

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

Probate Status Hearing RE: Accounting

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;">OFF CALENDAR</p> <p style="text-align: center;"><i>Order Settling Seventh Account Current, etc., was signed 1/30/2013.</i></p>
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		
		Reviewed by: LEG
		Reviewed on: 3/13/13
		Updates:
		Recommendation:
		File 1 - Leslie

Atty Iversen, Judy K

Atty Marderosian, Michael G.

Amended Notice of Motion and Motion to Compel Respondent's Further Response to Petitioners' Demand for Production of Documents and Inspection of Things or for an In Camera Inspection of Documents and Sanctions

Age:		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note:</u> Examiner Notes will not be prepared for this matter.</p> <p><u>Note:</u> The Court will also address the At-Issue Memorandum filed by Mr. Marderosian and Counter At-Issue Memorandum filed by Ms. Iversen at this hearing.</p>
DOD:		
Cont. from 022013		
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		
		Reviewed by: skc
		Reviewed on: 2-15-13
		Updates:
		Recommendation:
		File 3 – Iversen

(1) First Account Current and Report of Conservator and (2) Petition for Allowance of Compensation to Conservator and Attorney [Prob. C. 2620; 2623, 2630; 2942]

Age: 84	PUBLIC GUARDIAN , Conservator, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Disbursement Schedule shows there are withdrawals from 01/31/2012 through 02/13/2012 from the Bank of America checking account totaling \$1,282 without the nature and purpose for the those withdrawals. Need clarification.</p> <p>Note: A Status hearing will be set as follows:</p> <ul style="list-style-type: none"> • Friday, 03/20/2015 at 9:00am in Dept. 303 for the filing of the 2nd Account. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>	
	Account Period: 01/04/2012 – 01/14/2013		
Cont. from	Accounting - \$220,194.90		
<input type="checkbox"/> Aff.Sub.Wit.	Beginning POH - \$179,500.04		
<input checked="" type="checkbox"/> Verified	Ending POH - \$182,595.06 (\$3,095 is Cash)		
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC	Conservator - \$9,345.44 (35.08 Deputy Hours @ \$96/hr and 69.22 Staff Hours @ \$76/hr)		
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg	Attorney - \$2,500.00 (Per Local Rule)		
<input checked="" type="checkbox"/> Aff.Mail w/			
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.	Bond fee - \$125.67 (o.k.)		
<input type="checkbox"/> Pers.Serv.	Court fees - \$707.00		
<input type="checkbox"/> Conf. Screen	Petitioner request that due to the insufficiency of the estate to pay the fees and commission that a lien be imposed upon the estate for an unpaid balances of the authorized fees and commissions.		
<input type="checkbox"/> Letters			
<input type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report	Petitioner prays for an Order:		
<input type="checkbox"/> 9202	1. Approving, allowing and settling the first account.		
<input checked="" type="checkbox"/> Order	2. Authorizing the conservator and attorney fees and commissions.		
<input type="checkbox"/> Aff. Posting	3. Payment of the bond fee.		
<input type="checkbox"/> Status Rpt	4. Authorize petitioner to impose a lien on the estate for any unpaid balances of authorized fees and commissions.		
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
			Reviewed by: LV
			Reviewed on: 03/13/2013
		Updates:	
		Recommendation:	
		File 4 - Sager	

(1) First and Final Account and Report of Successor Trustee and (2) Petition for Allowance of Compensation to Trustee and Attorney and (3) for Distribution

