

DOD: 08/23/02		<p>PUBLIC ADMINISTRATOR, Administrator, is Petitioner.</p> <p>Petitioner states:</p> <ol style="list-style-type: none"> Petitioner was appointed as successor Administrator of the estate by minute order of this Court on 11/15/13. Letter of Administration were issued on 11/25/13. Decedent left a will dated 02/26/91 disposing of property within the jurisdiction of this Court, however, it is reported that the estate was already distributed to the devisees. Inventory & Appraisal filed 12/05/02 listed the only asset of the estate was real property valued at \$80,000.00. There are no assets remaining in the estate and Petitioner never had possession of any estate assets. No fees are sought by Petitioner or his attorney. The heirs of the estate report having received their beneficial interests. <p>Petitioner prays for an Order:</p> <ol style="list-style-type: none"> Approving the final account; and Discharging the Public Administrator as Administrator of the estate. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Letters were first issued on 10/13/02 to Brian Costales.</p>
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<input checked="" type="checkbox"/>	Verified		
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<input type="checkbox"/>	FTB Notice n/a		
		<p>Reviewed by: JF</p> <p>Reviewed on: 03/27/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1 Costales</p>	

(1) First and Final Account and Report of Successor Administrator and (2) Petition for Allowance of Ordinary Commissions and Fees and (3) for Distribution

DOD: 9/16/2002	PUBLIC ADMINISTRATOR , Successor Administrator appointed by the Court on 4/28/2005, is Petitioner.	NEEDS/PROBLEMS/ COMMENTS: 1. Paragraph 7 of the <i>Petition</i> states notice to the Director of the California State Health Services Department will be given pursuant to Probate Code § 9202. However, <i>Notice of Hearing</i> filed 3/18/2014 does not show proof of service of such notice. 2. Need the following clarification with respect to Decedent's son: (a) Whether he has reached the age of majority; (b) Whether he goes by the surname Bohn-Everhart or Bohn-Nishimoto.
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.	Account period: 5/31/2005 – 11/27/2013	
<input checked="" type="checkbox"/> Verified	Accounting - \$33,000.00	
<input type="checkbox"/> Inventory <small>Not available</small>	Beginning POH - \$33,000.00	
<input type="checkbox"/> PTC	Ending POH - \$32,940.00 (<i>all cash</i>)	
<input checked="" type="checkbox"/> Not.Cred.	Administrator - \$1,320.00 (<i>statutory</i>)	
<input checked="" type="checkbox"/> Notice of Hrg	Attorney - \$660.00 (<i>Per Amendment to First and Final Account and Report of Successor Administrator (Change Regarding Attorney Fees) filed 3/26/2014; statutory fee of \$1,320.00 divided in half to be split with Attorney Adrian Williams, creditor of former attorney John Missirlian.</i>)	
<input checked="" type="checkbox"/> Aff.Mail <small>W/</small>	Attorney Williams - \$660.00 (<i>Per Amendment to First and Final Account and Report of Successor Administrator (Change Regarding Attorney Fees) filed 3/26/2014; Attorney Williams is creditor of former Attorney John Missirlian; statutory of \$1,320.00 divided in half to be split with County Counsel.</i>)	
<input type="checkbox"/> Aff.Pub.	Bond fee - \$82.50	
<input checked="" type="checkbox"/> Sp.Ntc.	Costs - \$449.20 (<i>certified copies (\$14.20); filing fee (\$435.00)</i>)	
<input type="checkbox"/> Pers.Serv.	Petitioner states:	
<input type="checkbox"/> Conf. Screen	<ul style="list-style-type: none"> The Court removed the former administrator, DANNY EVERHART (spouse), by <i>Minute Order</i> on 4/28/2005, and appointed Petitioner as Successor Administrator; The former administrator filed a <i>Partial #1 Inventory and Appraisal</i> showing the estate value of \$33,333.33 cash; no final <i>Inventory and Appraisal</i> was filed or was necessary, as the money was distributed by the former administrator without a Court order; <p align="center">~Please see additional page~</p>	
<input type="checkbox"/> Letters <small>053105</small>		
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<input checked="" type="checkbox"/> FTB Notice		
		Reviewed by: LEG Reviewed on: 3/27/14 Updates: Recommendation: File 2 – Bohn-Everhart

Petitioner states, continued:

- On 7/15/2005, the former administrator, **DANNY EVERHART**, advised the Public Administrator that he paid **\$24,000.00** to each of Decedent's children, and stated he placed the money belonging to the Decedent's minor son, **JARED BOHN-EVERHART**, into a blocked account, but he never provided any documentation proving that;
- Decedent's daughter, **MISTY JEWEL BOHN**, acknowledged having received over **\$20,000.00** from the estate;
- After the Public Administrator filed a petition for surcharge against the former administrator, Danny Everhart, he entered into a stipulation with the bond company whereby it paid the bond amount of **\$33,000.00** to the Public Administrator;
- After payment of commissions, fees and costs, there will be **\$29,768.30** to distribute; since the former administrator and beneficiary, Danny Everhart, never provided proof that he deposited the Decedent's son's money into a blocked account, and because Decedent's daughter did not confirm the amount over **\$20,000.00** that she received, the Public Administrator proposes to distribute the remaining property on hand to Decedent's son, **JARED BOHN-EVERHART**.

Petitioner prays for an order:

1. Approving, allowing and settling the final account, and confirming and approving all acts and proceedings of the successor administrator;
2. Authorizing payment of the Administrator and attorney fees and commissions;
3. Authorizing payment of the bond fee and costs advanced;
4. Distributing the estate of Decedent in Petitioner's hands in the sum of **\$29,768.30** to Decedent's son, **JARED BOHN-EVERHART**; and
5. In the event the whereabouts of the heirs are not known, authorizing Petitioner to deposit any remaining balance of funds with the Fresno County Treasury pursuant to Probate Code § 11850(a).

