

Petition for Approval and Settlement of AMENDED Seventh and Final (Eighth)
 Account of Conservator in Re: Conservatorship Estate and Petition for Its
 Settlement with Accompanying Declaration of John K Ormond Re: Attorney's Fees
 and Costs

DOD: 3-29-12	REBECCA LEWIS , Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Account period: 11-1-11 through 3-29-12	<ol style="list-style-type: none"> Supplemental Declaration filed 2-20-13 titled "Supplemental Declaration of John K. Ormond re Attorney's Fees and Costs" does not appear to contain a request for fees; rather, it states it is documentation from Thiessen Dueker Group re the death benefit funds realized by the decedent's estate after the death of the Conservatee.
	Accounting: \$757,356.63 Beginning POH: \$723,534.39 Ending POH: \$756,520.70	
<input type="checkbox"/> Aff.Sub.Wit.		<ol style="list-style-type: none"> Mr. Ormond's previous petition requested \$5,160.00 and provided documentation re 12.9 hours @ \$400/hr. Has this request changed? If so, need documentation.
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		<ol style="list-style-type: none"> There are two separate orders provided – one for each account period. Each order appears to have blanks to fill in the appropriate figures for property on hand and fees to the conservator and attorney.
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		<p>The Court may require clarification – are the fees requested for the Conservator and the attorney <u>per account period</u>, or total?</p>
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	w	<p>The Court may require a completed order with the amounts filled in as requested for signature.</p>
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		<p>Reviewed by: skc</p>
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		<p>Reviewed on: 3-13-13</p>
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		<p>Updates:</p>
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		<p>Recommendation:</p>
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		<p>File 1 - MacIsaac</p>
<input 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		

Account period:
3-30-12 through 2-11-13

Accounting: \$763,894.82
Beginning POH: \$756,520.70
Ending POH: \$463,865.20

Conservator: \$2,000.00

Attorney: Declaration not provided (Prior petition requested \$5,160 for 12.9 hours @ \$400/hr per declarations previously filed)

Petitioner requests an order:

- Approving, allowing and settlement the account, and awarding attorney fees and fees to the conservator;
- The Court make such other orders and grant such other relief as it considers proper, including an order requiring Petitioner to transfer the referenced accounts and rights to the decedent's estate pending in this Court.

**Petition to Determine Administration Expenses Allocable to Encumbered Property
 Prior to Satisfaction of Lien, and for Deposit of Purchase Money with Court in
 Satisfaction of Lien and Expenses [Prob. C. 10361.5, 10362]**