		PUBLIC ADMINISTRATOR , Trustee, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Petition proposes to distribute 100% of the property on hand to the Deborah Ann Schroer Special Needs Trust. However the Trust Instrument devises 80% of the proceeds from the sale of the real property to the Settlor's son, Dean Scott Schroer, if he survives. Settlor died on August 11, 2003 and her son, Dean died on May 18, 2009. Because Dean survived the Settlor his estate would be entitled to 80% of the property on hand. Need declaration of trustee, Bruce Bickel, pursuant to Local Rule 7.12.5. 	
		Account period: 5/1/12 – 10/19/12		
Cont. from		Accounting - \$90,000.00		
	Aff.Sub.Wit.	Beginning POH - \$90,000.00		
✓	Verified	Ending POH - \$73,776.74		
	Inventory	Trustee - \$3,600.00 (statutory)		
	PTC	Trustee x/o - \$1,248.00 (for sale of real property and preparation of taxes)		
	Not.Cred.	Attorney - \$3,600.00 (statutory)		
✓	Notice of Hrg	Bond - \$112.50 (o.k.)		
✓	Aff.Mail W/	Court fees - \$395.00 (filing fee)		
	Aff.Pub.	Petitioner prays for an Order:		
	Sp.Ntc.	1. Approving, allowing and settling the first and final account;		
	Pers.Serv.	2. Authorizing Petitioner and his attorney \$3,600.00 each as compensation for their services;		
	Conf. Screen	3. Petitioner be allowed extraordinary commissions of \$1,248.00;		
	Letters	4. Authorizing bond fee of \$112.50 and filing fee of \$395.00		
	Duties/Supp	5. Authorizing distribution of the remaining property on hand consisting of \$64,386.24 to Bruce Bickel as Trustee of the Deborah Ann Schroer Special Needs Trust.		
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
				Reviewed by: KT
				Reviewed on: 3/12/13
			Updates:	
			Recommendation:	
			File 5 - Schroer	

Petition for Determination of Entitlement

DOD: 6/27/12		<p>PUBLIC ADMINISTRATOR, Administrator, is Petitioner.</p> <p>On 8/15/2012 Petitioner was appointed Administrator. The Order appointing authorized Petitioner to distribute any assets in accordance with Decedent's Will dated 9/21/1990. The distribution was to be made to his son, John C. Broome II, aka Jack Jackson.</p> <p>On 10/30/2012 attorney David Knudson faxed to attorney Heather Kruthers a copy of an alleged 2005 holographic Will. It is unknown where the original is. This Will made distributions of \$1 to each of his three children (John, Derek, and Stephanie), and the remainder of his estate to his wife (now ex-wife). The decedent and his wife divorced <i>after</i> the Will was executed. Pursuant to Probate Code §6122, a "dissolution ... revokes all of the following: (1) Any disposition or appointment of property made by the will to the former spouse." If the 2005 Will is found by the Court to be valid, the decedent's three children, by intestate succession, would receive his full estate.</p> <p>Administration of the estate will close soon. Therefore, Petitioner seeks instructions as to whom distribution of the estate should be made. Following the 1990 Will would result in John C. Broome, II, aka Jack Jackson to receive the entire estate. Following the 2005 Will would result in the three children, John, Derek and Stephanie to share the entire estate. Petitioner asserts that due to the decedent's dissolution, his ex-wife, Fanny Broome, is not entitled to nay share of his estate, regardless of which will his upheld.</p> <p>Petitioner prays for an order directing distribution of the decedent's estate.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Petition states an order will be submitted once a ruling is issued.</p>	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail W/			
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input type="checkbox"/>	Order X			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
				<p>Reviewed by: KT</p> <p>Reviewed on: 3/12/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 6 - Broome</p>

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

DOD: 01/15/13	PAMELA S. GRIGGS , friend/nominated Executor without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need Affidavit of Publication.
	Full IAEA – NEED	
Cont. from	Will dated 10/12/01	
<input type="checkbox"/> Aff.Sub.Wit.	Residence: Fresno	
<input checked="" type="checkbox"/> Verified	Publication: NEED	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Estimated Value of the Estate:	
<input checked="" type="checkbox"/> Aff.Mail	Personal property - \$ 2,900.00	
<input type="checkbox"/> Aff.Pub.	Real property - 58,800.00	
<input type="checkbox"/> Sp.Ntc.	Total - \$61,700.00	
<input type="checkbox"/> Pers.Serv.	Probate Referee: RICK SMITH	
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: JF
		Reviewed on: 03/13/13
		Updates:
		Recommendation:
		File 7 - Bertell