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

DOD: 04/15/2005	<p>MARY GALLEGOS-BATES, sister, was appointed Administrator with full IAEA without bond on 08/02/2005.</p>	NEEDS/PROBLEMS/COMMENTS:
Cont. from 022114	Letters issued on 08/11/2005.	
Aff.Sub.Wit.	Inventory and Appraisal was filed on 09/28/2005 shows an estate valued at \$200,000.00 consisting of real property.	
Verified		
Inventory		
PTC	First Account or Petition for Final Distribution was due on 10/2006.	
Not.Cred.		
Notice of Hrg		
Aff.Mail	Notice of Status Hearing was mailed to Attorney Patricia Carrillo and Mary Gallegos-Bates on 11/22/2013.	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen	Status Report filed 02/14/2014 states on or about 04/25/2005, the Attorney was retained by the Gallegos family for the purposes of filing a Petition for Probate and to represent the Administrator, Mary Gallegos-Bates. The estate consisted of one asset, a residence owned by the decedent and no cash assets. The Attorney advised the Gallegos family that the three unsecured creditors of the Estate would have to be paid as well as the Attorney fees before the probate case would be allowed to close and the Estate asset to transfer to the beneficiaries. The Attorney requested and received two checks from the Gallegos family, one of \$600 to pay for initial expenses of the probate process and another for \$7,000.00 for the statutory attorney fees which was to be placed in an attorney trust fund account. The Attorney placed the \$7000.00 check with a back representative, Mark Higbee, at Bank of America, at the River Park Branch in Fresno, and received a deposit slip for the transaction.	
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	<u>Please see additional page</u>	
		Reviewed by: LV
		Reviewed on: 03/28/2014
		Updates:
		Recommendation:
		File 3A – Gallegos

Approximately two months later the Attorney walked into the River Park Branch of Bank of America and inquired into the status of the attorney trust fund account and was told by the manager that the check had been lost and that a trust fund account had never been established. The Attorney immediately called the Gallegos family and informed that another check for \$7,000.00 needed to be written to the Attorney and explained the situation. The Gallegos family then informed the Attorney that the entire amount of \$7,000.00 that had been on deposit with the Gallegos family had been spent by the Gallegos family and that no other funds were available for the payment of the Attorney's fees or creditor claims.

On or about 03/08/2006, the Attorney sent a letter and billing statement to the Administrator requesting payment of the attorney's fees. A second letter dated 05/25/2006 was sent to the Administrator from the Attorney and then a third dated 08/11/2006. The Attorney also made numerous phone calls to inquire into the status of the Gallegos family's ability to pay the unsecured creditor's claims and the attorney's fees. During 2006, the most of the phone calls by the Attorney to the Administrator were never answered or returned. During the period between 04/25/2005 through the entire year of 2006, the attorney continued with the production and filing of all required documents for the administration of the Estate.

On or about 12/18/2006, the Attorney received a phone call from Fresno Attorney, Susan Moore, who informed that the Gallegos family had hired her office to prepare a Petition for Probate for the identical decedent and that the Gallegos family had never mentioned any previously filed probate case or their relationship with the Attorney's office. Attorney Moore's office did not realize the misrepresentations by the Gallegos family until the Petition for Probate and corresponding documents prepared by Attorney Moore's officer presented to the probate clerk's office.

The Attorney apologized to Attorney Moore for the behavior of the Gallegos family, then immediately made a phone call to the Administrator which was never answered or returned. On or about 04/27/2007, the Attorney received a check for the attorney's fees in the amount of \$7,000.00 and later that month, the attorney received confirmation from all three unsecured creditors that their claims had been paid.

On or about 07/19/2007 the Attorney sent a letter to the Administrator requesting that she contact the Attorney's office for an appointment to review the case and prepare the final documents for the Estate. Throughout 2007, 2008 and 2009, the Attorney sent subsequent letters and made numerous phone calls requesting that the Administrator contact the Attorney for purposes of finalizing the probate documents and the Administrator never replied.

On or about 11/22/2013 the Attorney received a court notice entitled Notice of Status Hearing. On 11/22/2013, the Attorney immediately attempted to call the Administrator from the contact phone number in the case file, however the number had been disconnected. The Attorney then found another number which was for the Administrator's daughter and called and was able to acquire the current phone number for the Administrator.

On or about 11/23/2013 the Attorney called the Administrator and spoke to her for approximately two minutes before the phone line was abruptly cut off. The Administrator acknowledged the Attorney in a rude and abrasive manner and made her intentions clear that she would not meet with the Attorney or discuss the case.

Please see additional page

Dept. 303, 9:00 a.m. Wednesday, April 2, 2014

The Administrator also made comments about the possible status of the Estate property but before the Attorney could retrieve any details from the Administrator, the phone call ended abruptly. The Attorney immediately called the Administrator and left a detailed voice message. The Administrator never returned the call. The Attorney also called the Administrator's daughter to leave a message and the daughter informed the Attorney that the Administrator would not be calling the Attorney back.

Due to the Administrator's refusal to communicate with the Attorney, the Attorney has not been able to verify the status of the Estate property or the current mailing address for the beneficiaries. The Attorney has reason to believe that one or two of the beneficiaries may be currently deceased.

On or about 12/06/2013, the Attorney sent a letter to the Administrator via certified mail and regular U.S. mail, a copy of the letter and certified mailing receipt, restating the lack of communication by the Administrator and that the Attorney would be filing a Motion to Withdraw as Attorney of Record. The attorney also advised the Administrator to seek new legal counsel.

On or about 02/14/2014, the Attorney filed a Motion to Withdraw as Attorney of Record.

DOD: 04/15/2005	PATRICIA S. CARRILLO , attorney for Administrator Mary Gallegos-Bates, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont. from	MARY GALLEGOS-BATES , sister, was appointed Administrator with full IAEA without bond on 08/02/2005. Letters issued on 08/11/2005.	
<input type="checkbox"/> Aff.Sub.Wit.	Petitioner states Attorney has consistently performed her duties to the Administrator since the initial meeting with the Administrator and the Gallegos family. Except for the Final Petition for Distribution, all probate documents were timely filed and all required court hearings were attended by the Attorney. The Administrator has consistently failed in her obligations to the Attorney by not staying in consistent communication with the Attorney regarding all Estate matters during 2006 and 2007 and after 2007, the Administrator ceased all communication with the Attorney despite phone calls and letters made by sent from the Attorney's office. Also the Administrator stated clearly during a phone call with the Attorney on or about November 23, 2013 that she did not intend to continue with the probate case. Pursuant to Rule 3-700(B)(2) of the California Rules of Professional Conduct, the Attorney must withdraw from representation due to the Administrator's lack of communication and information regarding the status of the Estate which has made it impossible for the Attorney to represent the Administrator and the Estate effectively. The Administrator also made comments to the Attorney during the November 23, 2013 phone call regarding the possible status of the Estate assets which has caused the Attorney to believe that any further continued employment by the Attorney may result in violation of the State Bar Act and that the Final Petition for Distribution cannot in good faith be executed and filed with the court.	
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<input type="checkbox"/> FTB Notice		
<u>Please see additional page</u>		
		Reviewed by: LV
		Reviewed on: 03/28/2014
		Updates:
		Recommendation:
		File 3B - Gallegos

Pursuant to Rule 3-700(C)(1)(d) of the California Rules of Professional Conduct, the Attorney may withdraw due to the Administrator's lack of communication and stated intention of not continuing with the probate case which has made it impossible for the Attorney to carry out employment effectively. Pursuant to Rule 3-700(C)(2) of the California Rules of Professional Conduct, the Attorney has reason to believe that any further continued employment by the Attorney may result in violation of the State Bar Act due to the comments made by the Administrator during the phone call of November 23, 2013 regarding the assets of the Estate. Lastly, pursuant to Rule 3-700(C)(6) of the California Rules of Professional Conduct, the Attorney believes that good cause exists for withdrawal due to the Administrator's lack of communication with Attorney since 2006.

