies to all trusts created under the settlors' revocable living trust.
8. As such, if Petitioner Tomar Mason resigns as trustee of the Trust, there will no available trustee to act as successor, as the Trust requires a corporate trustee. It is doubtful that the settlors anticipated this situation in requiring a corporate trustee. The requirement of the corporate trustee effectively prohibits any Trust management and fails to carry out the Trust purposes.

SEE ATTACHED PAGE

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: NRN

Reviewed on: 3/8/12

Updates:

Recommendation:

File 6 – Apkarian

Cont'd:

9. Therefore, Petitioner Apkarian, as the sole beneficiary of the SNT, requests that the Court modify Article 15(g) of the Trust, as it specifically applies to her Trust, so that she can appoint an independent trustee of the Trust. The Petition is essentially asking the Court to authorize a language modification allowing a majority of eligible beneficiaries to name an ***individual*** (as opposed to just an organization) as trustee.
10. PrC §17200(b)(10) allows the court to appoint a successor trustee. Petitioner requests that Laura K. Miller be appointed as the initial successor trustee of the Trust. The Trust waives filing of a bond by trustee. Laura Miller is a friend of Petitioner and not a Trust beneficiary, and a longtime Fresno businesswoman (co-owner of Fresno Produce). She has the necessary business and financial background to handle the Trust management, and knowledge of Petitioner Apkarian's medical condition and special needs to effectively manage the Trust assets. Laura Miller's consent to serve as trustee is file with the Petition.

Petitioners therefore request: 1) The Trust be modified as petitioned and 2) that Laura K. Miller be appointed as successor trustee of the Trust.

7 Lorraine B. Gordy (CONS/PE) **Case No. 10CEPR01084**

Atty LeVan, Nancy J. (for Conservator Pamela Gordy)
Atty Knudson, David N. (Court appointed for the Conservatee)

Probate Status Hearing Re: Failure to file Annual or Biennial Account

Age: 81 years		
DOB: 12/5/1930		
Cont. from		
	Aff.Sub.Wit.	
	Verified	
√	**Inventory**	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	x
	UCCJEA	
	Citation	
	FTB Notice	

PAMELA GORDY, daughter, is Conservator. She was appointed on 1/18/11, and Letters issued 1/19/11.

I&A, filed 3/15/11 - $130,300.00

Clerk's Certificate of Mailing shows a *Notice of Status Hearing* indicating this hearing date was mailed to Attorney Nancy LeVan and Conservator on 1/31/12.

NEEDS/PROBLEMS/COMMENTS:

OFF-CALENDAR; 1ST ACCOUNT WAS FILED 3/16/12, WITH A SCHEDULED HEARING DATE OF 4/26/12.

1. **Need First Account or Status Report.**

Note: Per 3/28/11 Minute Order, the Court approved Petitioner's Report of Sale and Petition for Order confirming Sale of Real Property for $129,000.00 (which appears to be the primary Estate asset). Bond of $121,060.00 has been filed, pursuant to Court order.

Reviewed by: NRN
Reviewed on: 3/12/12
Updates:
Recommendation:
File 7 - Gordy

Dept. 303, 9:00 a.m. Monday, March 19, 2012

8 Richard Chacon (CONS/PE) Case No. 12CEPR00122

Atty Bone-O'Neill, Patricia (for Kenneth Chacon & Sandra Bowman – son and daughter/Petitioners)

Atty Barrus, John E. (court appointed for proposed conservatee)

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

Age: 78
DOB: 12/25/33

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

NO TEMPORARY REQUESTED

KENNETH CHACON and **SANDRA BOWMAN,** son and daughter, are Petitioners and request appointment as Conservator of the Person with medical consent and dementia powers to administer dementia medications and for placement in a secured perimeter facility, and for appointment as Conservator of the Estate without bond.

Estimated Value of the Estate:

Personal property	-	$ 5,500.00
Annual income	-	$27,497.28

NEED DOCTOR'S DECLARATION RE MEDICAL CONSENT AND DEMENTIA POWERS.

Petitioners state the proposed conservatee was diagnosed with Dementia in July 2011. He can bathe and clothe himself, but forgets to take his medication. His house is in disrepair, but he refuses to accept help. He has also fallen and hurt himself. Recently, his home was burglarized. Petitioners are concerned for his health, safety and welfare. Petitioners further state that the proposed conservatee has been a victim of internet fraud and forgets to pay his monthly bills. Richard married Frances Pena in August 2011, however, Ms. Pena never moved into Richard's home or acted in any other way as his wife. Ms. Pena has borrowed money from the proposed conservatee and re-directed his social security checks to her address.

