



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

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

DOD: 08/15/04	<p>CAROLYN LEWIS, daughter, was appointed Executor with full IAEA and without bond on 12/06/05. Letters Testamentary were issued on 12/08/05.</p> <p>Notice of Status Hearing filed 11/21/13 set this matter for status regarding failure to file a First Account or Petition for Final Distribution. Clerk's Certificate of Mailing indicates that the Notice of Status Hearing was mailed to attorney Philip M. Flanigan and Carolyn Lewis on 11/21/13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 02/21/14 Minute Order from 02/21/14 states: Mr. Flanigan informs the Court that he cannot locate the Executor. This matter continued to same date as motion filed.</p> <ol style="list-style-type: none"> 1. Need Inventory & Appraisal. 2. Need First Account or Petition for Final Distribution. 	
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FTB Notice			
<p>Reviewed by: JF</p> <p>Reviewed on: 03/19/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1A – Geise</p>			

Notice of Motion and Motion to be Relieved as Counsel - Civil

DOD: 08/15/04		<p>PHILIP M. FLANIGAN, attorney for Executor CAROLYN LEWIS, is Petitioner.</p> <p>CAROLYN LEWIS, daughter, was appointed Executor with full IAEA and without bond on 12/06/05. Letters Testamentary were issued on 12/08/05.</p> <p>Petitioner states that he has been unable to contact his client and has an outdated address and telephone number. Ms. Lewis sold the property where she was previously living and several attempts to locate her or obtain a new address and phone number have been unsuccessful. Petitioner states that the inability to contact the client renders it unreasonably difficult to close probate and carry out the representation effectively.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: No Inventory & Appraisal has been filed.</p> <p>1. The Notice of Hearing filed 03/12/14 states that the hearing is for the First and Final Account and Report of Status of Administration. However, there is no hearing on a First and Final Account (none has been filed). Need Notice of Hearing regarding the hearing on the Motion to be Relieved as Counsel.</p>
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		<p>Reviewed by: JF</p> <p>Reviewed on: 03/19/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1B – Geise</p>	

Atty Knudson, David N. (for Paul A. Dictos – Administrator)

Atty Treder, Edward (for Bank of America, N.A. – Respondent)

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>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR</u></p> <p>Order approving Stipulation and Allocating Administration Expenses to Encumbered Property, Determining Expenses Allocable to Secured Party, and for Disbursement of Sales Proceeds by Escrow Holder was filed 3-12-14.</p>	
Cont. from 011713, 032113, 042513, 050913, 062013, 071813, 101713, 120213, 012714, 021014			
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		Reviewed by: skc	
		Reviewed on: 3-18-14	
		Updates:	
		Recommendation:	
		File 2A - Petrogonas	

**Amended First and Final Account and Report of Co-Executors and Amended
Petition for Settlement Thereof; for Allowance of Co-Executors' Compensation for
Ordinary Services; for Allowance of Attorney's Fees for Ordinary Services and
Costs; and for Final Distribution**

DOD: 4/29/2007		JOHN ROBERSON and LORETTA ROBERSON, Executors, are petitioners.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 4/29/07 – 11/15/13	
Cont. from		Accounting - \$281,520.75	
	Aff.Sub.Wit.	Beginning POH- \$220,914.53	
✓	Verified	Ending POH - \$ 39,819.69	
✓	Inventory	Executors - \$6,591.69 (statutory)	
✓	PTC	Costs - \$23,195.51	
✓	Not.Cred.	(reimbursement of amounts advanced for mortgage and maintenance costs to preserve the estate's real property.	
✓	Notice of Hrg		
✓	Aff.Mail	Attorney - \$6,591.69 (statutory)	
	Aff.Pub.	Costs - \$1,505.50 (filing fees, certified copies, probate referee, publication)	
	Sp.Ntc.		
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	Conf. Screen	Will devises the entire estate to Trinity Evangelical Lutheran Church. A Settlement Agreement and General Release was entered between Trinity Evangelical Lutheran Church and Loretta Roberson and John Roberson. The agreement provides that Trinity assign to the Robersons 75% of the Decedent's residual estate, which Trinity would be entitled under the Decedent's Will. In exchange the Robersons agreed that they would not contest the admission of the Decedent's Will to Probate. Pursuant to the Settlement Agreement the estate will be distributed:	
✓	Letters	8/14/07	
	Duties/Supp		
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	Citation		
	FTB Notice	N/A	
		Trinity Lutheran Church - \$156.73	
		Loretta Roberson and John Roberson - \$470.21	
			Reviewed by: KT
			Reviewed on: 3/20/14
			Updates:
			Recommendation:
			File 3 – Scheibel

Petition for Termination of Proceedings Due to Lack of Assets and Discharge of the Personal Representative

DOD: 6-24-07		<p>DANA HOLMES, Daughter, and Administrator with Full IAEA without bond, is Petitioner.</p> <p>Petitioner states that despite the efforts of the personal representative to sell the property and prevent foreclosure, the home was lost to foreclosure in August 2012.</p> <p>Regarding the other assets subject to administration: The vehicle was repossessed by the loan holder and the furniture was donated due to poor condition.</p> <p>Pursuant to Probate Code §12251, Petitioner prays for an order:</p> <ol style="list-style-type: none"> 1. Terminating the proceedings due to lack of assets; 2. Discharging the personal representative; 3. Any other orders the Court deems appropriate. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Letters issued in 2007. Petitioner states the house was foreclosed upon in August 2012. The Court may require an accounting or clarification regarding the administration of the estate during that five year time period. Was the house occupied? Was rent collected? What was the reason for the delay in closing the estate?
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		<p>Reviewed by: skc</p> <p>Reviewed on: 3-18-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4 – Vinson</p>	

(1) First Account and Status Report of Administrator, and (2) to set Aside Exempt Personal Property