Wherefore, for all of the reasons set for the above, the Petitioner, Patricia S. Carrillo prays for relief as follows:

1. That the Attorney, Patricia S. Carrillo be allowed to withdraw as attorney of record for the Administrator, Mary Gallegos-Bates, Probate Case No. 05CEPR00700 pursuant to Rules 3-700(B) and 3-700(C) of the California Rules of Professional Conduct.
2. For such other and further relief as the Court deems just and reasonable.

4 The Cenci Family Trust (Trust)
 Atty Denning, Stephen M. (for Petitioner Richard G. Cenci)
 Atty Motsenbocker, G.L. (for Objector Terese McGee Cenci)
 Atty Tekunoff, Daniel J. (for Objector Herman F. Cenci)
 Atty Erlach, Mara M. (for Objector Bruce D. Bickel)

Case No. 10CEPR00244

First and Final Account and Report of Trustee of the Cenci Family (bypass) Trust and Petition for Its Settlement and Petition for Instructions Regarding Final Distribution of Trust Estate

	<p>RICHARD G. CENCI, successor trustee of the Herman R. Cenci Family (Bypass) Trust created under the Cenci Family Trust of 1992, is Petitioner.</p> <p>Account period: 3-9-12 through 1-31-14 Accounting: \$439,502.98 (Cash of \$138,450.58) Beginning POH: \$409,550.58 Ending POH: \$279,490.98 (Cash of \$8,390.98 and promissory note in the amount of \$271,100.00 secured by real property located at 851 E. Divisadero)</p> <p>Trustee: Petitioner states that during the period of this account, the trustee has received compensation as set forth in the account and report. (Schedule 4 indicates disbursements totaling \$20,000.00 to the Trustee.)</p> <p>Petitioner states he previously filed in his individual capacity a petition to have the shares of Terese and Herman in the Esther Cenci Survivor's Trust be applied toward the satisfaction of the judgment against them. Although this petition was brought in his individual capacity, Petitioner takes the position that the judgment was to benefit the survivor's trust and bypass trust in the proportions specified by the Court. Accordingly, the survivor's trust and bypass trust are creditors in this case and not Petitioner since any recovery on the judgment does not accrue to him personally other than as a beneficiary. Therefore, the nominal judgment creditors of Terese and Cenci are the current trustees of the survivor's trust and bypass trust respectively. See petition for details. Petitioner believes he will prevail on his petition to enforce the judgment against the shares of Terese and Herman and that the spendthrift provision is not applicable based on authorities cited. However, that issue is not yet resolved. Therefore, Petitioner requests instructions from this Court with respect to distribution of the assets of the bypass trust to Terese and Herman in light of petition pending against them.</p> <p>Petitioner requests an order:</p> <ol style="list-style-type: none"> 1. Settling, allowing, and approving the trustee's first and final account; 2. Determining that all acts and transactions of the trustee relating to matters reflected in the first and final account and report are ratified, confirmed, and approved; 3. Instructing the trustee whether to apply the distributive shares of Terese and Herman to the judgment entered against them; and 4. For such other and further relief as the Court may deem proper. <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Richard G. Cenci's Amended Petition to Enforce Judgment Against Trust Beneficiaries, referenced herein and filed by Petitioner in his individual capacity on 8-19-13, was heard on various dates and at the continued Settlement Conf. on 3-11-14 was continued to 4-29-14 for oral arguments.</p> <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p> <p>Reviewed by: skc</p> <p>Reviewed on: 3-27-14</p> <p>Updates:</p> <p>Recommendation: File 4 - Cenci</p>																																														
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The accounting reflects the following information:

- Beginning cash on hand was \$138,450.58.
- Receipts totaling \$29,952.40 consist of payments on the note.
- Disbursements totaling \$160,012.00 consist primarily of the following:
 - Advance distributions to Jonalyn Cenci: \$23,300.00
 - Legal Services to Joanne Sanoian: \$106,700.00
 - Trustee fees to Petitioner: \$20,000.00
 - Accounting services: \$10,000.00
- Ending cash on hand is \$8,390.98.

NEEDS/PROBLEMS/COMMENTS:

1. Petitioner did not use the mandatory Judicial Council Notice of Hearing Form, which contains mandatory language prescribed by law. A Civil Proof of Service of the petition only does not comply with Probate law. See Probate Code §1200 et seq., specifically §1211, and Mandatory Judicial Council Form DE-120. The Court may require amended service.
2. Petitioner requests instructions as to final distribution, but does not describe the terms of the bypass trust or state who the beneficiaries are and in what shares according to the trust. This case file is voluminous and as such the Examiner has not made a search to determine if this information is even available. In order to proceed with authorizing any distribution, the Court may require a clear declaration setting forth the beneficiaries of this bypass trust and their respective shares as stated in the trust, and as alternatively proposed by Petitioner.

For example, Objector Terese Cenci McGee states that Jonalyn Cenci, who received \$23,300.00 in "advance distributions" during this account period, is a residuary beneficiary. However, Examiner would not have known that, as it is not stated in this petition. A petition should be complete in itself and not rely on information that may have been "known" by the Court or the interested persons from some prior proceeding.

SEE ADDITIONAL PAGES RE OBJECTIONS

Terese Cenci McGee Objections filed 3-4-14 state the accounting is woefully lacking in detail and content and there are few if any explanations as to the sundry transactions. Objector believes the sparse information offered by the trustee is by design and on purpose. The account's lack of content leaves many questions as to the propriety and justification of the actions of the successor trustee, and Objector is of the opinion that this lack of information alone constitutes a serious breach.