Court Investigator Jennifer Young's report was filed 03/12/12.

NEEDS/PROBLEMS/COMMENTS:

1. **Need Doctor's Declaration regarding Medical Consent and Dementia powers.**
2. **Need proof of personal service of Notice of Hearing with a copy of the Petition on the Proposed Conservatee.**

Reviewed by: JF

Reviewed on: 03/08/12

Updates: 03/09/12; 03/13/12

Recommendation:

File 8 - Chacon

Dept. 303, 9:00 a.m. Monday, March 19, 2012

Probate Code § 2323 states: (a) The court may dispense with the requirement of a bond if it appears likely that the estate will satisfy the conditions of subdivision (a) of Section 2628 for its duration.

Probate Code § 2628 states:

a) The court may make an order that the guardian or conservator need not present the accounts otherwise required by this chapter so long as all of the following conditions are satisfied:

(1) The estate at the beginning and end of the accounting period for which an account is otherwise required consisted of property, exclusive of the residence of the ward or conservatee, of a total net value of less than fifteen thousand dollars ($15,000).

(2) The income of the estate for each month of the accounting period, exclusive of public benefit payments, was less than two thousand dollars ($2,000).

(3) All income of the estate during the accounting period, if not retained, was spent for the benefit of the ward or conservatee.

(b) Notwithstanding that the court has made an order under subdivision (a), the ward or conservatee or any interested person may petition the court for an order requiring the guardian or conservator to present an account as otherwise required by this chapter or the court on its own motion may make that an order. An order under this subdivision may be made ex parte or on such notice of hearing as the court in its discretion requires.

(c) For any accounting period during which all of the conditions of subdivision (a) are not satisfied, the guardian or conservator shall present the account as otherwise required by this chapter.

9 **Shirley Ann Peterson Murrin (GUARD/E)** **Case No. 07CEPR00562**

Atty **Peterson, Cynthia (pro per Petitioner/Guardian of the Estate)**

(1) Termination of Guardianship and (2) Final Account and Report of Cynthia Diane Peterson, Guardian of the Estate, Petition for Approval

Age: 18 years	
DOB: 9/1/1993	
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
✓	2620(c)
✓	Order
	Aff. Posting
	Status Rpt
	UCCJEA
	Citation
	FTB Notice

CYNTHIA DIANE PETERSON, Guardian, is petitioner.

Account period: 1/1/11 – 9/1/11

Accounting	-	**$488,380.04**
Beginning POH	-	**$484,021.80**
Ending POH	-	**$484,300.04**
Guardian	-	**Waives**

Petitioner prays for an Order:

1. The court approve the filing of the Final Account and Report and confirmation of the acts of Petitioner as guardian of the estate of Shirley Ann Peterson Murrin;
2. Terminating the guardianship of the estate of Shirley Ann Peterson Murrin.

NEEDS/PROBLEMS/COMMENTS:

1. **Need order that complies with Local Rule 7.6.1. (Order submitted is the Judicial Council form, *Order Terminating Guardianship*. The form order does not include the information needed for approval of the accounting.)**
2. **Petition does not request that the assets of the guardianship be turned over to the former ward, Shirley Ann Peterson Murrin.**
3. **All funds are currently in a blocked account. Will need Judicial Council form, MC358, *Order to Withdraw Funds from Blocked Account,* for release of the blocked account to the former ward, Shirley Ann Peterson Murrin.**

Reviewed by: KT
Reviewed on: 3/9/12
Updates:
Recommendation:
File 9 – Murrin

Dept. 303, 9:00 a.m. Monday, March 19, 2012

10 Stephanie Denise Barker (GUARD/P) **Case No. 09CEPR00877**

Atty Barker, Bryan (pro per Petitioner/father)

Atty Harris, Carolyn V. (pro per Guardian/paternal grandmother)

Petition for Termination of Guardianship

Age: 4 years DOB: 9/16/2007		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
✓	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

BRYAN BARKER, father, is petitioner.

CAROLYN V. HARRIS, paternal grandmother, was appointed guardian on 1/4/2010.

Mother: **Aimee Doughty**

Paternal grandfather: Kenneth Barker
Maternal grandfather: Bruce W. Gooley
Maternal grandmother: Susan Doughty

Petitioner states he feels that he is doing everything in his power to be a great father and very good role model. Since the guardianship was established Petitioner states he has overcome his addiction problem. He graduated from Westcare on June 2, 2011. Then enrolled in an outpatient program for an additional 90 days. He has completed hours of parenting classes and is now enrolled as a full time student at Fresno City College with a 3.6 G.P.A. Petitioner states he has learned so many things that would benefit his fathering, relationships, and he believes the past year has been a blessing in disguise.