DOD: 9/18/2007		<p>LAURA DOZIER, surviving spouse/Administrator, is petitioner.</p> <p>Account period: 2/4/2008 – 9/30/2013</p> <p>Accounting - \$650,755.95 Beginning POH - \$650,750.00 Ending POH - \$333,000.00</p> <p>Petitioner states certain assets that were decedent's separate property constitute exempt personal property eligible to be set aside to the surviving spouse pursuant to Probate Code §6510. Petitioner requests the court set aside the following personal property with an aggregate value of \$10,250.00</p> <ul style="list-style-type: none"> • 1997 Chevrolet pickup truck • 2005 Honda ATV R1V32 • 2005 KTM Motorcycle • 1963 Willy Jeep <p>Petitioner states as surviving spouse, she is entitled to have the assets set over to her. Petitioner has already taken possession of the assets and requests that her actions be ratified and confirmed.</p> <p>Petitioner states the estate is not yet in a position to close. An action was filed on a rejected creditor's claim. The estate defaulted. The estate now is reviewing the situation to see whether it is possible to file a motion to set aside the default. Petitioner believes it will take an additional 4-6 months to close the estate.</p> <p style="text-align: center;">Please see additional page</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 2/24/14. As of 3/18/14 the following issues remain:</p> <ol style="list-style-type: none"> 1. Petition does not allege any fact as to why the personal property should be set aside for the surviving spouse. 2. Disbursement schedule does not include the nature and purpose of each disbursement as required by Probate Code §1062(b). 3. Petition states the Petitioner used the proceeds from the sale of a bulldozer to reimburse herself various administrative expenses. Need itemization. 4. Need order <p>Note: If the petition is granted the court will set a status hearing for the filing of the petition for final distribution on Friday, September 26, 2014 at 9:00 a.m. in Dept. 303.</p> <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.</p>	
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	Order	X		
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		<p>Reviewed by: KT</p> <p>Reviewed on: 3/19/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5 – Dozier</p>		

Petitioner prays for an order:

1. That the First Account and Report of Petitioner be settled, allowed and approved as filed;
2. That all actions of Petitioner as Administrator, as set forth in the petition, account and report be ratified, confirmed and approved;
3. That the exempt personal property described in the petition be set aside to the surviving spouse;
4. That the administration of the estate continue.

(1) First and Final Account and Report of Administrator and Petition for Settlement Thereof and (2) for Allowance of Administrator's Compensation for Ordinary Services and (3) for Allowance of Attorney Fees for Ordinary Services and for Extra-Ordinary Services and for (4) Final Distribution

DOD: 8-28-11		<p>ERNEST ONG, Administrator with Full IAEA without bond, is Petitioner.</p> <p>Account period: 8-28-11 through 1-10-14</p> <p>Accounting: \$ 453,213.84 Beginning POH: \$ 336,683.52 Ending POH: \$ 71,844.33 (cash)</p> <p>Administrator (Statutory): \$10,858.27 (See <i>NEEDS/PROBLEMS/COMMENTS.</i>)</p> <p>Attorney (Statutory): \$10,858.27 (See <i>NEEDS/PROBLEMS/COMMENTS.</i>)</p> <p>Attorney (Extraordinary): \$4,520.00 (for work in connection with the sale of the real property, including avoiding foreclosure and preparation of the various agreements, consents and negotiations with the beneficiaries, unusual circumstances requiring negotiations with creditors and beneficiaries, establishing an ancillary probate for out of state property. Work also included resolving another estate administration in Stanislaus County for which this decedent was the administrator. Extraordinary services total \$6,370.00 for 11 attorney hours @ \$200/hr and 40.5 paralegal hours @ \$100/hr. Attorney will accept the reduced amount of \$4,520.00.</p> <p>Closing: \$500.00</p> <p>Distribution pursuant to intestate succession, Agreement Among Beneficiaries, and various disclaimers:</p> <p>Arlene Ong: \$15,035.95 Kathleen Ruiz: \$15,035.95 Christofer Gong-Chun: \$15,035.95</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED TO 4-14-14</u> Per Attorney request</p> <p><u>SEE ADDITIONAL PAGES</u></p>
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		<p>Reviewed by: skc</p> <p>Reviewed on: 3-18-14</p> <p>Updates: 3-20-14</p> <p>Recommendation:</p> <p>File 6 – Gong-Chun</p>	

NEEDS/PROBLEMS/COMMENTS:

1. Petitioner states that pursuant to the Agreement Among Beneficiaries, Michael Gong-Chun was allowed to purchase the residence at a reduced price, taking into consideration payments made to the mortgage company and rent paid to the estate as his share of the estate. However, he then signed a Disclaimer of Interest in the estate. A disclaimer is irrevocable per Probate Code §281 and results in distribution as if the disclaimant had predeceased the decedent. Petitioner assumes the beneficiaries are now the three remaining siblings pursuant to the Agreement; however, it appears that Michael Gong-Chun's issue are now entitled to his share of the remainder of estate. The Court may require authority for omitting Michael Gong-Chun's issue from distribution of the remainder of the estate with reference to the Disclaimer.
2. The agreement and attached lease indicate that Michael Gong-Chun was paying rent; however the Receipts Schedule does not indicate rent received by the estate. Need clarification. Who was the rent paid to? The Disbursements Schedule indicates that the estate was paying for household expenses such as AT&T and mortgage payments after the death of the decedent, when it appears the house was occupied by Michael Gong-Chun. Need clarification.
3. The accounting does not appear to be prepared correctly. The Receipts Schedule includes items that are not "receipts" pursuant to Probate Code §1061(a)(3). For example:
 - The estate obtained a \$10,000.00 loan from Jong Chun, to pay off the auto loan before selling the vehicle (which loan was not authorized by the Court pursuant to Probate Code §9800 et seq.). That \$10,000.00 was repaid with interest and is not a "receipt" for purposes of calculating compensation.
 - Similarly, Disbursements Schedule indicates \$56.04 was paid to California Baptist Foundation for "Court in Hawaii (Estate Admin.);" Receipts Schedule indicates this same amount was received as reimbursement on 1-10-14. If this was a loan, this amount is also not a "receipt" for compensation purposes.
 - The vehicle, originally valued at \$25,000.00, was then sold for \$28,000.00, resulting in a \$3,000.00 gain from the original I&A value. However, in addition to the \$3,000.00 gain, Petitioner included the \$25,000.00 balance as a "receipt." This is not correct. The \$25,000.00 is already included in as an asset on the I&A. That value does not get counted twice in calculating the statutory fee.
 - A brokerage account valued at \$8,062.38 is Item No. 2 on I&A Partial No. 2 filed 8-30-12. The transfer of those same funds to another estate account does not constitute a "receipt" because that amount is already included as an asset on the I&A. (Note: Gains Schedule indicates a gain of \$854.60 as accumulated income on this account. However, Petitioner does not state whether the asset changed form (i.e., assets held in the brokerage account sold or liquidated to cash), which would be a gain, or whether cash was simply transferred to another account with interest received, which may just be a receipt. Similar to the vehicle issue, though, the \$8,062.38 does not get counted twice.