Objector objects to the payment of attorney fees to Attorney Sanoian and accountant's fees that accrued in trustee's litigated matter. The judgment rendered by the trial court clearly indicated that the fees were personal to Richard Cenci and the Court invited him to file a request for the Court to consider in regard to award of attorney's fees and costs. For whatever reason, he failed to file for consideration and the time in which the code allowed him to do so has expired and he was foreclosed from requesting an award of attorney's fees and costs from the trial court. Although he spends pages attempting to explain why fees should be assessed against Objector and her brother, the rationale and explanation for allowing and paying them in the first place is sorely missing.

Additionally, this matter is already before the Court in another motion and Objector states the case cited in support of his request is inapposite and distinguishable from the facts of the present case.

Objector objects to the "advance distributions" to Jonalyn Cenci, a residuary beneficiary. The trust provides for payment of specific bequests (\$5,000.00 each to grandchildren) that were not made as provided in the trust, and Objector states it is the duty of the trustee to make distributions by and pursuant to the terms of the trust and this failure constitutes a breach of trust. Trustee has distributed \$24,300.00 to his sister in breach of his duty to make distribution payments by and pursuant to the terms of the trust and his failure to do so constitutes a serious breach of trust.

Objector states Petitioner has failed to file tax returns in this matter. It is clear that there was reportable income collected by him and there is no indication that such income was reported to the IRS or FTB. This is a serious breach of trust and Petitioner should be held accountable for any and all penalties accruing to the trust due to his negligent conduct.

Additionally, as to the note and deed of trust: Petitioner has not used the proper format to report the asset: The initial value and ending value are the same although a number of payments were received; there appear to be a substantial amount of delinquency charges that should have accrued to the account. These are not accounted for. There are a number of missing payments with no explanation as to what steps were taken by the trustee to cure or report these missing payments. It appears the account was "ripe" for foreclosure on many occasions and no action was taken. This constitutes a serious breach of trust.

Objector objects to the trustee's payment to himself of \$19,000.00 and requests that the Court deny compensation to the trustee due to his incompetent and deceptive handling of this matter he should be surcharged accordingly.

Objector request the Court order:

1. Objector requests the Court remove the successor trustee and appoint Mr. Bickel due to the trustee's multiple and serious breaches of trust and his failure to be forthright in providing adequate and essential information in his accounting;
2. Objector requests that the successor trustee be surcharged for the unauthorized payment of Attorney Sanoian's fees in the amount of \$106,700.00;
3. Objector requests that the successor trustee be surcharged for the payment of his "person" litigation costs from the trust in the amount of \$10,000.00;
4. Objector requests that the successor trustee be surcharged for the advance distributions made to Jonalyn Cenci in the amount of \$24,300.00;
5. Objector requests that the successor trustee be surcharged for the unauthorized payment his trustee's fees in the amount of \$19,000.00; and
6. For any other relief the Court deems proper under the circumstances.

Examiner's note: Objector's calculation of disbursements to Jonalyn Cenci and to the trustee appears to differ slightly from the above calculation by the Examiner.

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Herman Cenci's Objections filed 3-4-14 state: Herman Cenci objects to the payments for legal services to Joanne Sanoian in the amount of \$106,700.00 as it is unclear if these payments were made for representation of Richard Cenci as trustee or as an individual. If as trustee, the services may not have benefitted the estate. Objector is independently aware that Joanne Sanoian is suing Richard Cenci for fees, while Richard Cenci is suing Joanne Sanoian for legal malpractice. It is possible he is charging the trust for fees not incurred by him as trustee, and therefore are inappropriate payments. In his cross-complaint against Ms. Sanoian, he alleges that he was forced to pay unwarranted fees (see attached), and also alleges payment of \$123,000.00, which is a different number than is set forth in this account.

Objector states an account must contain a description of all purchases and transactions not readily understandable from the schedule, explanation of unusual items, statement of compensation paid. Richard Cenci should be required to explain how much fees were incurred as to the various matters litigated in order for the Court to determine whether the fees claimed are reasonable or appropriate.

Pursuant to Judgment 9-4-12, attorney's fees were to be fixed pursuant to a properly noticed post-trial motion. The deadline for filing is 60 days after Notice of Entry or six months after entry, whichever is earlier. Because a properly noticed motion was not filed within six months of entry of judgment, any right to fees incurred before the judgment is waived. It now appears Richard Cenci is trying to "backdoor" a claim for attorney's fees that has already been waived.

Probate Code § 11000(b) requires notice of any account seeking approval of payments to the personal representative or his attorney to specifically so state. No such notice was served.

Herman Cenci objects to the "advance distributions" to Jonalyn Cenci totaling \$23,300.00, while no distributions were made to other beneficiaries. It appears there is not enough liquidity in the trust to cover such bequests, as the trustee has used the vast majority and the trust is left with a promissory note and deed of trust on a parcel where the tenant is not paying per terms. Probate Code § 1064 requires explanation for the unusual payments which are not readily understandable from the schedule.

Herman Cenci objects to the \$20,000.00 paid to Petitioner as "trustee fees." There is no description of why the trustee earned these fees, what time period the fees reflect, or explanation as to why they are reasonable. Further, as noted above, Probate Code § 11000(b) requires notice.

Objector states the receipts schedule indicates that The Velvet Lounge, LLC, is in default with Schedule 2 showing 13 months of payments for a 22 month period, but there is no explanation as to what the trustee intends to do. Why has the property not been foreclosed? Why is forbearing proceeding with foreclosure a reasonable business decision? One cannot determine from the trustee's accounting whether the trustee should be entitled to court approval for his actions. Further, Objector states that while the note appears to be "underwater," the trustee values the note at face value with no adequate explanation for this valuation.

Objector states that there is no indication in the accounting that tax returns have been filed. Lastly, while the trustee calls this a "final" account, the estate is clearly not ready for distribution. There does not appear to be enough cash for even specific bequests. The trust instrument has a spendthrift clause, which does not seem to appear anywhere in the account. There is no indication what the trustee intends to do with the main asset, the promissory note and deed of trust on a property where the owner is in default. Probate Code § 11000(c) requires notice of hearing if the order seeks final distribution, which was not served.

Herman Cenci prays that the account be disallowed, that the trustee be directed to prepare and file a true account of his acts and proceedings within such time as may be allowed by this Court, and for such further relief as this Court deems appropriate.