DOD: 11-23-06	<p>TRO restraining Trustee's Sale and further Proceedings Regarding Premises at 4086 W. San Jose, Fresno, CA expires 1-17-13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>			
<p>Cont. from 011713</p>	<p>Petitioner states one of the assets of the estate is real property located at 4086 W. San Jose in Fresno, originally appraised at \$275,000.00 at Decedent's date of death. Due to the decline in the real estate market, and based on Internet valuation website, Petitioner believes the house is valued at this time at approx. \$133,000.00.</p>	<p>Continued from 1-17-13</p>			
<table border="1"> <tr> <td data-bbox="82 432 136 464"></td> <td data-bbox="136 432 337 464">Aff.Sub.Wit.</td> <td data-bbox="337 432 391 464"></td> </tr> </table>		Aff.Sub.Wit.			<p>Minute Order 1-17-13: The Court directs Mr. Knudson to submit a declaration specifically outlining what is happening in the other jurisdictions that would preclude further inventory and appraisals. Matter continued to 3/21/13. Mr. Knudson is directed to provide Mr. Lucich notice of the next hearing. The temporary restraining order restraining the trustee's sale is extended to 3/21/13. Continued to 3/21/13.</p>
	Aff.Sub.Wit.				
<table border="1"> <tr> <td data-bbox="82 464 136 495">✓</td> <td data-bbox="136 464 337 495">Verified</td> <td data-bbox="337 464 391 495"></td> </tr> </table>	✓	Verified			
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<table border="1"> <tr> <td data-bbox="82 495 136 527"></td> <td data-bbox="136 495 337 527">Inventory</td> <td data-bbox="337 495 391 527"></td> </tr> </table>		Inventory			
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<table border="1"> <tr> <td data-bbox="82 527 136 558"></td> <td data-bbox="136 527 337 558">PTC</td> <td data-bbox="337 527 391 558"></td> </tr> </table>		PTC		<p>Decedent's spouse Maria Raquel Petrogonas ("Raquel") has continued to reside in the residence and on 8-24-10 was granted a probate homestead.</p>	
	PTC				
<table border="1"> <tr> <td data-bbox="82 558 136 590"></td> <td data-bbox="136 558 337 590">Not.Cred.</td> <td data-bbox="337 558 391 590"></td> </tr> </table>		Not.Cred.			
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<table border="1"> <tr> <td data-bbox="82 590 136 621">✓</td> <td data-bbox="136 590 337 621">Notice of Hrg</td> <td data-bbox="337 590 391 621"></td> </tr> </table>	✓	Notice of Hrg			
✓	Notice of Hrg				
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✓	Aff.Mail	W			
<table border="1"> <tr> <td data-bbox="82 653 136 684"></td> <td data-bbox="136 653 337 684">Aff.Pub.</td> <td data-bbox="337 653 391 684"></td> </tr> </table>		Aff.Pub.		<p>At the date of death, the house was encumbered in the initial amount of \$91,751.00, with the mortgage payable at a rate of \$848.26/month. During the initial period of estate administration, the Administrator made payments from estate funds, and later, Raquel made payments to the Administrator for the mortgage. Raquel's sole source of income is Social Security Disability payments of only \$850/month.</p>	
	Aff.Pub.				
<table border="1"> <tr> <td data-bbox="82 684 136 716"></td> <td data-bbox="136 684 337 716">Sp.Ntc.</td> <td data-bbox="337 684 391 716"></td> </tr> </table>		Sp.Ntc.			
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<table border="1"> <tr> <td data-bbox="82 747 136 779"></td> <td data-bbox="136 747 337 779">Conf. Screen</td> <td data-bbox="337 747 391 779"></td> </tr> </table>		Conf. Screen			
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<table border="1"> <tr> <td data-bbox="82 779 136 810"></td> <td data-bbox="136 779 337 810">Letters</td> <td data-bbox="337 779 391 810"></td> </tr> </table>		Letters			
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<table border="1"> <tr> <td data-bbox="82 810 136 842"></td> <td data-bbox="136 810 337 842">Duties/Supp</td> <td data-bbox="337 810 391 842"></td> </tr> </table>		Duties/Supp			
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<table border="1"> <tr> <td data-bbox="82 842 136 873">✓</td> <td data-bbox="136 842 337 873">Response</td> <td data-bbox="337 842 391 873"></td> </tr> </table>	✓	Response		<p>The property subsequently went into default. Anticipating funds from the sale of properties in Argentinia and/or Greece, Petitioner advanced \$7,650 to cure the default on the loan. When the estate was unable to pay property taxes and/or insurance, the bank subsequently raised the monthly payment to more than \$1,600.00. Petitioner tried on numerous occasions to negotiate a loan modification with Bank of America, who steadfastly refused to consider it.</p>	
✓	Response				
<table border="1"> <tr> <td data-bbox="82 873 136 905"></td> <td data-bbox="136 873 337 905">Video Receipt</td> <td data-bbox="337 873 391 905"></td> </tr> </table>		Video Receipt			
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<table border="1"> <tr> <td data-bbox="82 968 136 999">✓</td> <td data-bbox="136 968 337 999">Order</td> <td data-bbox="337 968 391 999"></td> </tr> </table>	✓	Order		<p>The current arrearages are \$19,327.00 and the present balance due is \$47,565.64 (Exhibit C). A Trustee's (foreclosure) sale was set for 11-29-12.</p>	
✓	Order				
<table border="1"> <tr> <td data-bbox="82 999 136 1031"></td> <td data-bbox="136 999 337 1031">Aff. Posting</td> <td data-bbox="337 999 391 1031"></td> </tr> </table>		Aff. Posting			
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<table border="1"> <tr> <td data-bbox="82 1062 136 1094"></td> <td data-bbox="136 1062 337 1094">UCCJEA</td> <td data-bbox="337 1062 391 1094"></td> </tr> </table>		UCCJEA			
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<table border="1"> <tr> <td data-bbox="82 1094 136 1125"></td> <td data-bbox="136 1094 337 1125">Citation</td> <td data-bbox="337 1094 391 1125"></td> </tr> </table>		Citation			
	Citation				
<table border="1"> <tr> <td data-bbox="82 1125 136 1157"></td> <td data-bbox="136 1125 337 1157">FTB Notice</td> <td data-bbox="337 1125 391 1157"></td> </tr> </table>		FTB Notice		<p>Petitioner states the estate has incurred substantial administrative expenses with respect to the administration of this property and brings this petition pursuant to Probate Code §10361.5 to determine the amount of expenses of administration reasonably associated with the administration of the encumbered property, and to determine the expenses of the sale payable from the sales proceeds.</p>	
	FTB Notice				
	<p>In the event the property is sold, whether at Trustee's sale or otherwise, the estate lacks assets to pay administration expenses and seeks an order determining same.</p>				
		<p>Reviewed by: skc</p>			
		<p>Reviewed on: 3-13-13</p>			
		<p>Updates:</p>			
		<p>Recommendation:</p>			
		<p>File 2 - Petrogonas</p>			
	<p>SEE PAGE 2</p>				