Petition for Termination of Guardianship

Age: 16 years		<p>MICHELE GUERRERO, guardian, is petitioner.</p> <p>MICHELE GUERRERO was appointed guardian on 8/23/12.</p> <p>Father: ROBERT DELACRUZ – deceased.</p> <p>Mother: VIKKI PHILLIPS</p> <p>Paternal grandfather: John DeLaCruz – deceased.</p> <p>Paternal grandmother: Rita McCoy</p> <p>Maternal grandfather: Unknown</p> <p>Maternal grandmother – Deceased.</p> <p>Petitioner states the minor has returned to live with his mother.</p> <p>Court Investigator Charlotte Bien's Report filed 3/8/13</p>	NEEDS/PROBLEMS/COMMENTS:
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail W/O		
<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		
		<p>Reviewed by: KT</p> <p>Reviewed on: 3/13/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 8 - DeLaCruz</p>	

Age: 2		<u>Temporary Expires 03/20/2013</u>		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order of 01/30/2013: The Court orders that Robert Ochoa vacate the Petitioner's residence within 30 days. The Court Investigator is ordered to conduct a further investigation after 30 days to ensure that Robert Ochoa is no longer residing in the Petitioner's home. Veronica Gonzales is directed to provide the investigator copies of any restraining orders or documents she wishes the Court to consider at the next hearing.</p> <p>Minute Order of 01/09/2013: Mother, Veronica Gonzales, objects to the petition. Mother is directed to meet with Court Investigator Jennifer Young forthwith.</p> <p>The following issues still remain.</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. 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 for: <ul style="list-style-type: none"> • Veronica Gonzales (Mother) <p>Note: Declaration of Due Diligence filed 11/13/2012 states unable to locate mother by phone and address.</p> <p style="text-align: center;"><u>Please see additional page</u></p>
		<p>LUCY L. OCHOA, Paternal Grandmother, is Petitioner.</p>		
Cont. from 010913, 013013		<p>Father: ROBERT OCHOA, Consents and Waives Notice</p>		
	Aff.Sub.Wit.			
✓	Verified	<p>Mother: VERONICA GONZALES, Declaration of Due Diligence filed 11/13/2012</p>		
	Inventory			
	PTC	<p>Paternal Grandfather: Reynoldo Ochoa</p>		
	Not.Cred.	<p>Maternal Grandfather: Steven Gonzales</p>		
	Notice of Hrg	x	<p>Maternal Grandmother: Peggy Sue Jimenez</p>	
	Aff.Mail	x	<p>Petitioner states the father is currently incarcerated and the mother is in and out of the child's life. She has been gone over 5½ months. Petitioner states she has cared for and supported the minor since she was born. The mother abuses drugs and has been arrested three times in the last few months.</p>	
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.	x		
✓	Conf. Screen			
✓	Letters	<p>Declarations from various relatives in support of proposed guardian's petition filed on 01/25/2013.</p>		
✓	Duties/Supp			
	Objections	<p>Court Investigator Jennifer Young's report filed 01/02/2013.</p>		
	Video Receipt			
✓	CI Report	<p>Court Investigator Jennifer Young's Supplemental Report filed 01/25/2013.</p>		
	9202			
✓	Order	<p>Court Investigator Jennifer Young's Supplemental Report filed 03/14/2013.</p>		
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
<p>Reviewed by: LV</p>				
<p>Reviewed on: 03/14/2013</p>				
<p>Updates: 03/15/2013</p>				
<p>Recommendation:</p>				
<p>File 9 - Ochoa</p>				

Needs/Problems/Comments (continued)

3. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver or declaration of due diligence for:
 - Steven Gonzales (Maternal Grandfather)
 - Peggy Sue Jimenez (Maternal Grandmother)