Court Investigator Jennifer Daniel's Report filed on 3/12/12.

NEEDS/PROBLEMS/ COMMENTS:

1. **Need *Notice of Hearing.***
2. **Need proof of service of the *Notice of Hearing* on:**
   a. **Carolyn V. Harris (guardian/paternal grandmother)**
   b. **Aimee Doughty (mother)**
   c. **Kenneth Barker (paternal grandfather)**
   d. **Bruce W. Gooley (maternal grandfather)**
   e. **Susan Doughty (maternal grandmother)**

Reviewed by: KT
Reviewed on: 3/9/12
Updates: 3/14/12
Recommendation:
File 10 - Barker

Dept. 303, 9:00 a.m. Monday, March 19, 2012

11 Johnny Seferino Jasso (GUARD/P) **Case No. 12CEPR00046**

Atty Camarena, Erica (Pro Per – Paternal 2nd Cousin – Petitioner)

Atty Camarena, Jose (Pro Per – Paternal 2nd Cousin by marriage – Petitioner)

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

Age: 3		
DOB: 2-6-09		
	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**	
✔	**Clearances**	
✔	**Order**	
	Aff. Posting	
	Status Rpt	
✔	**UCCJEA**	
	Citation	
	FTB Notice	

TEMPORARY EXPIRES 3-19-12

ERICA and JOSE CAMARENA, Paternal 2nd Cousins, are Petitioners. (Erica Camarena is a cousin of the father, Ralph E. Jasso.)

Father: **RALPH E. JASSO**
- *Declaration of Due Diligence filed 1-24-12*
- *Personally served 2-2-12*

Mother: **MARCI J. VERDUZCO**
- *Declaration of Due Diligence filed 1-24-12*
- *Declaration of Due Diligence filed 3-8-12*

Paternal Grandfather: Juan Jasso
- *Served 1-18-12*

Paternal Grandmother: Mary Jasso
- *Deceased*

Maternal Grandfather: Unknown
- *Declaration of Due Diligence filed 1-17-12*

Maternal Grandmother: Unknown
- *Declaration of Due Diligence filed 1-17-12*

Siblings: Ariana Jasso (15), Jewel Jasso (13), Ciera Jasso (5), Ashton Jasso (4), new baby (name unknown)
- *Siblings over age 12 were served 1-18-12.*

Petitioners state they have raised the minor since he was six weeks old (March 2009. Now that he is three, they would like to enroll him in preschool and obtain dental and medical insurance for him. Petitioners recently learned that the father was arrested and has several open cases including a felony. The mother was wanted for violating probation. Both parents have been absent from the child's life since March 2009 and have offered no physical or financial support. The mother has shown no interest in raising her son, has had several children removed from her care by CPS, and recently gave birth to a 6th child. The parents have failed to reunify with their other children and have a history of drugs and domestic violence.

Court Investigator Charlotte Bien filed a report on 2-29-12.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: skc

Reviewed on: 3-8-12

Updates:

Recommendation:

File 11 - Jasso

Dept. 303, 9:00 a.m. Monday, March 19, 2012

12 Brandon David Solis and Audrina Marie Solis (GUARD/P)

Case No. 12CEPR00055

Atty Cruz, Javier (pro per Petitioner/Temporary Guardian of Audrina Solis)
Atty Parks, Jeffrey N (pro per maternal step-grandfather)
Atty Parks, MaryAnn (pro per maternal grandmother)

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

Audrina age: 3 years DOB: 1/20/2009		
Brandon age: 4 years DOB: 8/31/2007		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
✓	Conf. Screen	
✓	Letters	
✓	Duties/Supp	
	Objections	
	Video Receipt	
✓	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

Temporary as to AUDRINA SOLIS ONLY Expires 3/19/12

JAVIER CRUZ , non-relative, is petitioner.

Father: **GERALDO GUIBA** – *court dispensed with notice per minute order dated 1/31/12.*

Mother: **ERICA RENEE SOLIS -**

Audrina's paternal grandparents: unknown
Maternal grandfather: Javier Solis – *Declaration of Due Diligence.*
Maternal grandmother: Mary Ann Parks – *Served on 1/26/12.*

Petitioner states the child's father is in prison serving a 95 year to life term. Neither the father nor his family has ever been a part of the child's life. The mother of the child left the child in Petitioner's care when she was 3 months old. The mother is now threatening to remove the child from the proposed guardian. Mother is a known meth user and does not have a stable home.

Objections of mother, Erica Solis filed on 1/30/12 states she has no intention of giving up her parental rights or guardianship of Audrina.

