

<b>Age:</b> 16 years	<b>MARK E. OLSON</b> , successor Trustee (Private Professional Fiduciary), is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	Account period: <b>07/31/10 – 07/31/12</b>	<b>CONTINUED FROM 02/27/13</b>
	Accounting - <b>\$463,686.15</b>	<b>Minute Order from 02/27/13 states: Ms. Haden is appearing via conference call. Ms. Haden requests a continuance.</b>
	Beginning POH - <b>\$299,055.65</b>	<b>As of 03/21/13, nothing further has been filed in this matter and the following comments remain:</b>
	Ending POH - <b>\$324,340.49</b>	
<b>Cont. from 013013, 022713</b>	Trustee - <b>\$8,911.00</b> (\$7,799.00 has already been paid per Court order allowing compensation at \$350.00/month. Trustee requests approval for the remaining unpaid portion of \$511.00)	1. Property on hand shows that the trust owns a 2008 Ford Econoline E-250 Van. Automobile Expense shows varying monthly charges from 11/11 – 05/12 for a total of \$16,830.60 for "Van Rental". It is unclear why the trust rented a van when it owned a van. The Court may require more information.
<input type="checkbox"/> Aff.Sub.Wit.	Attorney - <b>\$5,112.86</b> (per itemization and declaration for total fees in the amount of \$4,962.50 consisting of 18.9 hours broken down at .50 hr. @ \$175.00/hr., 7.30 hr. @ \$200.00/hr., 9.40 hr. @ \$300.00/hr., and 1.70 hr. @ \$350.00/hr. plus costs in the amount of \$150.36 for postage, photocopies and faxes)	2. Schedule C-2 shows a disbursement to Sawyer Air Conditioning for \$10,900.00 for a HEPA unit for the house, however this item is not shown as an asset of the Trust on the Property on Hand schedule. The Court may require more information regarding this item.
<input checked="" type="checkbox"/> Verified	<b>Petitioner prays for an Order:</b>	3. Petitioner is requesting total compensation of \$8,911.00 for the accounting period based on the Court's previous order authorizing \$350/month to the Trustee. Based on the \$350/month the compensation to the Trustee for the 24 month accounting period would be \$8,400.00 not \$8,911.00. Further Schedule C-3 of the accounting reflects disbursements to Mark Olson in varying amounts rather than even monthly payments of \$350.00. The Court may require more information.
<input type="checkbox"/> Inventory	1. Settling and allowing the first account as filed;	4. Schedule C-5 reflects reimbursements to Rafael Bustos for various amounts for mileage, vacation expenses, mariachi, 15 <sup>th</sup> birthday party, clothing, outings, etc. The Court may require more information regarding these reimbursements.
<input type="checkbox"/> PTC	2. Ratifying, confirming, and approving all of the acts and transactions of Petitioner as trustee;	5. Attorney's request for fees and costs includes costs in the amount of \$150.36 for postage, photocopies and faxes; however, these costs are considered by the Court as part of the cost of doing business pursuant to Local Rule 7.17B.
<input type="checkbox"/> Not.Cred.	3. Allowing reasonable compensation to Petitioner for ordinary services rendered as trustee, in the total amount of \$8,911.00 for the period 07/31/10 – 07/31/12, of which \$511.00 remains unpaid to Petitioner; and	
<input checked="" type="checkbox"/> Notice of Hrg	4. Authorizing and directing trustee to pay Robert T. Haden Professional Corporation, the sum of \$5,112.86 from the trust estate as fees for services rendered from 09/01/10 – 11/20/12.	
<input checked="" type="checkbox"/> Aff.Mail w/		<b>Reviewed by:</b> JF
<input type="checkbox"/> Aff.Pub.		<b>Reviewed on:</b> 03/21/13
<input type="checkbox"/> Sp.Ntc.		<b>Updates:</b>
<input type="checkbox"/> Pers.Serv.		<b>Recommendation:</b>
<input type="checkbox"/> Conf. Screen		<b>File 1 - Bustos</b>
<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		

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

Amended (1) Supplemental Account and Report of Ancillary Administration (2) Petition for Fees and for (3) Final Distribution (Prob. C. 11600)