Bruce Bickel's Reply filed 3-6-14 states he is the successor trustee of the Cenci Family Trust of 1992 Survivor's Trust and provides analysis of the citation used by Petitioner regarding the petition for instructions and states that clearly it has been determined by this court in this case that the only charge that will be made directly against a beneficiary's share is the \$50,000.00 charge against Terese's share, and nothing more. Accordingly, this is *res judicata*, and Petitioner's continued attempt to apply the limited ruling of the case cited to the entire judgment against Terese and Herman should not be considered. See Reply for details.

Trusts as Creditors: Mr. Bickel states Richard Cenci brought this action in his individual capacity and cannot use his petition to assert his claims on behalf of the trusts. If the survivor's trust and bypass trust are the judgment creditors in this case as Richard claims, Richard cannot attempt to execute the judgment on behalf of the trustee of the survivor's trust. Further, there is no authority which supports the proposition that a trustee has any more rights or is in any better position to execute a judgment than any other creditor of a beneficiary. Even children of beneficiaries of spendthrift trusts have been held to be on the same level as other creditors of that beneficiary and must abide by rules governing enforcement of judgments.

Courts equitable powers apply only to sanctions, not entire judgment. Mr. Bickel states Petitioner contends that the court's equitable powers of supervision per §7050 and case cited allow the court to "ignore the procedures applicable to ordinary judgment creditors." However, 7050 merely provides jurisdiction, and furthermore the court's equitable powers in this regard lie strictly with the levy of sanctions against a party and not with the enforcement of a money judgment itself. Analysis provided. See Reply for details.

Mr. Bickel states Petitioner's attempt to reach the distributive shares of Terese and Herman is strictly limited by the law of this case to the \$50,000.00 surcharge against Terese, and only to the surcharge. Otherwise, Petitioner's remedies are constrained by the spendthrift provisions of the trust instrument and by Probate Code §§ 15600 et seq. and Code of Civil Procedure §709.010.

Statement of Public Administrator's Disposition of Property; and Request for Discharge

DOD: 12/17/11	PUBLIC ADMINISTRATOR , Administrator pursuant to summary proceedings under Probate Code § 7660(a)(1), is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont. from	Account period: 02/14/12 – 01/27/14	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	Accounting - \$48,193.59	
<input type="checkbox"/> Inventory	Beginning POH - \$46,638.05	
<input type="checkbox"/> PTC	Ending POH - \$0	
<input type="checkbox"/> Not.Cred.	Administrator - \$1,927.74	
<input checked="" type="checkbox"/> Notice of Hrg	(statutory)	
<input checked="" type="checkbox"/> Aff.Mail	Attorney - \$1,927.74	
<input type="checkbox"/> Aff.Pub.	(statutory)	
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.	Petitioner states: After payment of fees, commissions, and costs of administration, distribution was made to the beneficiaries. All receipts for fees and commissions as well as cancelled checks for distribution have been filed.	
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt	All property of the estate having been liquidated and disbursed, the Public Administrator requests that this estate now be settled and closed and the Public Administrator discharged in this matter.	
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: JF
		Reviewed on: 03/27/14
		Updates:
		Recommendation:
		File 5 - Gillard

Amended Petition for Settlement of First and Final Account and Final Distribution

DOD: 10/15/11	PAUL GESTIC , Executor, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> The Amended Petition does not make a statement regarding the required notice to the Victim's Compensation Board as required pursuant to Probate Code § 9202(b). Need Order.
	Accounting is waived.	
	I & A - \$237,500.00	
Cont. from	POH - \$245,000.00 (real property)	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input checked="" type="checkbox"/> Inventory	Executor - waived	
<input checked="" type="checkbox"/> PTC	Attorney - waived	
<input checked="" type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Petitioner states that Jun Hawkins, decedent's surviving spouse, is the sole heir, pursuant to a settlement agreement between Larry Hawkins, Arlene Hawkins and Jun Hawkins. (Copy of Settlement Agreement attached to Petition).	
<input checked="" type="checkbox"/> Aff.Mail	Distribution, pursuant to settlement agreement of the parties, is to:	
<input type="checkbox"/> Aff.Pub.	Jun Hawkins - Real property	
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters	12/06/12	
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input checked="" 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 checked="" type="checkbox"/> FTB Notice		
		Reviewed by: JF
		Reviewed on: 03/28/14
		Updates:
		Recommendation:
		File 6 - Hawkins

7 Richard Michael Noroyan (Estate)

Case No. 13CEPR00542

- Atty Shafer, Claudia Y.
- Atty Kruthers, Heather H
- Atty Motsenbocker, Gary L
- Atty Keeler, William J.
- Atty Shafer, Claudia Y.

Contest and Grounds for Objection to Probate of Purported Will

Age:		NEEDS/PROBLEMS/COMMENTS:		
DOD:		<p><u>OFF CALENDAR</u> Continued to 04/28/14 @ 10:30am pursuant to Minute Order dated 03/25/14</p>		
Cont. from				
Aff.Sub.Wit.				
Verified				
Inventory				
PTC				
Not.Cred.				
Notice of Hrg				
Aff.Mail				
Aff.Pub.				
Sp.Ntc.				
Pers.Serv.				
Conf. Screen				
Letters				
Duties/Supp				
Objections				
Video Receipt				
CI Report				
9202				
Order				
Aff. Posting				
Status Rpt				
UCCJEA				
Citation				
FTB Notice				
			Reviewed by: JF	
			Reviewed on: 03/28/14	
			Updates:	
			Recommendation:	
		File 7 - Noroyan		

Atty Tomassian, Gerald M., of Tomassian, Pimentel & Shapazian (for Petitioner Jeff Meyer)

(1) Petition for Final Distribution on Waiver of Accounting and (2) Allowing Statutory Fees and Commissions

DOD: 6/24/2013		JEFF MEYER , son and Administrator, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;">CONTINUED TO 5/27/2014 Per Attorney Request</p>
		Accounting is waived.	
		I & A — \$841,119.52	
Cont. from		POH — \$812,781.76 <i>(\$491,189.76 is cash)</i>	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory	Administrator — \$19,899.94 <i>(statutory)</i>	
<input checked="" type="checkbox"/>	PTC	Attorney — \$19,899.94 <i>(statutory)</i>	
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Closing — \$2,500.00 <i>(for expenses including accountant's fees for preparation of final fiduciary estate income tax returns)</i>	
<input checked="" type="checkbox"/>	Aff.Mail	<input type="checkbox"/> W/ <input type="checkbox"/> O	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	Distribution pursuant to intestate succession and Assignment of Interest in Estate is to:	
<input type="checkbox"/>	Conf. Screen	<ul style="list-style-type: none"> • JEFF MEYER – \$244,444.94 cash, ½ interest in two pick-up trucks, and an undivided ½ interest in real property; • ERYN BRASE as Trustee of the CHERYLE MOON IRREVOCABLE TRUST AGREEMENT dated 9/13/2013 – \$244,444.94 cash, ½ interest in two pick-up trucks, and an undivided ½ interest in real property. 	
<input type="checkbox"/>	Letters	100813	
<input type="checkbox"/>	Duties/S		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" 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 checked="" type="checkbox"/>	FTB Notice		
			Reviewed by: LEG
			Reviewed on: 3/27/14
			Updates: 3/28/2014
			Recommendation:
			File 8 - Meyer

Probate Status Hearing Re: Failure to File First Account or Petition for Final Distribution [Prob. C. 12200, et seq.]