Page 2

Petitioner states the expenses of administration reasonably related to the administration of the encumbered property are \$46,167.18, computed at Exhibit E, which includes:

- Estimated statutory fees allocable to the property, based on the estimated current value;
- Extraordinary fees payable to Petitioner and his attorney for the sale of the property at a minimal rate pursuant to Local Rule 7.18;
- Filing fees;
- Additional attorney's fees incurred in bringing this petition, together with costs advanced; and
- Expenses paid for the care preservation and maintenance of said property during the course of administration, including mortgage payments, homeowner's insurance and property taxes.

No additional expenses of sale are requested at this time. If the property is ultimately sold pursuant to the power of sale under the deed of trust, said expenses will be borne by the Bank. However, if Petitioner is successful in negotiating a short sale or otherwise reaching accommodation with the lender, this petition will be amended accordingly.

Petitioner will incur additional charges in serving notice of hearing on this petition and may incur additional attorney's fees for appearing at the hearing(s) on this petition. Said additional fees will be presented in a supplement to this petition prior to the hearing date.

Petitioner requests the Court order that following the hearing and approval of this petition, any proceeds of sale be paid to the clerk of the court to be disbursed as provided in Probate Code § 10362 as follows:

- First in payment of costs of administration attributable to this property;
- Second towards payment of the lien held by Bank of America, and thereafter
- To lenders with secured interests in the property, including Paul A. Dictos (\$7,650.00) and Atkinson, Andelson, Loya, Ruud and Romo (\$106,767.00)

Petitioner requests:

1. That the Court determine the amount of expenses of administration reasonably related to the administration of the encumbered property;
2. That the Court determine the expenses of sale of said property, if any there be;
3. That the Court order the proceeds from the sale to be paid to the Clerk of the Court to be disbursed as provided in Probate Code § 10362
4. For an order that upon such payment the lien on the property be discharged; and
5. For such further orders that the Court may deem proper.

Bank of America, N.A., Respondent/Secured Party filed:

- **Memorandum of Points & Authorities in Response to Petition to Determine Administrative Expenses Pursuant to Cal. Prob. Code §§ 10361.5, 10362**
Respondent requests the Court deny any order compelling Respondent to accept less than the entire amount due under its security interest and/or deny any order requiring a Reconveyance of its lien, and further deny Petitioner any fees and costs claimed to be related to the sale and administration of the property, particularly any fees and costs derived from proceeds from the sale of Respondent's secured property. See pleading for details.
- **Request for Judicial Notice in Support of its Response to Petition to Determine Administrative Expenses Pursuant to Cal. Evid. Code §§ 452(c), (g), 453 & Appendix of Exhibits**
12 exhibits provided. See pleading for details.