<b>DOD: 10/25/1999</b>	<b>PUBLIC ADMINISTRATOR</b> , Administrator appointed 2/15/2000, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>Continued from 2/7/2013.</b>
	<b>Account period: 5/31/2002 – 3/4/2013</b>	<i>Minute Order</i> states counsel requests a continuance. Matter continued to 4/3/2013. Counsel indicates to the Court that she will be addressing the issue of how to deal with the judgment by way of an amended petition. The Court indicates for the minute order that the issue regarding the judgment will be heard on 4/3/2013.
<b>Cont. from 020713</b>	Accounting - <b>\$481,548.00</b>	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Beginning POH - <b>\$401,241.32</b>	
<input checked="" type="checkbox"/> <b>Verified</b>	Ending POH - <b>\$ 42,939.06</b>	
<input type="checkbox"/> <b>Inventory</b>	(all cash)	
<input type="checkbox"/> <b>PTC</b>	Administrator - <b>\$11,716.14 (paid)</b>	
<input type="checkbox"/> <b>Not.Cred.</b>	(statutory fee of \$11,716.14 was ordered in First Account filed 1/21/2003.)	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Administrator XO - <b>\$2,064.00</b>	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	(for 21.50 hours @ \$96/hour for travel to and from Oklahoma for ancillary estate hearing)	
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input checked="" type="checkbox"/> <b>Sp.Ntc.</b>	Attorney - <b>\$11,716.14 (paid)</b>	
<input type="checkbox"/> <b>Pers.Serv.</b>	(statutory fee of \$11,716.14 was ordered in First Account filed 1/21/2003.)	
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>	Attorney XO - <b>\$7,095.00</b>	
<input type="checkbox"/> <b>Duties/S</b>	(for 47.30 hours @ \$150.00/hr; for services performed in connection with litigation against Decedent's son in Oklahoma.)	
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>	Costs - <b>\$435.00</b>	
<input type="checkbox"/> <b>9202</b>	(filing fee)	
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>	<b>Petitioner states:</b>	
<input type="checkbox"/> <b>Status Rpt</b>	<ul style="list-style-type: none"> <li>Decedent was subject to a conservatorship of her person and estate prior to her death, and during the conservatorship, the <b>PUBLIC GUARDIAN</b> obtained a civil judgment against Decedent's adopted son, <b>JOSEPH GERVAIS aka GEORGE GARRETT WHITELEY</b>, [for the Conservatorship of Jettie Pauline Whiteley in the amount of <b>\$694,300.62</b>];</li> <li>Upon Conservatee's death, Petitioner was appointed Administrator of the estate on 2/15/2000, and Order <i>Settling First and Final Account and Report of Administrator</i> allowed fees, costs, and partial distribution on 1/21/2003;</li> </ul>	
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
	<b>~Please see additional page~</b>	
		<b>Reviewed by:</b> LEG
		<b>Reviewed on:</b> 3/27/13
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 2 – Whiteley</b>

**Petitioner states, continued:**

- On 8/20/2003, the Court ordered final distribution of funds [of approximately **\$70,000.00**] into a blocked account for a minor beneficiary [Taylor Gervais]; although Petitioner requested to be discharged as administrator of Decedent's estate, the Court ordered Petitioner to collect on the judgment against the Decedent's son, who had moved to Oklahoma and was attempting to probate the Decedent's estate there due to her owning real property in that state;
- Pursuant to a *Notice of Proposed Action* filed 2/3/2012, a total of **\$40,000.00** in preliminary distributions was made, at **\$8,000.00** to each of the Decedent's five beneficiaries; the whereabouts of one of the beneficiaries, **FRANCESCA GREGORY**, remain unknown, and her **\$8,000.00** remains with the Public Administrator.