By incorrectly categorizing these items as "receipts," the statutory compensation is incorrectly inflated.

Therefore, need amended accounting, including amended calculation of statutory fees and amended final distribution.
4. Need clarification regarding extraordinary fees requested in connection with the Ancillary Probate. The work performed appears to be typical probate work (research, forms, communications, etc.) that would be statutory within that probate matter and should be requested in that matter.

DOD: 2-20-13		<p>ROBERT O. NICOLAYSEN, II, Son and Administrator with Full IAEA without bond, is Petitioner.</p> <p>Petitioner states that due to the only asset of the estate being real property not actually being owned by the decedent, there was nothing to administer. The property was actually owned by a trust in the name of the decedent's wife.</p> <p>Therefore, an Inventory and Appraisal was never filed for this estate since there are no assets.</p> <p>The estate has no balance to compute a statutory compensation for either party.</p> <p>Attorney requests reimbursement for \$1,245.00 in costs including filing, publication, certified letters. Petitioner understands and acknowledges that he is responsible for the payment of costs advanced.</p> <p>Petitioner requests that this Court order that:</p> <ol style="list-style-type: none"> The administration of the estate be closed. All acts and proceedings of Petitioner as Administrator as set forth in this report be confirmed and approved; Petitioner be authorized and directed to pay The Law Offices of Philip M. Flanigan \$1,245.00 as payment for costs advanced to the estate; Distribution of the estate in Petitioner's hands and any other property of the decedent not now known or discovered be made to the persons entitled to it as set forth in this petition; and; For such other and further relief as the Court may deem just and proper. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Need allowance or rejection of the six (6) creditor's claims filed in the estate pursuant to Probate Code §9250 and Cal. Rules of Court 7.401. Note: The creditors appear to have been given notice of this hearing pursuant to Probate Code §11000; however, notice of allowance or rejection is required by law. See also mandatory Judicial Council Form DE-174. This petition does not address the six (6) creditor's claims filed in the estate at all and does not state whether any action was taken in connection therewith by the Administrator or by the creditors (i.e., lawsuit) pursuant to Cal Rules of Court 7.403. Petitioner requests an omnibus clause in the order that that distribution of any other property not now known be made to the persons entitled to it as set forth in the petition. However, as stated above, the petition does not address the creditor's claims. Pursuant to Probate Code §11422, if property in the estate is insufficient to pay all the debts, the order shall specify the amount to be paid to each creditor. If an omnibus clause is requested, the creditor's claims must be addressed and included. Further, the order must be complete in itself and cannot reference or point to the petition for direction on future distribution, if any. See Local Rule 7.6.1.A.
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		Reviewed by: skc	
		Reviewed on: 3-20-14	
		Updates:	
		Recommendation:	
		File 7 – Nicolaysen	

Atty Pape, Jeffrey B., of Pape & Shewan (for Petitioner Raheleh Gohari)

Petition by Agent Under Power of Attorney for Order to Establish Special Needs Trust [Probate Code § 4541(b)]

Age: 56 years	<p>RAHELEH GOHARI, daughter and Agent for the Proposed Beneficiary, is Petitioner.</p> <p>Petitioner seeks an order under Probate Code § 4541 to establish a Special Needs Trust (SNT) for the benefit of the proposed SNT Beneficiary, based upon the following:</p> <ul style="list-style-type: none"> • FARSHAD GOHARI is the proposed SNT Beneficiary who is to receive \$373,271.43 from a workers' compensation recovery related to a serious, chronically painful hand injury resulting in a disability; despite his disability, he is not conserved because he has full capacity to manage his personal and financial affairs; • As a result of his disability, the proposed SNT Beneficiary receives Supplemental Security Income (SSI) and Medi-Cal benefits in order to meet his basic needs and all of his medical needs; because these public benefits are "needs-based," outright distribution of assets to him will result in his losing eligibility for vital public benefits unless the assets are directed to a SNT; • The receipt of the workers' compensation recovery assets would eliminate the proposed SNT Beneficiary's eligibility for both SSI and Medi-Cal because they exceed \$2,000.00 and he would be disqualified until he has spent down the assets to below \$2,000.00; • To preserve eligibility the assets can be directed to an SNT, without which the proposed Beneficiary's special needs for supportive services, supplemental medical services, and other palliative care are unlikely to be met; <p align="center">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 2/24/2014. The following issues from the last hearing remain:</p> <ol style="list-style-type: none"> 1. Pursuant to Local Rule 7.19(B), trusts funded by court order in Fresno County must comply with California Rule of Court (CRC) 7.903; therefore, the Petitioner's proposed SNT must comply with CRC 7.903. The <i>Petition</i> states compliance with CRC 7.903 is not required because that rule applies to trusts established by court order under the provisions of Probate Code §§ 2580 – 2586 and 3600 – 3613, and this SNT is not being established under those sections, and further that court supervision is not necessary in this matter because FARSHAD GOHARI has capacity and he personally selected the Trustee. Court may require more persuasive and specific authority, in addition to the treatise cited in <i>Points and Authorities in Support of Petition</i> filed on 1/7/2014, to support Petitioner's request that the Court should allow waiver of the protections of CRC 7.903 that are typically required for special needs trusts and that are specifically required here pursuant to this Court's Local Rule. Note: Please see Third Additional Page 9 for Declaration of Farshad Gohari filed 3/19/2014. <p align="center">~Please see additional page~</p>
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	<p>Reviewed by: LEG</p> <p>Reviewed on: 3/19/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 9 – Gohari</p>	

Petitioner states, continued:

- The establishment of the SNT is necessary to provide for the proposed Beneficiary's current and future needs while preserving eligibility for public benefits; notwithstanding the foregoing, the proposed Beneficiary may receive a portion of the settlement funds outright to acquire exempt assets; it is intended that the proposed Beneficiary receive **\$130,000.00** outright to acquire with this sum an interest in a residence and an automobile, which will be exempt assets;
- Petitioner seeks an order under § 4541 that the proposed Beneficiary's assets, except for **\$130,000.00** to be used to acquire exempt assets, be paid to the proposed Trustee of the **FARSHAD GOHARI SPECIAL NEEDS TRUST** (copy of proposed SNT attached as Exhibit A);
- Petitioner also seeks an order of the Court that the Agent is authorized to signed the proposed SNT as Grantor;
- The Court has authority to establish the SNT under Probate Code § 4541 which states, in relevant part, that a petition may be filed under this part for any one or more of the following purposes... (b) Passing on the acts or proposed acts of the attorney-in-fact;
- **Power of Attorney:** On **3/17/2014**, the proposed Beneficiary executed a new *Uniform Statutory Durable Form Power of Attorney*, which authorizes Petitioner to act on behalf of the principal with regard to the establishment of a special needs trust (copy of newly executed Power of Attorney is attached as Exhibit C to Declaration of Farshad Gohari in Support of Petition by Agent Under Power of Attorney for Order to Establish Special Needs Trust filed 3/19/2014); this power of attorney specifically grants Petitioner the power to conduct "estate, trust, and other beneficiary transactions." Under Special Instructions, the instrument also expressly authorizes and directs the agent, as required by Probate Code §4264(a), to petition the probate court to have the court establish a special needs trust under 42 USC 1396p(d)(4)(A) for the principal's sole benefit and to transfer a portion of the assets he is to receive from litigation recovery to the **FARSHAD GOHARI SPECIAL NEEDS TRUST** authorized to be established by the Court; [Note: Limited durable power of attorney executed on 12/13/2013 was revoked on 3/17/2014 due to the omission of initial ; copy of Notice of Revocation of Uniform Statutory Durable Form Power of Attorney attached as Exhibit B to Declaration of Farshad Gohari in Support of Petition by Agent Under Power of Attorney for Order to Establish Special Needs Trust filed 3/19/2014.]
- The proposed SNT complies with all federal and state law requirements:
 1. **The proposed SNT meets all criteria of 42 USC 1396p(d)(4)(A);**
 2. **The proposed SNT Beneficiary meets eligibility requirements of 42 USC 1396p(d)(4)(A),** in that he is under age 65, he is disabled as defined in 42 USC 1382c(a)(3), the same definition used to qualify him for SSI; the proposed SNT provides at Article Six that on Farshad Gohari's death, Medi-Cal will receive reimbursement for all medical assistance provided to him;
 3. **The Court is one of the entities that is allowed under 42 USC 1396p(d)(4)(A)** to establish an SNT; the Court's intervention is required to establish the proposed (d)(4)(A) SNT for Farshad Gohari because he cannot by himself establish an SNT that complies with the law, since the persons or entities having authority to establish an SNT are limited to a parent, grandparent, legal guardian, or a Court; in the case of Farshad Gohari, because he has neither a legal guardian nor a living parent or grandparent, the Court is the only entity available to authorize the establishment of a (d)(4)(A) SNT;

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Petitioner states, continued:

4. **Compliance with California Rules of Court (CRC) 7.903 is Not Required:** The CRC 7.903 requirements do not apply to this trust; CRC 7.903 applies to trusts established by court order under the provisions of Probate Code § 2580 – 2586 and 3600 – 3613; this trust is not being established under those sections; moreover, court supervision is not necessary in this matter because Farshad Gohari has capacity and he personally selected the trustee; the trustee is required to account to Farshad Gohari on an annual basis; Farshad Gohari wishes to preserve this money for his anticipated “special needs” and does not want to spend additional money on future court fees, attorney fees, accountings and bond while he has capacity to review the trustee’s actions.
- The interests of judicial economy are best served by allowing petitions under Probate Code § 4541 directing an attorney-in-fact to both fund and execute a special needs trust where an adult has capacity without the necessity of going through a cumbersome process of establishing a conservatorship, setting up the Trust through a Probate Code § 2580(b)(5) [*substituted judgment*] proceeding, and then terminating the conservatorship;
 - Petitioner proposes that Petitioner **RAHELEH GOHARI** be named the initial Trustee of the **FARSHAD GOHARI SPECIAL NEEDS TRUST**, and shall be responsible for all investments and general management;
 - The proposed Trustee is Farshad Gohari’s daughter, who is also his attorney-in-fact;
 - The proposed Trustee will have available to her accounting and administrative support, and others who will assist her as necessary in her role as Trustee;
 - The consent of **RAHELEH GOHARI** to serve as Trustee is attached as *Exhibit C*;
 - The only person or entity entitled to notice is the principal (Probate Code § 4544); however, although not required, notice of the time and place of hearing on this petition and a copy of the petition will be served on the Directors of the State Departments of Health Care Services, State Hospitals, and Developmental Services at least 15 days before the hearing [*Proof of Service by Mail filed 1/15/2014.*]

Petitioner prays that the Court make the following findings and orders:

1. The Court approves the proposed acts of the Agent and directs that Agent to execute and fund the Trust as Grantor, thereby requiring the establishment of the **FARSHAD GOHARI SPECIAL NEEDS TRUST**, pursuant to 42 USC 1396p(d)(4)(A), to be funded with the litigation recovery;
2. The assets of the Trust estate are unavailable to the Beneficiary and shall not constitute a resource to **FARSHAD GOHARI** for **FARSHAD GOHARI’S** financial eligibility for Medi-Cal, SSI, Section 8, regional center assistance, or any other program of public benefits;
3. That **RAHELEH GOHARI** shall serve as the initial Trustee of the **FARSHAD GOHARI SPECIAL NEEDS TRUST** without bond; and
4. That the California Rule of Court 7.903 requirements do not apply to a Trust established by the Court through Probate Code § 4541.

Points and Authorities in Support of Petition by Agent Under Power of Attorney for Order to Establish Special Needs Trust was filed 1/7/2014.