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

Age: 10	GENERAL HEARING 5-7-13	NEEDS/PROBLEMS/COMMENTS:
	NICOLE MCGUIRE , Cousin of Father, is Petitioner.	<ol style="list-style-type: none"> Petitioner's Request to Waive Court Fees was denied on 3-6-3. Need filing fees of \$265.00. If diligence is not found, need Notice of Hearing and proof of personal service at least five Court days prior to the hearing on the mother, Kris O'Bannon. The Child Information Attachment is incomplete at Page 5 regarding the Indian Child Inquiry. Need declaration with this page attached.
	Father: MATTHEW GIBSON - Consents and waives notice	
	Mother: KRIS O'BANNON	
	Paternal Grandfather: Not listed Paternal Grandmother: Pam Garcia - Consents and waives notice	
	Maternal Grandfather: Not listed Maternal Grandmother: Not listed	
	Half-Siblings: Chance Gibson, Tim O'Bannon, Josh Ryan, Jacob Ryan (ages not provided)	
	Petitioner states the father is not in a mental state to care for the child. The child is currently with the father's girlfriend, however, she has to move and is unaware of how long or if she can keep the child. Petitioner states they are trying to keep him with her so he doesn't have to switch schools, however, if she can't keep him Petitioner would need to be able to move him to a school in her area.	
	Petitioner states she has talked to the parents but they won't tell her where they are. The father left five weeks ago without telling anyone. The mother only has visitation rights, but does not see the child regularly. She has called from various numbers but does not return calls or messages.	
	Petitioner provides a Family Law custody order filed 9-3-10 that provides that the father has sole legal and physical custody and the mother has visitation on weekends.	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<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		
		Reviewed by: skc
		Reviewed on: 3-12-13
		Updates:
		Recommendation:
		File 10 – O'Bannon

Second Amended Petition for Letters of Administration

DOD: 11-29-12	TOM STEINGRABER, Brother, is Petitioner and requests appointment as Administrator with Full IAEA without bond.	NEEDS/PROBLEMS/COMMENTS: <u>Continued from 3-6-13. The following issues remain:</u> 1. Need Notice of Petition to Administer Estate (Form DE-121). 2. Need proof of service of Notice of Petition to Administer Estate at least 15 days prior to the hearing on: - Sara Harris (Sister) - Robert Steingraber (Brother) - Any children or issue of predeceased children per #1 above 3. Petitioner does not provide the estimated value of the estate at #3 or the nature of the assets (i.e., personal property, real property, income, etc.). Need clarification. 4. Petitioner requests appointment without bond. Therefore, need waivers of bond from all heirs or bond in an appropriate amount. (Note: Need clarification of estimated value of estate per #4 above to calculate bond.)
	Full IAEA – ok	
Cont. from 030613	Decedent died intestate	
✓ Aff.Sub.Wit.	Residence: Fresno	
✓ Verified	Publication: Fresno Business Journal	
Inventory	Estimated value of estate: <i>Not stated</i>	
PTC	Probate Referee: Steven Diebert	
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		
	Reviewed by: skc	
	Reviewed on: 3-13-13	
	Updates:	
	Recommendation:	
	File 11 – Steingraber	

1A Mark T. Felmus (CONS/E)
 Atty Wright, Janet L (for Petitioner, Jeremy Felmus)
 Atty Keeler, William ((for Petitioner, Jeremy Felmus)
 Atty Poochigian, Mark S. (for Proposed Conservatee Mark T. Felmus)

Case No. 13CEPR00104

Petition for Appointment of Temporary Conservatorship of the Estate

Age: 62 years		<u>Temporary Expires on 3/20/13</u>		NEEDS/PROBLEMS/ COMMENTS:
		<u>General Hearing 3/21/13</u>		
		<p>JEREMY FELMUS, son, is petitioner and requests the PUBLIC GUARDIAN be appointed as conservator of the estate.</p>		<p>This matter will be heard at 1:30 p.m.</p> <p>Continued from 3/8/13.</p> <p>Minute order from 2/21/13 states the temporary appointment of the Public Guardian as conservator of the estate is extended to 3/8/13. The court orders that the Public Guardian not take any action to void any ownership interests in the West Bluff property. In addition, the Public Guardian is ordered not to take control of any funds that come to Mark T. Felmus without further order of the Court. The Court orders that there be no gifting of any new assets without further court hearing. The court further orders that there be no distribution of the Lincoln National Life Insurance proceeds and that Lincoln National continued to hold such proceeds. Counsel is directed to prepare the order.</p> <p>Court Investigator Advised Rights on 2/11/13.</p> <p>1. Letters of Temporary Conservatorship have not issued.</p>
Cont. from 022113, 030813		<p>Estimated value of the estate:</p> <p>Personal property - \$500,000.00 Annual income- \$228,000.00 Total - \$728,000.00</p>		
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail	W/		
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input checked="" type="checkbox"/>	Pers.Serv.	W/		
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters	X		
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input type="checkbox"/>	Order	X		
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
Please see additional page				

Objections to Petition for Appointment of Temporary Conservator filed 2/20/13 by Proposed Conservatee Mark T. Felmus states appointment of a conservator of the estate is unnecessary because Objector is completely able to manage his own financial resources and resist fraud and undue influence.