**Petitioner requests:**

1. The Amended Supplemental Account and Report of Ancillary Administration be settled, allowed and approved, and all acts of Petitioner as Administrator be confirmed and approved;
2. Petitioner and Petitioner's attorney be allowed the extraordinary commissions and fees;
3. That Distribution pursuant to Decedent's Will be allowed to the following heirs (all adults):
  - **ELIZABETH A. WHITELEY aka ELIZABETH ESTES** (daughter) – **\$5,156.02 cash**;
  - **TAYLOR R. GERVAIS** (daughter) – **\$5,156.01 cash**;
  - **ALLISON GRACE GERVAIS aka GRACE GERVAIS** (daughter) – **\$5,156.01 cash**;
  - **JAMES ROY GERVAIS aka ASH ROYAL** (son) – **\$5,156.01 cash**;
  - **FRANCESCA GREGORY aka FRANCESCA L. WHITELEY** (daughter, address unknown) – **\$5,156.01 cash, plus \$8,000.00 cash** (representing her unsuccessful preliminary distribution); and
4. That in the event the whereabouts of the heirs are unknown, the Court authorize Petitioner to deposit any remaining balance of funds with the Fresno County Treasury pursuant to Probate Code § 11850(a).

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

**Note re Judgment:** *Order Settling First and Final Account and Report of Administrator* filed 1/21/2003 finds in Paragraph 14: "There also remains in the Decedent's estate the judgment against **JOSEPH GERVAIS, aka GEORGE GARRETT WHITELEY**. That judgment is to remain in the estate, and the administrator is directed to continue his attempts to collect on said judgment until further order of this Court." Petitioner filed on 5/24/2005 an *Application for and Renewal of Judgment* indicating a renewed judgment against Joseph Gervais in the amount of **\$694,300.62**. *First and Final Account and Report of Administrator* filed 7/29/2002 states regarding attempts to enforce the judgment that Joseph Gervais hid all of his assets after the judgment was entered and he was not able to be located; that three parcels of real property in Oklahoma were found to be owned in whole or in part by Mr. Gervais and a lien was recorded on the three parcels; that Petitioner was unable to locate any other assets of Mr. Gervais to lien; and that this asset remained uncollectable at that time. The *Amended Supplemental Account* states the Public Administrator had hired Oklahoma counsel to open an ancillary proceeding, which took several years due to distance and number of Oklahoma attorneys involved; and that an *Order Allowing Final Account, Determining Heirs, and Decree of Distribution* was entered on 10/12/2011 [in the Oklahoma ancillary proceeding], with the Public Administrator receiving funds totaling **\$74,772.04** on 11/30/2011.



Atty Helon, Marvin T., of Helon & Manfredi (for Petitioner Wells Fargo Bank, Conservator)

**Amended (1) Twenty-Second Account Current and Report of Conservator of Estate and (2) Petition for Its Settlement and for (3) Allowance of Fees to Conservator of Estate and Conservator's Attorneys (Prob. C. 2620, 2623, 2640, 2643)**