DOD: 7/29/2010	FRANK SCOTT HINE was appointed Administrator with Full IAEA and bond set at \$118,260.00 on 1/5/2011.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need First Account, Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
	Minute order dated 6/15/2012 states the court orders bond set at \$45,000.00 and Limited IAEA authority.	
Cont. from 062113, 080213, 091313, 111513, 31714	Bond of \$45,000.00 filed on 8/10/12.	
Aff.Sub.Wit.	Letters issued 10/24/12.	
Verified	Inventory and Appraisal filed on 6/6/2012 showing the estate valued at \$134,550.00	
Inventory	Creditor's Claims filed:	
PTC	CitiBank - \$12,563.66	
Not.Cred.	DCM Services - \$ 260.80	
Notice of Hrg	Frank Hine - \$ 4,743.41	
Aff.Mail	Donna Langley - \$17,625.99	
Aff.Pub.	Wesley Langley - \$ 1,397.38	
Sp.Ntc.	FTB - \$ 2,660.09	
Pers.Serv.	FTB - \$ 4,337.54	
Conf. Screen	Total \$43,689.17	
Letters	Former Status Report filed 9/9/13 states Mr. Krbechek met with Mr. Hine since the last status conference. Mr. Hine will be present in court on 9/13/13 to provide updated information regarding the status of the estate. The beneficiary of the estate is the decedent's minor daughter, Noelle Hine. Ms. Hine will turn 18 before the end of this year. Mr. Hine has been making all the monthly payments on the house and the loan is current. Ms. Hine's future is uncertain and she is not ready to own a house. Thus, it is in the best interest of the estate that the house be sold. The personal representative will provide an update regarding the status of the property listing at the next hearing.	
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Reviewed by: KT

Reviewed on: 3/28/14

Updates:

Recommendation:

File 9 - Hine

Former Status Report of Randolph Krbechek filed on 11/14/13 states he has met with Mr. Hine several times since the last hearing. Mr. Hine reports that he has completed most of the tasks to close the estate. The home is listed for sale and is in good, saleable condition. It is anticipated that they will be receiving offers in the foreseeable future. Sale of the real property must be confirmed by the court.

A Report of Sale and Petition for Order Confirming Sale of Real Property was filed and is set for hearing on 4/22/14.

Update: Declaration filed 4-1-14 by Attorney Krbechek states that at the last hearing, the Court set the hearing on the Report of Sale and Petition for Order Confirming Sale of Real Property for April 2, 2014; however, when the petition was filed, the date was set for April 22, 2014. Notice was given for the date of April 2, 2014, and as a backup plan, was also given for April 22. Based on the foregoing, Attorney Krbechek requests that the Court issue an Order Confirming Sale of Real Property as tomorrow's hearing on April 2, 2014.

Examiner's Note: The minute order from the 5th status hearing on 3-17-14 states: "The Court is advised that the house has been sold. Matter continued to 4/2/14. Counsel to file a petition for confirmation of sale. Continued to: 4/2/14 at 09:00a.m. in Dept 303.

The above minute order indicates that the status hearing was continued to 4-2-14, and the attorney was directed to file the petition to confirm the sale, not that the petition that was not yet filed would be heard on 4-2-14. At filing on 3-18-14, the petition was assigned the next available date of 4-22-14.

10 Thomas Oliver Ellis (GUARD/PE)

Case No. 13CEPR00849

Atty Getty-Hopkins, Karen

Atty Hopkins, Edwin K.

Status Hearing Re: Filing of the Inventory and Appraisal

Age:		NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR.</u> Inventory and Appraisal was filed on 3/27/14
DOD:		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 3/28/14
		Updates:
		Recommendation:
		File 10 - Ellis

11 Raymond Berber (Spousal)

Case No. 14CEPR00060

**Atty Jaymes, William R. (of Palm Desert, for Maria Isabel Lopez de Berber – Spouse – Petitioner)
Spousal or Domestic Partner Property Petition (Prob. C. 13650)**

DOD: 03/16/2013	MARIA ISABEL LOPEZ DE BERBER , surviving spouse, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 2-26-14</u></p> <p>1. Petitioner's Declaration filed 4-1-14 states the property was acquired during the marriage with community property funds; however, the attached Grant Deed recorded 8-2-02 indicates that the property was granted to "<u>Raymond Berber, a married man as his sole and separate property.</u>" The Court may require clarification.</p> <p><u>Note:</u> If the real property is determined to be the decedent's separate property, Petitioner as the surviving spouse would be entitled to a one-third share and the remaining two-thirds would pass to the decedent's five (5) children pursuant to intestate succession (Probate Code §6401). If so, an amended petition or revised order reflecting the determination at this hearing may be necessary.</p>
	No other proceedings	
	Decedent died intestate	
Cont. from 022614		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	w/	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LV / skc
		Reviewed on: 04/01/2014
		Updates:
		Recommendation:
		File 11 – Berber