Atty Winter, Gary L., sole practitioner (for Petitioner Myrna M. Bowman, Conservator)
 Atty Fanucchi, Edward L., of Quinlan, Kershaw & Fanucchi (Court-appointed for Conservatee)

(1) First Account and Second and Final Account and Report of Conservator of Estate and Person; and Petition for (2) Conservator's Fees; (3) Attorney Fees; (4) Discharge of Conservator of the Person and Estate, and (5) Delivery of Assets [Prob. C. 1860]

DOD: 7/3/2012	MYRNA M. BOWMAN , Conservator, of the Person and Estate, is Petitioner.	NEEDS/PROBLEMS/ COMMENTS:
Cont. from	First Account period: 10/7/2011 - 7/3/2012	
<input type="checkbox"/> Aff.Sub.Wit.	Accounting - \$331,940.07	~Please see additional page~
<input type="checkbox"/> Verified	Beginning POH - \$253,939.29	
<input type="checkbox"/> Inventory	Ending POH - \$208,892.40	
<input checked="" type="checkbox"/> PTC	Second Account period: 7/4/2011 - 12/31/2012	
<input type="checkbox"/> Not.Cred.	Accounting - \$212,014.24	
<input type="checkbox"/> Notice of Hrg	Beginning POH - \$208,892.40	
<input checked="" type="checkbox"/> Aff.Mail	Ending POH - \$204,004.02 (\$106.66 is cash)	
<input type="checkbox"/> Aff.Pub.	Conservator - \$8,910.00	
<input type="checkbox"/> Sp.Ntc.	(for 162 hours @ \$55.00/hour; itemization consists of Declaration attached as Exhibit E with narrative describing services and justification for hourly rate.)	
<input type="checkbox"/> Pers.Serv.	Conservator Costs - \$359.94	
<input type="checkbox"/> Conf. Screen	(\$5,775.00 for reimbursement of facility care costs for June and July 2010, less \$5,415.06 for Conservator's inadvertent payments from conservatorship.)	
<input type="checkbox"/> Letters	Attorney Barrus - \$514.29	
<input type="checkbox"/> Duties/S	(for services 8/31/2012 to 9/17/2012 plus costs, payable to Barrus & Roberts; invoice attached as Exhibit H.)	
<input type="checkbox"/> Objections	Attorney Winter - \$10,676.50	
<input type="checkbox"/> Video Receipt	(for 42.80 hours @ attorney rates of \$240.00/hour and \$265.00/hour; per Declaration and itemization attached as Exhibit I.)	
<input type="checkbox"/> CI Report	Attorney Winter Costs - \$699.64	
<input checked="" type="checkbox"/> 2620	(filing fees, probate referee, certified copies)	
<input type="checkbox"/> Order	Attorney Fanucchi - \$660.00	
<input type="checkbox"/> Aff. Posting	(3.3 hours @ \$200.00/hour for services from 9/19/2011 to 11/27/2011; itemization attached as Exhibit J.)	
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
~Please see additional page~		
		Reviewed by: LEG
		Reviewed on: 3/13/13
		Updates:
		Recommendation:
		File 3 - Robbins

Petitioner states:

- Petitioner engaged the services of **JEFF JAMES, CPA**, to prepare the accountings for this Petition, and to prepare and file Conservatee's 2011 individual federal and California income tax returns; for simplicity, efficiency and service to the estate of Conservatee, Petitioner elected to have Mr. James prepare and file final 2012 partial year individual federal and California income tax returns, a service normally completed by the personal representative of a Decedent; Petitioner is informed [Conservatee's estate] is entitled to a 2012 federal tax refund of **\$2,286.00** and a 2012 California tax refund of **\$400.00**; any check for income tax refunds that Conservatee may receive that may be delivered to Petitioner in the future shall be delivered by Petitioner to the personal representative of the Estate of Wayne Allen Robbins, Jr.;
- Petitioner has paid accountant fees of **\$4,541.50** (First Account and Second Account); **\$170.50** (Conservatee's 2011 individual federal and California income tax returns); **\$325.50** (Conservatee's 2012 partial individual federal and California income tax returns), for total payment of **\$5,037.50**;
- Petitioner believes the first nominated executor of the Estate is **DAVID MONTGOMERY**; Petitioner is not aware that any petition for probate of the estate has been filed; however, when such petition is filed, and upon issuance of letters to Mr. Montgomery, or whoever the Court shall appoint as personal representative, Petitioner shall deliver the remaining estate assets (less approved fees and costs) of **\$203,704.66** to the appointed personal representative of the deceased Conservatee's estate.