<b>Age: 47 years</b>	<b>WELLS FARGO BANK</b> , Successor Conservator of the Estate (successor to First Interstate Bank, and then to California Republic Bank) appointed on 3/19/1987 in Kern County Superior Court, is Petitioner. (Conservatorship of the Estate was transferred to Fresno Superior Court on 5/4/2007.)	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> If Petition is granted, Court will set status hearing as follows:</p> <ul style="list-style-type: none"> <li><b>Friday, June 5, 2015</b> at 9:00 a.m. in Dept. 303 for filing of the 23<sup>rd</sup> account.</li> </ul> <p>Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required.</p> <p><b>~Please see additional page~</b></p>											
<b>Cont. from</b>													
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>													
<input checked="" type="checkbox"/> <b>Verified</b>													
<input type="checkbox"/> <b>Inventory</b>													
<input type="checkbox"/> <b>PTC</b>													
<input type="checkbox"/> <b>Not.Cred.</b>													
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<input type="checkbox"/> <b>Sp.Ntc.</b>													
<input type="checkbox"/> <b>Pers.Serv.</b>													
<input type="checkbox"/> <b>Conf. Screen</b>													
<input type="checkbox"/> <b>Letters</b>													
<input type="checkbox"/> <b>Duties/Supp</b>													
<input type="checkbox"/> <b>Objections</b>													
<input type="checkbox"/> <b>Video Receipt</b>													
<input checked="" type="checkbox"/> <b>CI Report</b>													
<b>2620</b>	N/A												
<input checked="" type="checkbox"/> <b>Order</b>													
<input type="checkbox"/> <b>Aff. Posting</b>													
<input type="checkbox"/> <b>Status Rpt</b>													
<input type="checkbox"/> <b>UCCJEA</b>													
<input type="checkbox"/> <b>Citation</b>													
<input type="checkbox"/> <b>FTB Notice</b>													
	<p><b>ROBERT N. LOWDER, III</b> and <b>MARCIA D. LOWDER</b>, friends, were appointed Successor Co-Conservators of the Person on 10/13/2010, following the Court's removal on that date of <b>DONNA McDANIELS SAUCEDA</b>, sister.</p> <p><b>Account period: 9/1/2010 - 8/31/2012</b></p> <table> <tr> <td>Accounting</td> <td>-</td> <td><b>\$1,232,707.04</b></td> </tr> <tr> <td>Beginning POH</td> <td>-</td> <td><b>\$ 851,444.14</b></td> </tr> <tr> <td>Ending POH</td> <td>-</td> <td><b>\$ 779,355.41</b></td> </tr> <tr> <td></td> <td></td> <td>(\$27,586.82 is cash)</td> </tr> </table> <p>Conservator - <b>\$17,935.47</b> (unpaid balance) (per declaration attached as Exhibit II, @ 1.35% of assets for a total request of \$32,335.47; \$14,400.00 has been paid on account per prior Court order.)</p> <p>Attorney - <b>\$8,954.75</b> (per declaration attached as Exhibit III, for 35.91 hours @ rates of \$250/hour and \$285/hour.)</p> <p>Costs - <b>\$1,812.29</b> (filing fees (4 petitions); copies and postage to 12 persons for petition for right to marry – substituted judgment.)</p> <p><b>Court Investigator Jennifer Daniel's Report filed 10/23/2012.</b></p> <p><b>~Please see additional page~</b></p>	Accounting	-	<b>\$1,232,707.04</b>	Beginning POH	-	<b>\$ 851,444.14</b>	Ending POH	-	<b>\$ 779,355.41</b>			(\$27,586.82 is cash)
Accounting	-	<b>\$1,232,707.04</b>											
Beginning POH	-	<b>\$ 851,444.14</b>											
Ending POH	-	<b>\$ 779,355.41</b>											
		(\$27,586.82 is cash)											
		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 3/27/13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 4 - McDaniels</b></p>											

Petitioner states:

- Petitioner sought instructions from this Court as to Petitioner's obligation to pay charges incurred by the Conservatee, and per *Order Instructing Conservator Regarding Debts Incurred by Conservatee* filed 8/3/2010, Petitioner was instructed not to pay and has not paid any charges incurred by the Conservatee based upon determination that such charges were not reasonable or for necessities; Petitioner has also per the Court's order notified credit reporting agencies that Conservatee is under a conservatorship to help prevent future credit being extended to Conservatee without Petitioner's knowledge and approval;
- Petitioner has paid Conservatee's living expenses, upkeep and maintaining of Conservatee's residence and vehicle, and has paid a weekly allowance to the Conservatee [totaling ~\$64,170.00 during this account period];
- Pursuant to Court order, Petitioner has been authorized to pay itself on account of its fees \$600.00 per month; Petitioner has received a total of \$14,400.00 on account during the two-year period of this account, leaving a balance of \$17,935.47 as now unpaid and which sum should now be authorized to Petitioner; *Declaration of Elisabeth Lambert in Support of Conservator's Fee (attached as Exhibit II)* states special services have been provided by Petitioner in this case, including assistance to the Conservatee in matters of routine maintenance to his home that would be handled by most homeowners themselves, that require attention and services from Petitioner's real estate department due to Conservatee's disabilities and limitations;
- In addition, during this account period Conservatee expressed desire to marry **KATHRYN WASHBURN**, which required Petitioner to obtain court permission for the Conservatee to marry, and Petitioner hired and coordinated several attorneys involved in preparation of the petition and the prenuptial agreement;
- Petitioner has had to schedule many meetings with Conservatee and his new wife subsequent to their marriage [in ~10/2011] to educate them regarding appropriate expenses, budgeting and conservation of the estate for Conservatee's care and support; further, the Conservator of the Person does not appear to be active in Conservatee's life and the Conservatee having a spouse has not reduced the need for Petitioner's weekly involvement on mundane issues that affect the Conservatee, but in fact the addition of a spouse has required increased diligence by Petitioner to monitor impulse spending, utility usage, etc.;
- Ms. Lambert on behalf of Wells Fargo spends significant time supervising and providing financial education to address the myriad weekly problems the Conservatee brings to Wells Fargo as Conservator; significantly more time and attention are required to oversee Conservatee and his estate than is provided to irrevocable trusts with similar assets; the compensation required by Petitioner is fair and reasonable compensation for the services and benefits provided to Conservatee under the circumstances of this case.