Court Investigator JoAnn Morris' Report filed on 3/12/12.

NEEDS/PROBLEMS/COMMENTS:

OFF CALENDAR. Minute Order dated 3/13/12 states all matters pending in this action be set for 4/26/12.

This petition is for AUDRINA ONLY. Mary Ann Parks, maternal grandmother and Jeffrey Parks, maternal step-grandfather, have petitioned to be appointed guardians of both Brandon and Audrina. The general hearing on the Parks' petition is 4/26/12.

Reviewed by: KT
Reviewed on: 3/8/12
Updates: 3/14/12
Recommendation:
File 12 - Solis

13 Kevin Rice (Det Succ) **Case No. 12CEPR00116**

Atty Rice, Teresa (pro per – spouse/Petitioner)

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

DOD: 12/19/11		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	x
	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	

TERESA RICE, spouse, is Petitioner.

40 days since DOD.

No other proceedings.

I & A - **NEED**

Decedent died intestate.

Petitioner requests ?????

NEEDS/PROBLEMS/COMMENTS:

CONTINUED TO 04/02/12

PER PETITIONERS REQUEST

1. **Need Inventory & Appraisal listing all of the property seeking to be passed with this Petition. Probate Referee is Steven Diebert.**
2. **Petition is not marked at item 9(3) re issue of a predeceased child.**
3. **Petition is missing Attachment 11 listing the property that is requesting to be passed with this petition.**
4. **Petition is missing Attachment 13 stating the property interest claimed by the Petitioner.**
5. **Need *Notice of Hearing***
6. **Need proof of service by mail at least 15 days before the hearing of *Notice of Hearing* for:**
   - Kyle Rice (son)
   - Cheryl Coughlin (sister)
   - Jim Rice (sister)
   - Carol Pospishek (sister)
   - Spence Rice (brother)
7. **It appears that the decedent was survived by a spouse, son, and siblings. Petition does not provide any information regarding whether the property seeking to be passed is the decedent's separate property or if it is community property. Need more information to determine how the decedent's property is to be divided pursuant to intestate succession (Probate Code 6400 et. seq.) Further, the Petition must be joined by all persons succeeding to the decedent.**
8. **Order must contain the legal description of any real property seeking to be passed with this petition. Need revised order.**

Reviewed by: JF

Reviewed on: 03/09/12

Updates: 03/13/12

Recommendation:

File 13 - Rice

Dept. 303, 9:00 a.m. Monday, March 19, 2012

14 **Susanna Khalatyan (CONS/PE)** **Case No. 12CEPR00120**

Atty **Khalatyan, Edgar**

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

Age:			NEEDS/PROBLEMS/COMMENTS:
DOD:			
			This matter can be denied and dismissed.
Cont. from			
	Aff.Sub.Wit.		**Court Investigator Julie Negrete reports that the proposed conservatee passed away. Therefore a conservatorship is no longer necessary.**
	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: KT
	Status Rpt		Reviewed on: 3/9/12
	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 14 - Khalatyan

Dept. 303, 9:00 a.m. Monday, March 19, 2012

15 Maria M. Lopez (CONS/P) **Case No. 12CEPR00216**

Atty Aguiar, Lupe (pro per Petitioner)

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

Age: 82 years DOB: 10/7/1929		
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	X
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

GENERAL HEARING 4/12/12

LUPE L. AGUIAR, daughter, is petitioner and requests appointment as temporary conservator.

Petitioner states ????

NEEDS/PROBLEMS/COMMENTS:

1. **Petition does not state why a temporary conservatorship is necessary.**
2. **General petition does not include the names and address of all the relatives, within the 2nd degree, of the proposed conservatee (second degree relatives include, children, grandchildren and siblings of the proposed conservatee).**
3. **Need *Notice of Hearing.***
4. **Need proof of personal service of the *Notice of Hearing* along with a copy of the temporary petition on:**
   a. **Maria M. Lopez (proposed conservatee)**
5. **Need proof of service of the *Notice of Hearing* along with a copy of the temporary petition on all relatives within the 2nd degree.**

Julie Negrete to provide:

1. **Court Investigator's Report**
2. **Advisement of Rights**

Reviewed by: KT
Reviewed on: 3/9/12
Updates:
Recommendation:
File 15 - Lopez

Dept. 303, 9:00 a.m. Monday, March 19, 2012

16 Guinevere Elise McLauchlin (GUARD/P) Case No. 12CEPR00217

Atty Wilson, Glenn R. (for Drew McLauchlin and Roberta McLauchlin – paternal grandparents/Petitioners)

Atty Henshaw, Tia M. (pro per – mother/objector)

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

Age: 10
DOB: 01/09/02

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

TEMPORARY GRANTED EX PARTE; EXPIRES 03/19/12

GENERAL HEARING 05/08/12

DREW McLAUCHLIN and **ROBERTA McLAUCHLIN,** paternal grandparents, are Petitioners.