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

Age: 5 years		<u>TEMPORARY EXPIRES 3/28/14</u>		NEEDS/PROBLEMS/COMMENTS:	
		ADELITA GOMEZ , paternal grandmother, is petitioner.		1. Petition does not state why a guardianship is necessary.	
Cont. from		Father: JAIME ARELLANO – personally served on 2/11/14		2. Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on:	
<input type="checkbox"/>	Aff.Sub.Wit.			a. Cara Stearns (mother)	
<input checked="" type="checkbox"/>	Verified	Mother: CARA STEARNS		3. If court does not dispense with Notice, need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice on:	
<input type="checkbox"/>	Inventory	Paternal grandfather: Jaime Arrellano – Declaration of Due Diligence filed on 3/7/14.		a. Jaime Arrellano (paternal grandfather)	
<input type="checkbox"/>	PTC	Maternal grandparents: Unknown – Declaration of Due Diligence filed on 3/17/14.		b. Maternal grandparents.	
<input type="checkbox"/>	Not.Cred.				
<input checked="" type="checkbox"/>	Notice of Hrg				
<input type="checkbox"/>	Aff.Mail				
<input type="checkbox"/>	Aff.Pub.	Petition does not indicate why a guardianship is necessary.			
<input type="checkbox"/>	Sp.Ntc.				
<input checked="" type="checkbox"/>	Pers.Serv.	<input type="checkbox"/>	W/	Court Investigator Jennifer Daniel's Report filed on 3/16/14	
<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				
				Reviewed by: KT	
				Reviewed on: 3/28/14	
				Updates:	
				Recommendation:	
				File 12 – Stearnes	

Petition for Appointment of Guardianship of the Person

Bailee Liggett, age 9		TEMP EXPIRES 4-2-14	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: This petition pertains to the minor Bailee Liggett (9) only. A petition for guardianship of the minor Paige Liggett filed by non-relative Trisha Mae Wolfe is at Page 13B.</p> <ol style="list-style-type: none"> On 2-11-14 at the temp guardianship hearing the Court dispensed notice to the parents until their whereabouts become known. On 2-18-14, the father appeared at the temp hearing for this minor's sibling. Also, per the Court Investigator's report, the parties have been in contact with the mother. Therefore, the Court may require proof of personal service of Notice of Hearing with a copy of the petition on both parents per Probate Code §1511 or updated diligence. Need proof of service of Notice of Hearing with a copy of the petition pursuant to Probate Code §1511 or consent and waiver of notice or declaration of due diligence on: <ul style="list-style-type: none"> - Paige Liggett (13) (sibling) - Cassidy Liggett (16) (sibling) If diligence is not found regarding the paternal grandparents, need notice per Probate Code §1511. (Note: The related petition indicates they may be deceased.)
		<p>PEDRO LUNA, Maternal Grandfather, is Petitioner.</p> <p>Father: JON LIGGETT</p> <ul style="list-style-type: none"> - Declaration of Due Diligence filed 2-6-14 - Notice dispensed unless whereabouts become known at hearing on 2-11-14 - Appeared at hearing on 2-18-14 <p>Mother: ROSA H. LUNA</p> <ul style="list-style-type: none"> - Declaration of Due Diligence filed 2-6-14 - Notice dispensed unless whereabouts become known at hearing on 2-11-14 - Appeared at hearing on 2-18-14 <p>Paternal Grandfather: Unknown</p> <ul style="list-style-type: none"> - Declaration of Due Diligence filed 2-10-14 <p>Paternal Grandmother: Unknown</p> <ul style="list-style-type: none"> - Declaration of Due Diligence filed 2-10-14 <p>Maternal Grandmother: Marilu Ramos</p> <ul style="list-style-type: none"> - Deceased <p>Siblings: Paige Liggett (9), Cassidy Liggett (16), Ethan Liggett (4), Makayla Liggett (1), and Mary Jane Bloom (2 weeks)</p> <p>Petitioner states the parents are out on the streets abusing drugs. Petitioner is able to provide a clean and safe home for his granddaughter. Petitioner states that Bailee was left in his care on 1-12-14.</p> <p>Court Investigator Dina Calvillo filed a report on 3-27-14.</p>	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	X	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
Reviewed by: skc			
Reviewed on: 3-28-14			
Updates:			
Recommendation:			
File 13A - Liggett			

Petition for Appointment of Guardianship of the Person

Paige Liggett, age 13		TEMP EXPIRES 4-2-14	<p>TRISHA MAE WOLFE, non-relative, is Petitioner. Petitioner is the mother of Paige's friends.</p> <p>Father: JON LIGGETT - <i>Appeared at hearing on 2-18-14</i></p> <p>Mother: ROSA H. LUNA - <i>Personally served 2-12-14 re Temp Hearing only</i></p> <p>Paternal Grandfather: Unknown/Deceased</p> <p>Paternal Grandmother: Unknown/Deceased</p> <p>Maternal Grandfather: Pedro Luna - <i>Personally served 2-12-14 re Temp Hearing only</i></p> <p>Maternal Grandmother: Marilu Ramos - <i>Deceased</i></p> <p>Petitioner states Paige needs a stable home and a safe environment where there is no drug abuse, someone to take care of her and not leave her home overnight to care for her younger sister. Paige needs to be in therapy. Her mom is not getting her the help she needs. Paige has been in Petitioner's home since December 24, 2013 and the mother has made no attempt to come get her. She stated, "I know she is safe where she is at." Petitioner states that it is her understanding that there is a no-contact order for the father.</p> <p>DSS Social Worker Irma Ramirez filed a report on 3-27-14.</p>	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p>1. Need proof of service of Notice of hearing with a copy of the petition per Probate Code §1511 on both parents.</p> <p>Note: Petitioner filed an Affidavit of Unsuccessful Service on Jon Liggett (father) by the Sheriff's office; however, the document does not indicate diligence. The father has appeared in this matter at the hearing on 2-18-14. The Court may require further diligence or proper service per Probate Code §1511.</p> <p>Note: Proof of Service filed 2-13-14 indicates service on the mother regarding the temp hearing; however, the mandatory Judicial Council form "Notice of Hearing" (GC-020) was not filed, and the service appears to have only included the temporary guardianship petition. The Court may require further service per Probate Code §1511.</p> <p>2. Need proof of service of Notice of Hearing with a copy of the petition pursuant to Probate Code §1511 or consent and waiver of notice or declaration of due diligence on: - Kassidy Liggett (16) (sibling)</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 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.	X		
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input checked="" type="checkbox"/>	Clearances			
<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: skc</p> <p>Reviewed on: 3-28-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 13B - Liggett</p>	