~Please see additional page~

Petitioner requests as Conservator of the Estate:

1. **Authority to continue to pay itself \$600.00 per month on account of services until further Court order**, with the final amount of compensation to be paid for the Conservator's services for periods following the end of the 22<sup>nd</sup> Account to be later determined by the Court; and
2. **That the fee schedule it applies to similar accounts be allowed for the management of this conservatorship at the rate of 1.35% of the assets under management**, which Petitioner states is substantially lower than the customary charge of **1.5%** paid by many of the Petitioner's trust clients for related management services; Petitioner states compensation has been previously allowed in the present Conservatee's estate based upon the **1.35%** of the value of assets under management.

NEEDS/PROBLEMS/COMMENTS, continued:

**Note re Fiduciary Fee Rate:** Traditionally, this Court has authorized a fiduciary fee rate of **.75%** of the value of the assets. *Judgment Settling Twentieth Account and Report of Conservator* filed 4/15/2009 authorized Petitioner's requested fees "without setting a precedent as to percentage rate used to calculate fee request." Petitioner's request for **1.35%** of the value of the assets appears reasonable based upon the specific circumstances of this case, as evidenced by the Court's orders allowing that rate for the previous accountings.

Notes re Attorney Fees Paid During Account Period:

- Attorney Marvin T. Helon, for the Conservator of the Estate, was paid fees and costs of **\$7,465.00** per *Judgment Settling Twenty-First Account and report of Conservator of the Estate* filed 6/1/2011, and was paid fees and costs of **\$2,746.50** per *Order Instructing Conservator for Substituted Judgment Regarding Premarital Agreement* filed 9/21/2011.
- Attorney Gary Bagdasarian, court-appointed to represent the Conservatee on 8/11/2010, was paid fees of **\$19,000.00** for the period 8/11/2010 to 10/31/2011 per *Order Approving Compensation of Attorney for Representation of Conservatee* filed 12/14/2011; and was paid fees of **\$3,825.00** for the period 11/1/2011 to 5/10/2012 per *Order Approving Compensation for Representation of Conservatee* filed 6/26/2012.
- Attorney Gary L. Motsenbocker, hired by Co-Conservators of the Person, was approved fees and costs of **\$3,545.00** per *Order Approving Petition for Approval Attorney's Fees to Private Counsel* filed 12/15/2010.
- Law firm of Wild, Carter & Tipton was paid **\$612.50** on 8/15/2011 and **\$300.00** on 10/7/2011 for attorney fees regarding the premarital agreement for the Conservatee's marriage to Kathryn Washburn.