Petitioner requests:

- The Court hear and consider Attorney Edward Fanucchi's request for fees as part of the instant *Petition* under the circumstances of this case where Conservatee was deceased relatively soon after Mr. Fanucchi's appointment and his fees of **\$660.00** are only a small amount more than the filing fee of **\$435.00** required for the *Petition for Payment of Attorney Fees* (copy attached as Exhibit J); granting this request provides the benefits of (1) keeping the Court's docket clear of multiple hearings concerning the same case; (2) preserving the Conservatee's estate from a second filing fee; and (3) preserving the Conservatee's estate from additional attorney's fees from Mr. Fanucchi to appear at an independent hearing.

Petitioner prays for an order:

1. Approving allowing and setting the First Account and Second and Final Account;
2. Authorizing the Conservator and Attorney fees, costs and commissions; and
3. Authorizing Petitioner to deliver the remaining estate assets to the duly appointed personal representative of the Estate of Wayne Allen Robbins, Jr., and that on delivering the property and filing proper receipts [*examiner added: and an Ex Parte Petition for Final Discharge and Order*], the Conservator of the person and estate shall be discharged and the surety on her bond shall be discharged.

NEEDS/PROBLEMS/COMMENTS, continued:

1. *Proof of Service By First-Class Mail – Civil* filed 2/14/2013 does not indicate that the persons served with notice have been provided with this 3/21/2013 hearing date.
2. Account statements were not filed in a separate affidavit in accordance with Probate Code § 2620(c)(7). (*Note: This issue is raised for future reference of the attorney.*)

~Please see additional page~

NEEDS/PROBLEMS/COMMENTS, continued:

3. Paragraph 30 of the *Petition* states account fees of **\$5,037.50** have been paid by Petitioner to Jeff James, CPA for the specified services. However, proposed distribution of the remaining estate assets includes the **\$5,037.50** sum to be deducted from the remaining assets as if these accountant fees have not yet been paid. Need clarification regarding the payment of accountant fees.
4. Based upon Paragraph 21 of the *Petition*, the Petitioner states sufficient assets have been retained to cover fees and expenses, and that non-cash investments make up the bulk of the remaining estate assets. *Petition* does not indicate whether the non-cash investments will be converted to cash in order to pay court-approved fees and costs from the conservatorship estate, or whether approved fees and costs will be paid from funds outside of the conservatorship estate.
5. *Petition* requests and proposed order finds that the Court authorizes Petitioner to deliver the remaining estate assets to a duly appointed personal representative of the Estate of Wayne Allen Robbins, Jr. upon issuance of letters to such representative. Court records do not show a personal representative has been appointed for said estate. Petitioner's request and the finding of the proposed order appear to be premature, as the responsibility is upon Petitioner to ensure that distribution to a duly appointed personal representative of the estate is made rather than to one whom the Court has no indication has been or ever will be appointed.

Note re Attorney Mark Bowman's Fees: *Petition* states that in August 2011, Petitioner retained the services of Attorney Mark Bowman and he prepared and filed a petition for conservatorship of the person and estate on behalf of Petitioner, appeared at hearings, prepared inventory and appraisal, and counseled Petitioner, until he substituted out on 11/8/2012; Petitioner believes Mr. Bowman provided these services pro bono as a courtesy and favor to the Conservatee and the Robbins family at no cost to the estate, and does not request any fees or reimbursement of expenses for his services. However, *Schedule D, Disbursements* for the *First Account* shows Attorney Bowman was paid **\$1,081.87** in an entry dated 1/3/2012, and it is unclear whether some of the services for which payment was made may be the same as those indicated in the *Petition* as provided pro bono.

Note re Attorney Gary Winter's Fees: Paragraph 7 of the *Declaration of Gary L. Winter* states the itemization of fees by Attorney Winter is taken directly from his billing entries, except for edits made to descriptions of work for attorney-client privileged information and where entries were combined for brevity. Attorney Winter states that "some time has already been written off where it did not fairly fit the task," and that the fees itemized represent those incurred by the attorney and **do not** [emphasis in original] include time by legal assistants for drafting, correspondence and secretarial services. [This is noted merely to provide justification to the Court for fee request, not as an issue to be addressed.]