~Please see additional page~

Declaration of Farshad Gohari in Support of Petition by Agent Under Power of Attorney for Order to Establish Special Needs Trust filed 3/19/2014 states:

- He is a 56-year-old California resident who has a disability but has full capacity;
- He is to receive a workers compensation recovery of **\$373,271.43**; he receives Supplemental Security Income (SSI) and Medi-Cal benefits;
- He intends to use a portion of that recovery to acquire a ½ interest in a home and an automobile; these are exempt assets for purposes of SSI and Medi-Cal;
- The ½ interest in the home has been appraised at **\$175,000.00 (50%)** by Rick Smith (copy of the appraisal attached as *Exhibit A*);
- The automobile which he intends to acquire is expected to cost **\$35,000.00**; therefore, he will be left with **~\$160,000.00** after payment of legal costs;
- As he has full capacity, he is confident that he can monitor the actions of his Trustee without spending additional money on bonds, accountings and Court petitions to approve distributions and disbursements;
- His daughter, **RAHELEH GOHARI**, will provide him, as well as his attorneys, with all financial and banking records on an ongoing basis; Raheleh is gainfully employed as a registered nurse and is of the highest character; his back-up Trustee, **BRUCE D. BICKEL**, is also, he is informed, of the highest character and capability;
- Respectfully, he urges this Court to grant the petition that is on file in this matter without the need for bonds and accountings to be filed.

NEEDS/PROBLEMS/COMMENTS, continued:

2. If the Court requires the SNT to comply with Local Rule 7.19(B) and California Rule of Court 7.903, pursuant to California Rule of Court 7.903(c)(5), the SNT instrument should require the trustee to post bond in the amount required under Probate Code § 2320 et seq. However, Probate Code § 2321(a), provides that notwithstanding any other provision of law, the Court may not waive the filing of a bond or reduce the amount of bond required, without a good cause determination by the Court that the SNT Beneficiary will not suffer harm as a result of the waiver or reduction of the bond. Probate Code § 2321(b) provides that where the SNT Beneficiary, having sufficient capacity to do so, has waived the filing of a bond, the Court in its discretion may permit the filing of a bond in an amount less than would otherwise be required under § 2320. The Court may consider the following options:
 - Bond be required based upon the **~\$160,000.00** in assets remaining following purchase of the ½ interest in real property residence and the automobile, on condition that title to the ½ interest in the real property and to the automobile be placed in the name of the SNT; Probate Code § 2320(c)(4) provides the bond shall include a reasonable amount for the cost of recovery to collect on the bond, such that required bond to be posted by the Trustee would be **\$176,000.00**;
 - or
 - All remaining funds except for those allocated for the purchase of the ½ interest in real property residence and the automobile (with title to the ½ interest in the real property and to the automobile be placed in the name of the SNT), be required to be deposited into a blocked account for the SNT with Court approval required for withdrawals exceeding a sum certain (such as **\$2,000.00 to \$3,000.00**.) Accountings for blocked accounts may be altogether dispensed with following a request at the time of the first accounting that further accountings be dispensed with until termination of the SNT, per Local Rule 7.8.2(A), applied by analogy.

~Please see additional page~

3. The following issues are noted with the regard to the terms of the proposed SNT, based upon this Court's typical inclusion of specific SNT terms, and the suggestions are offered to Petitioner and her Attorney as considerations for revision to the proposed SNT:
- **ARTICLE THREE** – SNT terms may include specific language regarding purchase of a residence, upon court approval as an asset of the SNT, with or without title vested in the name of the SNT. Additionally, language may be included stating that, upon court approval, the Trustee may use SNT funds for improvement of a residence which is or is not titled in the name of the Trust. The following language should also be included in the SNT: "Distributions for the purchase of any real property or fixed tangible personal property shall be accounted for and included on a Schedule of Trust Property on Hand at the time of the SNT accounting. Any purchase or sale of any real property of the SNT may be made only if authorized by the Court pursuant to the rules applicable to Conservatorships and Guardianships."
 - **ARTICLE FOUR** – SNT terms should contain the California Rule of Court 7.903(b) and (c) required provisions in trust instruments, pursuant to Local Rule 7.19(B).
 - **ARTICLE EIGHT** (and any other pertinent articles) – Some terms should be changed to exclude terms that contradict with California Rule of Court 7.903. Section 4. Duty to Account should include language from CRC 7.903(c)(6).
4. Need revised proposed Order Establishing Special Needs Trust containing the following: (a) the specific amount of funds comprising the special needs trust estate; (b) the complete terms of the **FARSHAD GOHARI SPECIAL NEEDS TRUST**, with the proposed changes to SNT terms acceptable to Petitioner and the Attorney; and (c) the required provisions in special needs trust instruments pursuant to California Rule of Court 7.903(c) (unless the Court determines CRC 7.903(c) should not apply, in contravention of Local Rule 7.19(B).)

Note: If petition is granted, Court will set status hearings as follows:

- **Friday, April 25, 2014 at 9:00 a.m. in Dept. 303** for filing of the bond or proof of deposit in blocked account; and
- **Friday, April 24, 2015 at 9:00 a.m. in Dept. 303** for filing of the first account of the SNT.

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

Kinar Age: 11 yrs	<p style="text-align: center;"><u>TEMPORARY EXPIRES 03/25/2014</u></p> <p>HASMIK SHAKARIAN, maternal grandmother, is Petitioner.</p> <p>Father of Kinar: UNKNOWN, <i>Court dispenses with notice pursuant to Minute Order of 02/05/2014</i></p> <p>Father of Katia: ARTIN QAHWAJIAN; <i>Court dispenses with notice pursuant to Minute Order of 02/05/2014</i></p> <p>Mother: NAYARI BOGHOS SHAKARIAN; <i>Court dispenses with notice pursuant to Minute Order of 02/05/2014</i></p> <p>Paternal grandparents of Kinar: Unknown Paternal grandfather of Katia: Unknown Paternal grandmother of Katia: Ani Verkin Mardoian Krikorian; <i>Court dispenses with notice pursuant to Minute Order of 02/05/2014</i> Maternal grandfather: Boghos Shakarian; <i>deceased.</i></p> <p>Petitioner states guardianship is necessary as the father of Katia has made it known over social media that he is now wanting Katia with him (possibly to take her out of state where the paternal grandmother lives), and he says he will do anything to get her (printouts of Facebook posts attached.) Petitioner states the mother left the children with Petitioner and she has not had any contact with either of the children in the last year, and the father of Katia has not had any contact with the child in over 2 years. Petitioner states both parents have criminal histories and have known to be drug users, neither of them have been willing or able to care for the children, and the children have resided with her for more than 6 years as the parents left them without care or concern for their well-being.</p> <p>Court Investigator Dina Calvillo's report filed 03/13/2014.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. 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 of notice or declaration of due diligence for: <ul style="list-style-type: none"> • Paternal Grandparents of Kinar (Unknown) • Paternal Grandfather of Katia (Unknown)
Katia Age: 9 yrs		
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 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. n/a		
<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 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 checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
<p>Reviewed by: LV</p> <p>Reviewed on: 03/20/2014</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 10 – Shakarian & Qahwajian</p>		