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

Age: 1		<p align="center"><u>NO TEMPORARY REQUESTED</u></p> <p>CHRISTINA GARCIA, maternal cousin, is Petitioner.</p> <p>Father: ADAM RAMIREZ – <i>personally served on 02/23/14</i></p> <p>Mother: MARGARITA LOPEZ – <i>Consent & Waiver of Notice filed 01/30/14</i></p> <p>Paternal grandfather: GUSTAVO RAMIREZ – <i>served by mail on 03/06/14</i></p> <p>Paternal grandmother: PATRICIA DE LA TORRE – <i>served by mail on 03/06/14</i></p> <p>Maternal grandfather: LEONARDO LOPEZ – <i>served by mail on 03/06/14</i></p> <p>Maternal grandmother: SYLVIA SUAREZ LOPEZ – <i>served by mail on 03/06/14</i></p> <p>Petitioner states that she has cared for Adrianna since she was released from the hospital at birth. Her mother tested positive for drugs and CPS placed Adrianna in her care. The mother is unable to care for Adrianna. Petitioner states that it is in Adrianna's best interest to remain in her care.</p> <p>Court Investigator Samantha Henson filed a report on 03/26/14.</p>	NEEDS/PROBLEMS/COMMENTS:
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail w/		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv. w/		
<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		
		Reviewed by: JF	
		Reviewed on: 03/28/14	
		Updates:	
		Recommendation:	
		File 14 - Ramirez	

Petition for Probate of Will and for Letters Testamentary; (Prob. C. 8002, 10450).

DOD: 07/24/07		<p>DEREK D. THOMAS, relationship not stated, is Petitioner, and requests appointment as Executor.</p> <p>IAEA – OK (full or limited not specified)</p> <p>Bond – not addressed</p> <p>Will dated?? or Decedent died intestate?? (See note 1)</p> <p>Residence: Fresno Publication: The Business Journal</p> <p>Estimated Value of the Estate: Annual income- \$100,000.00 Real property- \$225,000.00? Total - \$325,000.00?</p> <p>Probate Referee: RICK SMITH</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Need Amended Petition based on, but not limited to the following:</p> <ol style="list-style-type: none"> The Petitioner requests appointment as Executor, but the Petition has conflicting information as to whether the decedent had a will or died intestate (without a will). Need more information/amended Petition with consistent and correct information. The estimated value of the estate in the Petition is unclear and does not appear to add up. Need amended Petition. The Petition is incomplete at item 5 regarding the survivors of the decedent. The petition indicates that the decedent did not have a spouse, however, the Petition is not marked at item 5(a)(2)(a) – divorced or never married or (b) – spouse deceased. The Petition is not marked at item 5(a)(7) or (8) re issue or no issue of a predeceased child. Item 8 of the Petition only lists Petitioner. Petitioner's relationship to the decedent is not stated. Note: If the decedent had a predeceased spouse or any predeceased children their names, relationship to decedent and dates of death should be listed in item 8 of the Petition. All of decedent's children (whether living or deceased) must be listed in item 8 of the Petition. If the decedent had predeceased children, then their children (if any) must be listed in item 8 of the Petition. Need Notice of Petition to Administer Estate (form DE-121) and proof of service by mail at least 15 days before the hearing of <i>Notice of Petition to Administer the Estate</i> on all relatives listed in item 8 of the Petition. The issue of bond is not addressed. Petition is not marked regarding full or limited IAEA authority. <p>Note: Petitioner is encouraged to seek legal advice and assistance with the administration of this estate.</p>
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.	?		
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input type="checkbox"/> Notice of Hrg	x		
<input type="checkbox"/> Aff.Mail	x		
<input type="checkbox"/> Aff.Pub.	x		
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
		Reviewed by: JF	
		Reviewed on: 03/28/14	
		Updates: 04/01/14	
		Recommendation:	
		File 15 - Thomas	

Age: 3 months	GENERAL HEARING 05/22/14		NEEDS/PROBLEMS/COMMENTS: 1. Wyllette Lollis is listed as a co-petitioner in item 1 of the Petition, however Ms. Lollis did not sign the Petition, did not complete a confidential guardian screening form, the duties, or any other required document. Therefore it is unclear whether Ms. Lollis was intended to be a co-petitioner. Need more information and amended documents if Ms. Lollis is to be a co-petitioner. Note: The Examiner has prepared the notes for this hearing based on Carolyn Augustus as the only petitioner. 2. Petitioner does not state whether she is the maternal or paternal grandmother to the minor. Further, Ms. Augustus indicates that she is the great-grandmother on the Probate Guardianship Questionnaire. The Child Information Supplement is incomplete and does not list the relatives of the minor other than the mother and father. Need amended Child Information attachment that is complete and clarification as to Ms. Augustus' relationship to the child. 3. The UCCJEA is incomplete and does not list any residence information for the minor. Need completed UCCJEA. 4. Need <i>Notice of Hearing</i> . 5. 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> or <i>Consent & Waiver of Notice</i> or <i>Declaration of Due Diligence</i> for: a. Jonte Lee (father) b. Teresa Lee (mother)
	CAROLYN AUGUSTUS , grandmother, is Petitioner. Father: JONTE LEE Mother: TERESA LEE Paternal grandparents: NOT LISTED Maternal grandparents: NOT LISTED Petitioner alleges that the minor's father is currently incarcerated and the mother is not mentally stable. Petitioner states that she is very concerned for her grandson and requests temporary guardianship so that she can care for him.		
Cont. from			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg	x		
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.		x	
✓ Conf. Screen			
✓ Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
Reviewed by: JF			
Reviewed on: 03/28/14			
Updates:			
Recommendation:			
File 16 – Lee			

Petition for Letters of Administration (Prob. C. 8002, 10450)

DOD: 02/07/2014	ANTHONY ALCAZAR , brother is petitioner and is requesting appointment as Administrator with bond set at \$150,000.00.	NEEDS/PROBLEMS/COMMENTS: <u>Note: If the petition is granted status hearings will be set as follows:</u> <ul style="list-style-type: none"> • Friday, 04/25/2014 at 9:00a.m. in Dept. 303 for the filing of the bond <u>and</u> Friday, 08/29/2014 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Friday, 05/29/2015 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. 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.
Cont. from	Full IAEA - ok	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	Decedent died intestate	
<input type="checkbox"/> Inventory	Residence: Fresno	
<input type="checkbox"/> PTC	Publication: Fresno Business Journal	
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Estimated value of the Estate:	
<input checked="" type="checkbox"/> Aff.Mail w/	Personal property - \$5,000.00	
<input checked="" type="checkbox"/> Aff.Pub.	Real property - \$145,000.00	
<input type="checkbox"/> Sp.Ntc.	Total - \$150,000.00	
<input type="checkbox"/> Pers.Serv.	Probate Referee: Rick Smith	
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LV
		Reviewed on: 03/25/2014
		Updates: 04/01/2014 (skc)
		Recommendation: SUBMITTED
		File 9 – Anderson