The appointment of the Public Guardian as conservator of the estate is not in the best interests of the proposed conservatee. To the extent that the court determines that a conservator of the estate should be appointed, Objector hereby nominates Jamie Piearcy as such conservator of his estate, and if the court determines that a different conservator of the estate should be appointed, Objector hereby reserves the right to nominate another conservator of the estate that would be in the best interest of the proposed conservatee.

Objector alleges this is a straightforward case of a son not approving of his father's fiancée and nothing more. There is nothing in this case that suggests the need for a conservatorship.

Dr. Felmus's personal treating physician, Patrick A. Golden, M.D. and his longtime psychiatrist, Dwight D. Sievert, M.D., both have expressed their willingness to assist him in defending against the conservatorship petition. Dr. Sievert and Dr. Golden have both completed a Capacity Declaration, in which neither doctor indicated any apparent impairment in Dr. Felmus's mental functions.

Objector states the Petitions for Appointment of Temporary and Permanent Conservatorship are largely focused upon two transactions, i.e. (i) the transfer of a ½ interest in Dr. Felmus's residence to Ms. Piearcy, and (ii) the assignment of the proceeds of a life insurance policy payable to Dr. Felmus to Ms. Piearcy. It was entirely within Dr. Felmus's right to enter into these transactions which he has very reasonable explanations:

- A. On or about 8/27/12 Dr. Felmus conveyed an undivided ½ interest in his residence to Ms. Piearcy. This was entirely within Dr. Felmus's right. Dr. Felmus has explained that he was aware of his own mortality, and was concerned that if he died, Jeremy would "fight [Ms. Piearcy] for the residence. Dr. Felmus's concern in this area was apparently well placed given Jeremy's subsequent filing of the conservatorship petitions.
- B. After Dr. Felmus's mother died in November 2012, the trustee of her inter vivos revocable trust indicated that he wanted to use the proceeds of the life insurance policy – of which Dr. Felmus was the owner and sole beneficiary – to pay estate taxes owing as a result of his mother's death. Dr. Felmus was concerned that the Trustee would attempt to take control of those funds, so Dr. Felmus assigned the proceeds from such policy to Ms. Piearcy. Again, Dr. Felmus's concern was well placed, as the trustee apparently told the court investigator that "only the [the trustee] should have been able to claim the insurance policy on Dr. Felmus's behalf."

Dr. Felmus having established a revocable trust, and having executed a Durable Power of Attorney, establishment of a conservatorship of his estate is not the least restrictive alternative needed for the protection of the conservatee, such that no conservatorship should be granted.

Please see additional page

Objections to Petition for Appointment of Temporary Conservator (faxed copy, original to follow) filed by Proposed Conservatee Mark T. Felmus (continued):

Objector hereby demands a jury trial on all issues triable by a jury.

Objector requests that:

1. The Petition of Jeremy Felmus for appointment of a conservator of the estate of Mark T. Felmus be denied.
2. The Petition of Jeremy Felmus for the appointment of the Fresno County Public Guardian as conservator of the estate of Mark T. Felmus be denied.

Supplemental Declaration of Jeremy Felmus in Support of Petition for Appointment of Temporary Conservatorship of the Estate filed on 2/20/13.

Court Investigator Samantha Henson's Report filed on 2/13/13.