DOD: 8-15-12	<p>HARPREET BASSI, Brother, was appointed Administrator with Full IAEA without bond on 10-3-13 and Letters issued on 10-14-13.</p> <p>At the hearing on 10-3-13, the Court set this status hearing for the filing of the Inventory and Appraisal.</p> <p>Status Report filed 1-23-14 states the Administrator was granted court approval to enter into a contingency fee agreement with the Frantz Law Group, APLC, to pursue a wrongful death action on behalf of the estate. On 11-11-13, Administrator participated in a mediation in the wrongful death action in Tulsa, OK, which resulted in a global settlement of the wrongful death action. On or about 1-15-14, the parties executed a written settlement agreement that sets forth all of the terms of the settlement.</p> <p>Administrator states he will file the Inventory and Appraisal after receipt of the settlement proceeds and petition the Court to distribute the estate and close administration.</p> <p>Administrator requests an extension of 35 days to file the I&A and petition to close the estate.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR</u></p> <p>I&A filed 3-11-14</p>
Cont. from 020714		
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		
	<p>Reviewed by: skc</p> <p>Reviewed on: 3-18-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11 – Bassi</p>	

(1) Fifth Account and Report of Conservator and Petition for Its Approval and (2) for Increase in Bond and (3) Allowance of Fees and (4) for Substitution of Attorney

		LELAND R. MITCHELL , Brother and Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 7-1-11 through 6-30-13	<u>Note: There were no appearances on 1-6-14. A copy of the minute order was mailed to Leland R. Mitchell on 1-6-14. As of 3-18-14, nothing further has been filed.</u>
Cont. from 010614		Accounting: \$567,477.93	<ol style="list-style-type: none"> 1. Need Notice of Hearing (Mandatory Judicial Council Form GC-020). 2. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §§2621, 1460, 1461.5 on: - Donald Mitchell (Conservatee) - Office of Veterans Administration 3. The Court may require clarification as to whether the CPA Lawrence R. Mitchell has any family or affiliate relationship pursuant to Probate Code §1064. 4. Petitioner states the board and care facility where the Conservatee resides does not provide monthly statements, but provides the Admission Agreement as documentation with reference to Probate Code §2620(c) indicating a monthly rate of \$1,900.00/mo. 5. Need order. <p><u>Note:</u></p> <ul style="list-style-type: none"> • The Conservator was previously represented by Attorney Gregory J. Roberts; however, pursuant to Substitution filed 10-10-13, the Conservator is now self-represented. • The Conservator resides in Grover Beach, CA. The Conservatee resides at a board and care home in Fresno, CA. • This is a conservatorship of the <u>estate only</u>.
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH: \$466,892.86	
<input checked="" type="checkbox"/>	Verified	Ending POH: \$499,526.08	
<input type="checkbox"/>	Inventory	(\$88,744.50 cash plus a brokerage account)	
<input type="checkbox"/>	PTC	Conservator: Waives	
<input type="checkbox"/>	Not.Cred.	Accountant: \$1,850.00 (See declaration of Lawrence R. Mitchell, CPA, for preparation of this accounting and accounting for VA requirements)	
<input type="checkbox"/>	Notice of Hrg	Former attorney: \$1,323.50 (See declaration, for services from 8-3-11 through 10-1-13 for a total of 7 hours of attorney and paralegal time.)	
<input type="checkbox"/>	Aff.Mail	Current bond: \$565,000.00	
<input type="checkbox"/>	Aff.Pub.	Petitioner requests to increase bond to \$605,000.00 based on the assets on hand and annual income of \$50,292.54.	
<input type="checkbox"/>	Sp.Ntc.	Petitioner prays for an order:	
<input type="checkbox"/>	Pers.Serv.	<ol style="list-style-type: none"> 1. Settling and allowing the account and report and approving and confirming the acts of petitioner as conservator of the estate for this account period; 2. Increasing the bond to \$605,000.00; 3. Authorizing Petitioner to pay the CPA and former attorney fees as requested; 4. Authorizing the Substitution of Attorney; and 5. For such other orders as the Court may deem proper. 	
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	2620(c) 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: skc
			Reviewed on: 1-3-14
			Updates:
			Recommendation:
			File 12 – Mitchell

