

1 Marissa Rodriguez (GUARD/E)

Case No. 0620806

Atty O'Neill, Patricia B., sole practitioner (for Petitioner Bernice Arrendondo Capuchino)

Petition for Termination of Guardianship of the Estate

Age: 17 years		<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note:</b> It appears this <i>Petition for Termination of Guardianship of the Estate</i> is premature based upon the fact that the minor will not reach the age of majority until <b>5/17/2014</b> . If Court approves the <i>Petition</i> at the hearing on 3/19/2014, the Court's order will violate Probate Code § 1600(a), which provides that a guardianship of the person or estate or both terminates when the ward attains majority. Continuance to a date immediately following 5/17/2014 is required pursuant to Probate Code § 1600.
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FTB Notice		
		Reviewed by: LEG
		Reviewed on: 3/13/14
		Updates:
		Recommendation:
		File 1 - Rodriguez

Atty Amador, Catherine A., of Pascuzzi, Moore & Stoker (for Petitioners Manuel Chavez and Susan Chavez-Leon, Co-Conservators)

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

<b>Age: 41 years</b>		<p><b>MANUEL CHAVEZ</b>, father, and <b>SUSAN CHAVEZ-LEON</b>, sister, Co-Conservators of the Person and Estate, are Petitioners.</p> <p><b>Account period: 12/19/2012 - 11/30/2013</b></p> <p>Accounting - <b>\$309,801.00</b>                  Beginning POH - <b>\$</b>                  Ending POH - <b>\$230,127.00</b>                  (\$8,127.00 is cash)</p> <p>Conservator - <b>not requested</b></p> <p>Attorney - <b>\$6,625.00</b>                  (per declaration and itemization, for 25.00 hours (reduced from 36.90 hours) @ \$265.00 per hour;)</p> <p>Costs - <b>\$1,035.00</b>                  (filing fees, process service fee; certified copies)</p> <p>Bond - <b>\$201,850.00</b>                  (sufficient)</p> <p><b>Petitioner prays for an order:</b></p> <ol style="list-style-type: none"> <li>Approving, allowing, and settling the [First] Account and acts of Co-Conservators; and</li> <li>Authorizing the Attorney fees and costs advanced to the Conservatorship during the accounting period; and</li> <li>Finding that the Conservatee is not able to complete an affidavit of voter registration and is not entitled to vote.</li> </ol> <p><b>Court Investigator Charlotte Bien's Report was filed 9/10/2013.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>OFF CALENDAR</b></p> <p><b>Amended First Account, etc. was filed 3/7/2014, and is set for hearing on 4/15/2014</b></p> <ol style="list-style-type: none"> <li>Petition is signed but not verified by the Petitioners pursuant to Probate Code § 1021 and CA Rule of Court 7.103.</li> <li>Account statements were not filed confidentially in a separate affidavit in accordance with Probate Code § 2620(c)(7). (Note: This issue is raised for future reference of the attorney.)</li> <li>Summary of Account states the property on hand at the beginning of the account period is <b>\$234,616.00</b>. However, beginning property on hand should be the same amount as the value stated on the Final Inventory and Appraisal filed 3/7/2013 stated as <b>\$293,128.00</b>. Need clarification.                      ~Please see additional page~</li> </ol>
<b>Cont. from 21914</b>			
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<input type="checkbox"/>	<b>FTB Notice</b>		
		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 3/13/14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 2 - Chavez</b></p>	

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

4. Petition does not indicate whether the Co-Conservators are waiving any compensation for their services to the Conservatorship estate.
5. *Schedule C, Disbursements*, contains entry on 6/15/2013 for attorney's fees of **\$5,971.00** to Lance Armo for costs of suit against **HOLLY BILLINGS** for default on loan. Court may require further information regarding the nature and character of the loan, and justification for these attorney's fees having been paid from the Conservatorship estate in contravention of Probate Code § 2647, which provides that no attorney fees may be paid from the estate of the Conservatee without prior Court order. The estate of the Conservatee is not obligated to pay attorney fees established by any engagement agreement or other contract until it has been approved by the Court. *[Note: Schedule A, Receipts shows entry dated 6/15/2013 for receipt of **\$9,168.00** in proceeds from collection of judgment against Holly Billings for loan default, resulting in receipt of **\$3,197.00.**]*
6. Paragraph 1 of proposed order states in incorrect amounts of total property on hand and cash balance remaining in the Conservatorship estate. *[Note: Proposed order has been interlineated to indicate the correct amounts as stated in the Petition.]*

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

- **Friday, January 23, 2015 at 9:00 a.m. in Dept. 303** for the next accounting.

Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required.

**Dept. 303, 9:00 a.m. Wednesday, March 19, 2014**