(1) First and Final Account and Report of Administrator and (2) Petition for Allowance of Ordinary and Extraordinary Commissions and Fees and (3) for Distribution [Prob. C. 9202; 10800; 10810; 10951; 11600; 11850(a)]

<b>DOD: 07/23/09</b>	<b>PUBLIC ADMINISTRATOR</b> , Administrator, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	Account period: <b>10/16/09 – 10/10/12</b>	<b>CONTINUED FROM 01/23/13</b>
	Accounting - <b>\$2,662,040.72</b>	<b>Minute order from 01/23/13 states:</b>
	Beginning POH - <b>\$2,391,992.13</b>	<b>Ms. Kruthers requests a</b>
	Ending POH - <b>\$109,170.64</b>	<b>continuance to respond to the</b>
<b>Cont. from 012313</b>	Administrator - <b>\$39,489.54</b> (statutory)	<b>objections. The Court is informed</b>
<input type="checkbox"/> Aff.Sub.Wit.	Administrator x/o - <b>\$27,253.92</b> (per	<b>that there are communication</b>
<input checked="" type="checkbox"/> <b>Verified</b>	itemization for 351.24 Staff hours @ \$76/hr. and	<b>issues. The Court directs Mr.</b>
<input checked="" type="checkbox"/> <b>Inventory</b>	1.80 Deputy hours @ \$96/hr. for a total of \$26,867.04 for	<b>Janisse and Mr. Magness to</b>
<input checked="" type="checkbox"/> <b>PTC</b>	services provided in the continued management of	<b>contact Ms. Kruthers today to</b>
<input checked="" type="checkbox"/> <b>Not.Cred.</b>	decedent's business and \$386.88 per Local Rule for the	<b>begin communication.</b>
<input checked="" type="checkbox"/> <b>Notice of Hrg</b> w/	sale of real property)	<b>As of 03/21/13, nothing further has</b>
<input type="checkbox"/> <b>Aff.Mail</b>	Attorney - <b>\$39,489.54</b> (statutory)	<b>been filed in this matter.</b>
<input type="checkbox"/> <b>Aff.Pub.</b>	Attorney x/o - <b>\$4,500.00</b> (per	
<input type="checkbox"/> <b>Sp.Ntc.</b>	itemization for 30 hours @ \$150/hr. for services related to	
<input type="checkbox"/> <b>Pers.Serv.</b>	the continuation of decedent's business, litigation	
<input type="checkbox"/> <b>Conf. Screen</b>	regarding decedent's spouse claims for support &	
<input type="checkbox"/> <b>Letters</b> 01/12/10	wages, and participation in settlement negotiations)	
<input type="checkbox"/> <b>Duties/Supp</b>	Bond Fee - <b>\$19,965.33</b> (ok)	
<input type="checkbox"/> <b>Objections</b>	Costs - <b>\$690.00</b> (for certified	
<input type="checkbox"/> <b>Video Receipt</b>	copies and filing fees)	
<input type="checkbox"/> <b>CI Report</b>	<b>Preliminary Distributions to heirs:</b>	
<input checked="" type="checkbox"/> <b>9202</b>	Jesus Esther Bise - <b>\$1,172,877.80</b>	<b>Reviewed by:</b> JF
<input checked="" type="checkbox"/> <b>Order</b>	Ruth Rios - <b>\$733,525.38</b>	<b>Reviewed on:</b> 03/21/13
<input type="checkbox"/> <b>Aff. Posting</b>	Petitioner states that the property on hand	<b>Updates:</b>
<input type="checkbox"/> <b>Status Rpt</b>	(\$109,170.64) is not sufficient to pay all of the fees and	<b>Recommendation:</b>
<input type="checkbox"/> <b>UCCJEA</b>	costs (\$133,388.33). Petitioner requests that the	<b>File 5 - Bise</b>
<input type="checkbox"/> <b>Citation</b>	beneficiaries each pay ½ of the outstanding fee	
<input checked="" type="checkbox"/> <b>FTB Notice</b>	balance (\$22,217.69 total) \$11,108.84 each.	
	<b>Petitioner prays for an Order:</b>	
	1. Settling, allowing and approving the final	
	account and all proceedings of Petitioner as	
	Administrator be confirmed and approved;	
	2. Authorizing the statutory fees to the	
	Administrator and Attorney;	
	3. Authorizing the extraordinary fees to the	
	Administrator and Attorney;	
	4. Authorizing payment of the bond fee and	
	costs; and	
	5. Directing the two beneficiaries pay the	
	outstanding balance of fees.	
	<b>Continued on Page 2</b>	