Order appointing Temporary Conservator dated 2/7/13 contains additional orders as follows:

- All Durable Powers of Attorney executed by Mark T. Felmus nominating Jamie Piercy as his agent or attorney in fact are revoked.
- The Conservator of the Estate has the power to inquire as to the status of the payment under Lincoln National Life Insurance Company life insurance policy insuring the life of Ruth Felmus owned by Mark T. Felmus, to take the following actions:
 1. If the proceeds are still held by Lincoln National, to either request distribution to the Conservator of the Estate on behalf of Mark T. Felmus and hold them for the proposed conservatee's benefit; or
 2. If the proceeds have been collected, to take all necessary actions to obtain possession and control of the proceeds.
- Any assignment of the insurance proceeds from Lincoln National Life Insurance Company life insurance policy owned by Mark T. Felmus to another, including without limitation, Jamie Piercy, is invalid or void.
- The proposed conservatee's transfer of a ½ interest in the proposed conservatee's personal residence to Jamie Piercy is void and 100% ownership is returned to the name of Mark T. Felmus.

Please see additional page

Order After Hearing February 21, 2013 amends the Ex Parte Order dated 2/7/13 as follows:

- The Fresno County Public Guardian shall take no action to void or invalidate the Conservatee's transfer of a ½ interest in the proposed conservatee's residence at 2555 W. Bluff.
- The Fresno County Public Guardian shall record its Letters of Temporary Conservatorship in the chain of title regarding the 2555 W. Bluff property.
- There shall be no distribution of the life insurance proceeds held by Lincoln National Life Insurance Company regarding the policy insuring the life of Ruth Felmus and owned by Mark T. Felmus until further order of the court.
- Until further Order of the Court, the Fresno County Public Guardian shall take no action to marshal the Conservatee's monthly Social Security, disability or pension income.
- Until further Order of the Court, the Temporary Conservatee, shall not make any gifts to anyone of any new assets received by him, including but not limited to, by gift, inheritance, or distribution from a trust or other account or asset funded by Ruth Felmus, during the period the Court order is in effect. Nothing in this paragraph shall preclude the Temporary Conservatee from making gifts from income received by him in the normal course, such as from the Temporary Conservatee's monthly income, retirement, and disability payments.

1B Mark T. Felmus (CONS/E)
Atty Wright, Janet L (for Jeremy Felmus)
Atty Poochigian, Mark S. (for Proposed Conservatee Mark T. Felmus)

Case No. 13CEPR00104

Motion for Reconsideration of Order Granting Temporary Conservatorship

Age: 62 years	MARK T. FELMUS, conservatee, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
	JEREMY FELMUS, conservatee's son, filed a petition for appointment of the PUBLIC GUARDIAN as temporary conservator of the Estate. Letters to expire on 2/21/13.	This matter will be heard at 1:30 p.m.
Cont. from 022113, 030813	On 2/7/13 the Court granted the Petition ex parte.	Continued from 3/8/13.
Aff.Sub.Wit.		
Verified		
Inventory	2/13/13 MARK T. FELMUS filed a Motion for Reconsideration of the Order Granting the Temporary Conservatorship and Advancing the Hearing and Shortening Time for Notice.	
PTC		
Not.Cred.		
✓ Notice of Hrg	Order dated 2/13/13 states:	
✓ Aff.Mail	The Ex Parte Application for Order Advancing the Hearing and Shortening Time on Motion for Reconsideration is granted as follows:	
W/	1. The Motion for Reconsideration of Order Granting Temporary Conservatorship filed on 2/13/13 by Mark T. Felmus shall be heard on 2/21/13 at 9:00 a.m. in Dept. 303m concomitantly with the Petition for Appointment of Temporary Conservator filed on 2/6/13 by Jeremy Felmus.	
Aff.Pub.	2. Notice of the Motion for Reconsideration of Order Granting Temporary Conservatorship shall be served on all interested parties 5 days prior to the 2/21/13 advanced hearing date.	
Sp.Ntc.	3. Order Appointing Temporary Conservator of the Estate granted ex parte on 2/7/13 remains in effect until the hearing on 2/21/13.	
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: KT
Status Rpt		Reviewed on: 3/13/13
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 1B - Felmus
	Petitioner's Opposition to Conservatee's Ex Parte Application for an Order Advancing the Hearing and Shortening Time for Notice filed on 2/13/13 requests that the court deny the Conservatee's motion and allow the hearing occurring on 2/21/13 to occur as originally scheduled.	

1B