Petition to Terminate Probate Proceedings [Prob. C. 12251]

DOD: 9-18-12		<p>ROBERT B. JONES, Executor, is Petitioner.</p> <p>Petitioner was appointed Executor with Full IAEA without bond on 12-6-12 and Letters issued on 12-11-12.</p> <p>Petitioner states no Inventory and Appraisal has been filed in this probate as no property has come into the estate.</p> <p>When the probate was initially opened, it was anticipated that the conservatee's IRA at RBC and any proceeds due the decedent from the Petition to Invalidate Irrevocable Trust filed in the trust action 11CEPR00828 would come into the probate. It was also necessary to substitute a personal representative for the conservator who initiated the action.</p> <p>After the decedent's death it was determined that the IRA had a beneficiary designation and it was distributed to the named beneficiaries.</p> <p>Per the filed settlement agreement in the conservatorship action, any proceeds of the irrevocable trust action would go into the decedent's Survivors Trust A. Therefore, the settlement of the Irrevocable Trust action resulted in funds going directly into decedent's Trust A without the necessity of passing through the probate estate.</p> <p>There is no property of any kind belonging to the estate and subject to administration. Petitioner requests probate proceedings be terminated and he be discharged as personal representative of the estate.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</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 <small>W</small>		
<input type="checkbox"/>	Aff.Pub.		
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<input type="checkbox"/>	Conf. Screen		
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<input type="checkbox"/>	Video Receipt		
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<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: skc</p> <p>Reviewed on: 3-13-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4 - Lininger</p>	

5 **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)**

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

Age: 62 years		<u>Temporary Expires on 3/20/13</u>		NEEDS/PROBLEMS/ COMMENTS: Court Investigator Advised Rights on 3/13/13. 1. Need Notice of Hearing. 2. Need proof of service of the Notice of Hearing along with a copy of the petition on: a. Sarah Felmus (daughter) b. Mark S. Poochigian (attorney for proposed conservatee, Mark T. Felmus) 3. Need Letters	
		JEREMY FELMUS , son, is petitioner and requests the PUBLIC GUARDIAN be appointed as conservator of the estate.			
Cont. from		<u>Estimated value of the estate:</u> Personal property - \$500,000.00 Annual income- \$228,000.00 Total - \$728,000.00			
<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	X			
<input type="checkbox"/>	Aff.Pub.				
<input type="checkbox"/>	Sp.Ntc.				
<input type="checkbox"/>	Pers.Serv.				
<input type="checkbox"/>	Conf. Screen				
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<input type="checkbox"/>	Status Rpt				
<input type="checkbox"/>	UCCJEA				
<input checked="" type="checkbox"/>	Citation				
<input type="checkbox"/>	FTB Notice				
Please see additional page					Reviewed by: KT Reviewed on: 3/13/13 Updates: Recommendation: File 5 - Felmus

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 Pearcy 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. Pearcy, and (ii) the assignment of the proceeds of a life insurance policy payable to Dr. Felmus to Ms. Pearcy. 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. Pearcy. 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. Pearcy] 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. Pearcy. 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 3/14/13.

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.

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

DOD: 7-13-11	CARMEN PACHECO HERNANDEZ, HERIBERTA PACHECO, and ISIDRA NAJAR , sisters of the decedent, are Petitioners.	NEEDS/PROBLEMS/COMMENTS: 1. Need date of death of deceased spouse and any other deceased heirs per Local Rule 7.1.1.D. 2. The personal property (household and personal items and a vehicle) is given a value of \$3,400.00 by Petitioners; however, the Probate Referee must appraise this type of asset pursuant to Probate Code §§ 8901-8902. The Court may require amended I&A or waiver from the Probate Referee. 3. Petitioners do not state what the Decedent's interest in the real and personal property was. 100%? 4. Need order.
	40 days since DOD	
	No other proceedings	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input checked="" type="checkbox"/> Inventory	I&A: \$88,400.00 (real and personal property)	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.	Decedent died intestate	
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	W	
<input type="checkbox"/> Aff.Pub.	Petitioners request Court determination that decedent's real and personal property passes to them 1/3 each as tenants in common.	
<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		
		Reviewed by: skc
		Reviewed on: 3-13-13
		Updates:
		Recommendation:
		File 6 – Castillo