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

Age: 4		<u>TEMPORARY EXPIRES 03/24/14</u>		NEEDS/PROBLEMS/COMMENTS:		
		MARGARITA THIESSEN and CURTIS THIESSEN, paternal grandmother and step-grandfather, is Petitioner.		<p>1. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:</p> <ul style="list-style-type: none"> • Juan Bermudez (Father) <p>Note: personally served on 03/10/2014 only 14 days prior to the Court hearing and not the required 15 days prior to the hearing.</p> <ul style="list-style-type: none"> • Mary DeVaney (Mother) <p>2. 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 of notice or declaration of due diligence for:</p> <ul style="list-style-type: none"> • Robert Gonzalez (Paternal Grandfather) • Margaret DeVaney (Maternal Grandmother) • Rosalina Casso (Sibling) 		
Cont. from 031014		Father: JUAN BERMUDEZ , personally served on 03/10/2014				
<input type="checkbox"/>	Aff.Sub.Wit.	Mother: MARY DEVANEY , Objection filed 01/15/2014				
<input checked="" type="checkbox"/>	Verified	Paternal grandfather: ROBERTO GONZALEZ				
<input type="checkbox"/>	Inventory	Maternal grandfather: DECEASED				
<input type="checkbox"/>	PTC	Maternal grandmother: MARGARET DEVANEY				
<input type="checkbox"/>	Not.Cred.	Sibling: ROSALINA CASSO (13)				
<input type="checkbox"/>	Notice of Hrg	<input checked="" type="checkbox"/>	Petitioners allege that the mother is verbally abusive and mentally unstable. She is threatening to return to New Jersey without having any support or any place to live there. She moved to California because no one in New Jersey would help her. Petitioners do not want the minor to be homeless. Petitioners state that the child has resided with them since the child was born.			
<input type="checkbox"/>	Aff.Mail	<input checked="" type="checkbox"/>	Objection to guardianship filed 01/15/14 by mother, Mary DeVaney states: she objects to the guardianship and has many concerns about the Petitioners. Ms. DeVaney alleges that Curtis grows and sells marijuana and they were victims of a home invasion in October 2013. Objector feels that the minor's safety is at risk in the Petitioner's home. Further, she alleges that Petitioners spoil Ariel and give her anything she wants, which has made it very difficult for her to parent. Ms. DeVaney also alleges that Petitioners are verbally abusive to her and her older daughter, Rosalina, so much so that Rosalina suffered a panic attack due to the stress.			
<input type="checkbox"/>	Aff.Pub.	<input type="checkbox"/>				
<input type="checkbox"/>	Sp.Ntc.	<input type="checkbox"/>				
<input type="checkbox"/>	Pers.Serv.	<input checked="" type="checkbox"/>				
<input checked="" type="checkbox"/>	Conf. Screen	<input type="checkbox"/>				
<input checked="" type="checkbox"/>	Letters	<input type="checkbox"/>				
<input checked="" type="checkbox"/>	Duties/Supp	<input type="checkbox"/>				
<input checked="" type="checkbox"/>	Objections	<input type="checkbox"/>				
<input type="checkbox"/>	Video Receipt	<input type="checkbox"/>				
<input checked="" type="checkbox"/>	CI Report	<input type="checkbox"/>				
<input type="checkbox"/>	9202	<input type="checkbox"/>				
<input checked="" type="checkbox"/>	Order	<input type="checkbox"/>				
<input type="checkbox"/>	Aff. Posting	<input type="checkbox"/>				
<input type="checkbox"/>	Status Rpt	<input type="checkbox"/>				
<input checked="" type="checkbox"/>	UCCJEA	<input type="checkbox"/>				
<input type="checkbox"/>	Citation	<input type="checkbox"/>				
<input type="checkbox"/>	FTB Notice	<input type="checkbox"/>				
Please see additional page				Reviewed by: LV		
				Reviewed on: 03/05/2014		
				Updates:		
				Recommendation:		
				File 15 – Bermudez		

Objection continued: Ms. DeVaney alleges that the Petitioners are prone to violent outbursts and throwing things. She does not feel that Petitioners would be good guardians to the minor. She states that she is not a perfect mother, but that she is a good mother and loves her children and wants what is best for them.

Declaration of the mother, Mary DeVaney filed 01/24/2014 includes a statement that she is fighting to regain custody of her child and believes that her rights as an American are being violated. She states that prior to this guardianship the father had been trying to get custody of the child but the mother was awarded sole legal custody. She states that she respects the petitioners and appreciates all that they have done for her and the child however she believes she should have the opportunity to care for her child.

Also attached are character letters written on her behalf, as well as a notice to move from Petitioner Curtis Thiessen, and a rent receipt.

Declaration of Petitioner, Curtis Thiessen, filed 02/18/2014 includes a statement from Mr. Thiessen which states that the mother bribed his daughter-in-law to write a letter in the mother's favor by paying her in food stamps. He states his son and daughter-in-law have not allowed him and his wife to see their grandchildren and it is because of the Mary DeVaney. Mr. Thiessen reiterates that the mother's plan is to move back to New Jersey and does not have a support system there.

Also included is a drawing of a swastika that was drawn by the mother and the mother's eldest daughter.

Court Investigator Dina Calvillo's report filed 03/05/2014.

DSS Social Worker Irma Ramirez's report filed 03/10/2014.

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

Age: 6	TEMPORARY EXPIRES 03/24/14	NEEDS/PROBLEMS/COMMENTS:
	KEISHA SHABAZZ , maternal cousin, is Petitioner.	1. Need <i>Notice of Hearing</i> .
	Father: BOBBY SUMMERFIELD	2. Need proof of service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> <u>or</u> <i>Consent & Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for:
Cont. from	Mother: LASHONRA HARDEMAN	a. Bobby Summerfield (father) – personal service required
Aff.Sub.Wit.	Paternal grandparents: UNKNOWN	b. Lashondra Hardeman (mother) – personal service required
✓ Verified	Maternal grandfather: RICK HARDEMAN – deceased	c. Paternal grandparents (unknown) – service by mail sufficient
Inventory	Maternal grandmother: MARIYLN MARTIN	d. Marilyn Martin (maternal grandmother) – service by mail sufficient
PTC		
Not.Cred.		
Notice of Hrg	x	
Aff.Mail	x	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.	x	
✓ Conf. Screen	Petitioner states that Je'Tai's mother has not been an active parent due to drug addiction. The mother does not have stable housing and frequently leaves Je'Tai in the home of strangers. She has also not sought proper medical treatment for his asthma. Petitioner states that Je'Tai has been in her care since December 2013 and his mother has seen him a total of 1 hour during that time.	
✓ Letters		
✓ Duties/Supp		
Objections		
Video Receipt		
✓ CI Report	Court Investigator Jennifer Daniel filed a report on 03/18/14.	
9202		
✓ Order		
Aff. Posting		Reviewed by: JF
Status Rpt		Reviewed on: 03/20/14
✓ UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 16 – Hardeman

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

Age: 2	<u>GENERAL HEARING 05/20/14</u>	NEEDS/PROBLEMS/COMMENTS:
	DANIEL A. PEREZ , maternal grandfather, is Petitioner.	1. Need <i>Notice of Hearing</i> .
	Father: DEANDRE JOHNSON	2. Need proof of personal service at least 5 court days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Temporary Guardianship Petition</i> <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for:
Cont. from	Mother: CONNIE D. PEREZ	a. Deandre Johnson (father)
Aff.Sub.Wit.	Paternal grandparents : UNKNOWN	b. Connie Perez (mother)
✓ Verified	Maternal grandmother: LETICIA PENA	
Inventory	Petitioner alleges that he has cared for the minor since birth. The mother sleeps all day, goes out all night and does not care about the needs of the minor. The mother abuses drugs and leads a lifestyle that is not stable.	
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: JF
		Reviewed on: 03/20/14
		Updates:
		Recommendation:
		File 17 – Perez