Father: **MATTHEW McLAUCHLIN** – *Consent & Waiver of Notice filed 03/13/12*

Mother: **TIA HENSHAW**

Maternal grandparents: NOT PROVIDED

Petitioners state that they travelled to Susanville, CA where the minor was residing with her mother to exercise their court ordered visitation. When they arrived at the home, they found the home in disarray and discovered the minor and her 3 year old half-brother home alone, with the minor left to care for her little brother. Petitioners state that the minor has informed them that she was charged with caring for her brother for up to 10 hours a day while their mother worked, including preparing meals on the stove. Petitioners were unable to reach the mother and contacted the Susanville Police. The police allowed them to take the minor home with them. Petitioners state that CPS was contacted in regards to the 3 year old and criminal charges may be pending against the mother. Petitioners state that when they were driving back to Sanger they received multiple threatening calls from the mother and her step-father. Additionally, Petitioners state that they believe the minor is not properly cared for while in her mother's care and has reported witnessing her mother possibly buying and using drugs. Further, Petitioners state that until recently, the minor's maternal uncle, a known drug user, was living with the minor and her mother. Petitioners state that although the uncle was supposed to be babysitting them, minor states that he would often sleep through the day requiring the minor to care for her little brother. Petitioner state that they have been actively involved with the minor her entire life, she has spent significant amounts of time at their home and has her own bedroom at their house. Petitioners believe their son, who is in the military, will consent to their being appointed guardian of the minor and state that temporary guardianship is necessary for the safety of the minor.

Objection of Mother, Tia Henshaw, filed 03/07/12 states: that she does not use drugs, and would gladly submit to a drug test. She states that what the minor may have witnessed was her purchasing legal tobacco and her brother smoking it from a pipe. Mother states that the Petitioners statement that they have the minor for significant periods of time is false, stating that the minor is enrolled in school in Susanville and the Petitioners have caused the minor to miss school and her to miss work several times by refusing to return the minor to her. Ms. Henshaw states that she understands it was not a good decision to leave her children home alone while she worked, however she states it was a one-time thing because her babysitter cancelled on her at the last minute. She states that she understands this was a bad decision and now regrets leaving the children unattended. She states that she occasionally leaves the children unattended for short periods of time to go to the store, but states that she will stop doing that also if it is inappropriate.

NEEDS/PROBLEMS/COMMENTS:

1. **Petition for Appointment of Guardian of Minor is missing the Child Information Attachment (Form GC-210(CA)).**
2. **Need Order and Letters.**
3. **Need *Notice of Hearing*.**
4. **Need proof of personal service at least 5 court days before the hearing of *Notice of Hearing* with a copy of the *Petition for Temporary Guardianship* or Consent and Waiver of Notice or Declaration of Due Diligence for:**
   - Matthew McLauchlin (father)
   - Tia Henshaw (mother)

Reviewed by: JF

Reviewed on: 03/08/12

Updates: 03/13/12; 03/15/12

Recommendation:

File 16 - McLauchlin

Dept. 303, 9:00 a.m. Monday, March 19, 2012

Declaration of Jill Hoffman filed 03/14/12 states that she provides contract paralegal services to Glenn Wilson, attorney for Petitioners. Ms. Hoffman states that she recently randomly ran into Tia Henshaw, the minor's mother, while doing laundry at a local motel. Ms. Hoffman, stated that Ms. Henshaw, voluntarily began chatting with her and talked a lot about the situation with her daughter and the Petitioners. Ms. Hoffman states that she did not inform Ms. Henshaw that she works for the Petitioners attorney and did not try to prod Ms. Henshaw into talking, but that Ms. Henshaw freely discussed the matter with her. Ms. Hoffman states that Ms. Henshaw relayed much of the same information as she filed in her objection, however, in addition, she indicated that her brother, who had lived with her until recently, was in fact a drug addict. Further, Ms. Hensaw admitted to using marijuana and stated that she had purchased and taken a "detox kit" that is supposed to wash the drugs from your system so that she could test clean if the court ordered her to drug test. Ms. Henshaw stated that she learned of the "detox kit" from her brother.

Supplemental Declaration of Drew McLauchlin in Support of Request for Temporary Guardianship filed 03/15/12 attaches the police report from the Susanville police for when he and his wife found the minor home alone caring for her younger brother. The declaration also attaches a picture of the minor with her father.