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

Age: 9	TEMPORARY GRANTED EX PARTE: EXPIRES 03/21/13		NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing. 2. Need proof of personal service at least 5 court days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Temporary Guardian of the Person <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: - Jesse Vindiola (father)
	GENERAL HEARING 05/08/13		
Cont. from	MARTINA R. VINDIOLA , paternal grandmother, is Petitioner.		<p>Note: A competing petition for guardianship (no temporary) has been filed by Ruth Rico, friend of the father, and is set for hearing on 05/08/13.</p>
Aff.Sub.Wit.	Father: JESSE VINDIOLA - currently incarcerated		
✓ Verified	Mother: CHRISTINA QUINONES – deceased		
Inventory	Paternal grandfather: ADRIAN VINDIOLA – currently incarcerated		
PTC	Maternal grandfather: RANDY VIDAL		
Not.Cred.	Maternal grandmother: TERESA SOTELO		
Notice of Hrg	x	Petitioner alleges the father was arrested on 03/04/13 and left the child with people that sell drugs. Petitioner was previously appointed guardian of the minor in 2009. The guardianship was terminated in 2012 when the father cleaned up his act, unfortunately, he has returned to his old ways. Petitioner requests that the guardianship be reestablished so that she can continue to protect the child from harm.	
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			
			Reviewed by: JF
			Reviewed on: 03/13/13
			Updates:
			Recommendation:
			File 7 - Vindiola

Amended Second Account and Report of Conservator and Petition for Its Settlement, for Approval of Conservator's Compensation

Age: 21	TIM COLLINS , Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: CONTINUED FROM 02/21/13 Minute order from 02/21/13 states: Matter is continued to 03/21/13. The petitioner is directed to submit a budget to the Court which also indicates that he is payee for the Social Security. Note: If the petition is granted a status hearing will be set as follows: <ul style="list-style-type: none"> • Friday, 05/31/13 at 9:00a.m. in Dept. 303 for the filing of third account 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.
	Account period: 04/01/11 – 03/31/12	
	Accounting - \$194,924.59	
	Beginning POH - \$169,717.24	
	Ending POH - \$164,743.64	
Cont. from 022113		
<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 checked="" 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		

Conservator - **\$1,899.00** per month (Conservator is requesting to be paid \$1,399.00/month (conservatee's monthly social security income) to be used to pay all of conservatee's expenses and for conservatee's needs. Conservator also requests \$500.00/month as compensation for his services as Conservator, which he states include giving the conservatee his medication and driving him to appointments and activities.

Petitioner prays for an Order:

1. Approving, allowing and settling the second amended account; and
2. Approving conservator's fees of \$1,899.00 per month for conservatee's expenses and care.

Court Investigator Jennifer Young filed a report on 01/16/13.

Conservator's monthly budget of Conservatee's expenses filed 03/04/13 lists the monthly budget as follows:

Housing - \$731.23
 Home Maintenance - \$71.00
 Home Utilities - \$113.05
 AT&T (TV, phone, internet) - \$71.71
 Cell Phone - \$85.00
 Food - \$500.00
 Transportation - \$250.00
 Insurance - \$145.75
Total - \$1,967.78

Reviewed by: JF

Reviewed on: 03/13/13

Updates:

Recommendation:

File 8 - Collins

Kaylie, age 7	ANGELICA AGUNDEZ , Paternal Grandmother, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: The Guardian, Blanca De Ramirez has a current civil harassment restraining order against Petitioner, Angelica Agundez in 11CECG04220 granted 12-29-11 that expires 12-29-14.</p> <p>Note: Per Minute Order 5-31-12, current visitation for Angelica Agundez is every Saturday 9-5, exchange at Comprehensive Youth Services.</p> <ol style="list-style-type: none"> Need Notice of Hearing. Need proof of service of Notice of Hearing at least 15 days prior to the hearing on Blanca De Ramirez. 	
	BLANCA DE RAMIREZ , Maternal Grandmother, was appointed Guardian on 1-12-12.		
Aff.Sub.Wit.	Petitioner states she is having problems with the weekly visits ordered by the Court. Mrs. De Ramirez has been canceling the visits more and more with the excuse that she will be out of town. Petitioner states she knows they don't travel as much as they claim and would like to ask the Court to explain to Mrs. De Ramirez that she was ordered to bring Kaylie every Saturday to the exchange center for visitations, and to clarify that if she plans to be out of town, to arrange for a trusted family member to bring her. Petitioner does not think it's fair for her family to be away from Kaylie just because Mrs. De Ramirez decides to cancel with this excuse. When Petitioner asked Kaylie how her trip out of town was, she answered, "We stayed home last Saturday."		
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg	X		
Aff.Mail	X		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp	Petitioner states Kaylie's birthday is coming up and her family is planning a party for her. Her birthday is a Saturday, which is their visiting day, but Petitioner is sure Mrs. De Ramirez will call and claim to be out of town. Petitioner asks the Court to order Mrs. De Ramirez to follow the Court's orders and make sure Kaylie is dropped off at the exchange center on time.		
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting	Petitioner states she has tried to be patient and has followed all of the Court's orders, but needs the Court's assistance. A report from the center would show that cancellations are often, especially on holidays and Kaylie's dad's birthday.		
Status Rpt			
UCCJEA			
Citation			
FTB Notice	Also, as the court is aware, both parents are in state prison. Petitioner asked the prison for the requirements for Kaylie to be able to visit. The prison says she needs a notarized consent form signed by the legal guardian (form attached to the petition). Petitioner requests the Court order Mrs. De Ramirez to sign the consent form because Kaylie is constantly asking when she can see her daddy. Petitioner states it is important to have regular contact with both parents. Kaylie and her dad write letters, but would like to be able to see each other.		
			Reviewed by: skc
			Reviewed on: 3-13-13
			Updates:
		Recommendation:	
		File 10 - Alvarez	

12 Rosalina C. Estacio (Det Succ)
 Atty Estacio, Joseph C. (Pro Per Petitioner)
 Atty McConnell, Mary Anne Estacio (Pro Per Petitioner)
 Atty Estacio-Olin, Maria Carina C. (Pro Per Petitioner)
 Atty Estacio-Schmitt, Maria Teresa C. (Pro Per Petitioner)

Case No. 13CEPR00125

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

DOD: 11-26-12	JOSEPH C. ESTACIO, MARY ANNE ESTACIO MCCONNELL, MARIA CARINA C. ESTACIO-OLIN, and MARIA TERESA C. ESTACIO-SCHMITT are Petitioners.	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> Each petitioner filled out their own individual petition; however, they are filed and reviewed treated as one petition. 1. <u>Need clarification:</u> Petitioners do not state their relationships to the decedent and do not list other heirs per #10c at Attachment #14. 2. <u>Need clarification:</u> #9 is blank as to whether the decedent was survived by a spouse, or was divorced or never married, or spouse deceased. If the decedent had a spouse who is deceased, need date of death per Local Rule 7.1.1.D. 3. If there is anyone other than the petitioners entitled to notice, continuance may be required for Notice of Hearing to be served. Probate Code §13153. 4. <u>Need clarification:</u> Petitioners do not state the decedent's interest in the property. (100%?) 5. <u>Need clarification:</u> Petitioners do not state the interests that they are requesting the Court determine (25% each?) or how they will hold title (tenants in common?). 6. <u>Need clarification:</u> Petitioners state at #17 that there was a conservatorship in place at Decedent's death, and that Petitioners Joseph Estacio and Mary Anne McConnell were serving as Conservators. However, Court records do not reflect a conservatorship. Is/was there a conservatorship <u>estate</u> in place? If so, where was the court case filed?
	40 days since DOD	
Aff.Sub.Wit.		
✓ Verified	No other proceedings	
Inventory	I&A: \$123,500.00 (real property only)	
PTC		
Not.Cred.		
Notice of Hrg	X	
Aff.Mail	Decedent died intestate	
Aff.Pub.		
Sp.Ntc.	Petitioners request Court determination that Decedent's real property located at 2535 N. Katy Lane, Fresno, 93722 passes to them.	
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 12 - Estacio		