Atty Childs, Jerry F., of Law Office of Jeffrey D. Bohn, (for Erlinda M. Verni, surviving spouse)
 Atty Baldwin, Kenneth; Thompson, Timothy L.; Cunningham, Nikole E.; of McCormick Barstow (for Nicola Verni, son, and Antonietta R. Verni, daughter, Trustees)
 Atty Jaech, Jeffrey A.; Marchini, Joseph M.; of Baker Manock & Jensen (for Carmela DeSantis, daughter and beneficiary)

Status Hearing Re: Settlement Agreement

DOD: 5/25/2009	ERLINDA M. VERNI , spouse, filed on 5/13/2010 a <i>Petition to Set Aside the Non-Probate Transfer of Community Property on Death, by Married Person Without Consent of Spouse</i> ; an Amended Petition was filed on 7/30/2010; Second Amended Petition was filed on 10/29/2010.	NEEDS/PROBLEMS/COMMENTS: Continued from 3/17/2014. <i>Minute Order</i> states the Court orders all parties to be personally present on 3/24/2014 if the settlement agreement and/or dismissal has not been filed. Mr. Thompson is directed to advise Mr. Childs and all parties of the next hearing date and the Court's order. 1. Need Settlement Agreement, and/or personal appearance, and/or current status report pursuant to Local Rule 7.5(B).
Cont. from 031714	ANTONIETTA ROSA VERNI , daughter and Successor Trustee of the VERNI FAMILY TRUST and the VERNI MARITAL TRUST , and NICOLA VERNI , son and Successor Trustee of the VERNI SURVIVOR'S TRUST , filed on 9/3/2010 a <i>Response to Amended Petition to Set Aside the Non-Probate Transfer of Community Property, etc.</i> ; <i>Response to Second Amended Petition</i> was filed on 2/18/2011.	
Aff.Sub.W.		
Verified		
Inventory		
PTC		
Status Rpt	X	
Notice of Hrg		
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Conf. Screen		
Letters		
Duties/S		
Objection		
Video Receipt		
CI Report		
9202 Order	<p>Statement of Decision filed 3/14/2013 ordered, among the substantive holdings, that a Status Conference be set regarding outstanding issues remaining before the Court (specifically in part, regarding whether any community property accumulated between the date of marriage of Saverio and Erlinda and the date the Post-Marital Agreement was executed.)</p> <p>Several Status Hearings and continuances occurred, culminating as follows:</p> <ul style="list-style-type: none"> • Minute Order dated 11/7/2013 entitled <i>Matter Not on Calendar</i>, set a <i>Status Hearing</i> on 11/21/2013 at 9:00 a.m., stating: At request of counsel, the matter is set for <i>Settlement Conference</i> on 2/3/2014 and <i>Court Trial</i> on 2/10/2014. • Minute Order dated 11/21/2013 states no appearances. • Minute Order dated 12/6/2013 states the Court takes the matter off calendar. • Minute Order dated 2/3/2014 from the Settlement Conference (set by <i>Minute Order</i> of 11/7/2013) states Mr. Thompson informs the Court that the matter has been resolved and a stipulation and order will be forthcoming. The Court takes the matter off calendar. • Minute Order dated 2/10/2014 from the Court Trial states the Court takes the matter off calendar with the understanding that an agreement has been reached. Matter set for Status Hearing on 3/17/2014. Counsel to provide notice. 	
Aff. Post		
Notice Creditors		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LEG
		Reviewed on: 3/19/14
		Updates:
		Recommendation:
		File 18 – Verni

Atty Childs, Erin M (for Anna VanderPoel – Petitioner – Non Relative)

Amended Petition for Appointment of Guardian of Person

Ava Age: 6	<p><u>TEMPORARY EXPIRES 03/24/2014</u></p> <p>ANNA VANDERPOEL, non-relative, is petitioner.</p> <p>Father: JEFF JENKINS, personally served on 03/03/2014</p> <p>Mother: RACHEL FARLEY, consents and waives notice</p> <p>Paternal Grandfather: David Jenkins, served by mail on 02/21/2014 Paternal Grandmother: Sue Schulte, consents and waives notice</p> <p>Maternal Grandfather: Farley Maternal Grandmother: Eva Farley, served by mail on 02/21/2014</p> <p>Petitioner states: The parents have been on drugs and/or alcohol. The father is attempting to get clean but neither parent is capable of taking care of the minors.</p> <p>Declaration filed by Andrea Gumm on 01/24/2014 states the minor children are residing with Anna VanderPoel, and have established a close bond. Therefore Ms. Gumm is requesting that she be relieved as joint guardian in this matter.</p> <p>Court Investigator Samantha Henson's report filed 03/18/2014.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>This matter will be heard at 8:30a.m. in Dept. 72</u></p> <p>Note: Temporary guardianship was granted to Andrea Gumm and Anna VanderPoel. An amended petition for guardianship was filed requesting that Ann VanderPoel be appointed as guardian only.</p> <ol style="list-style-type: none"> Amended petition does not include the Child Information Attachment GC-210(CA) for each child. 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 of notice or declaration of due diligence for: <ul style="list-style-type: none"> Farley (Maternal Grandfather) The general petition indicates that the child's parents, grandparents, or great grandparents are or were members of the Choctaw tribe. Therefore, a <i>Notice of Child Custody Proceeding for Indian Child</i> (Form ICWA-030), must be served prior to the general hearing, together with copies of petition and all attachments, including this form, on the child's parent; any Indian custodian; any Indian tribe that may have a connection to the child; the Bureau of Indian Affairs (BIA), and possibly the U.S. Secretary of the Interior, by certified or registered U.S. Mail, return receipt requested. (Please see Probate Code 1460.2, and CA Rules of Court 7.1015)
Jack Age: 2		
Cont. from		
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<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 checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
<p>Reviewed by: LV</p> <p>Reviewed on: 03/19/2014</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1 – Jenkins</p>		