**Objection to First and Final Account and Report filed 01/18/13 by Jesus Esther (Sylvia) Bise ("Objector")** states:

1. **Objection 1:** Objector objects to the Administrator's request for extraordinary compensation on the grounds that it fails to comply with California Rule of Court 7.7.02. Specifically, the accounting fails to show the nature and difficulty of tasks performed, the results achieved, or the benefit of the services to the Estate. In the accounting, the Administrator states it, "provided many hours of extraordinary services to continue running the decedent's furniture business." The Administrator only calculates the time for the "first few weeks" and provides a "conservative estimate" of the amount of time spent per week thereafter and states the reasonable fee for running the decedent's business is \$26,867.07. Such statement fails to comply with Rule 7.702 and no extraordinary compensation can be awarded.
2. **Objection 2:** Objector objects to the Administrator's request for extraordinary compensation on the grounds that the Administrator improperly handled Decedent's business, Bise Furniture, and caused loss to the estate. Extraordinary compensation may be awarded to the personal representative for carrying on the decedent's business if necessary to preserve the estate or under court order. Cal Rule of Court 7.703(b)(2); See *Estate of King* (1942) 19 C2d 354, 358. Determining the value of these services is within the power of the probate court. The burden of proof for the need for extraordinary expenses and their extent is on the attorney and the personal representative, even when no objections are filed. *Estate of Fulcher* (1965) 234 Cal.App.2d 710; *Estate of Gopcevic* (1964) 228 Cal.App.2d 280. Objector states that there is no will and no court order for the Administrator to carry on the Decedent's business. Further, running the Decedent's business was not necessary to preserve the Estate. The Administrator took control of the Corporation and marshaled its assets. In doing so, it treated all of the Corporation assets as if they were Decedent's individual assets. This was improper. The only Corporation assets that should have come into the estate were Decedent's shares in the Corporation. Dividends, if any, paid by the Corporation during the course of Estate administration would have been added to the Estate. No such dividends were paid during the course of Estate administration. The Administrator commingled the estate assets with the Corporation assets. This has resulted in loss to the Estate in that it has created excessive administrative costs in the form of compensation and accounting fees and enabled the Administrator to improperly pay for other Estate expenses out of Corporation assets. The appropriate management of a closely held corporation upon the death of a shareholder requires the corporation to call a special meeting and vote to fill the vacancy caused by decedent's death. The personal representative would vote on behalf of decedent's shares and could vote for themselves to fill the vacancy if they are qualified to run the business. In this situation, the business assets would not become part of the estate; rather the shares would be inventoried and any dividends would be added to the estate. When the personal representative lacks the expertise to run the corporation, the personal representative would be under a duty to vote to appoint someone qualified to fill such vacancy. In this case, no special meeting was held and rather than having a vote to appoint someone, the Administrator unilaterally stepped in, without a court order or direction in a will and attempted to run the corporation. Unfortunately for the estate, the administrator was ill equipped to do so. While the Administrator was in charge of the corporation, the business accounting was entirely mismanaged. After the corporation was distributed to objector, she hired James Braun as an accountant for the Corporation. Mr. Braun estimates that it would cost approximately \$30,000.00 in forensic accounting fees to unwind the activity that occurred while the Administrator ran the business. While it was necessary for the corporation to do business to preserve the estate assets, it was not necessary or appropriate for the Administrator to do so given the fact that it was not competent to take such action. Administrator should not be compensated for its work associated with the corporation when it was not necessary for the administrator to perform services to preserve the estate and ultimately caused harm to the estate.

**Continued on Page 3**

3. **Objection 3:** Objector objects to the approval of the accounting on grounds that the Administrator employed an accountant to perform services that would normally be the Administrator's responsibility as the Administrator did not seek a corresponding reduction in compensation. Ordinary services by a representative include the preparation of the fiduciary accounting. If the representative chooses to employ an agent to perform services that are attributable to carrying out the representative's ordinary duties, the fees for those services will be charged against the representative's ordinary compensation. Preparing the fiduciary accounting is considered part of the representative's ordinary duties; therefore, if the representative hires an accountant to prepare the accounting, the accountant's fees will be paid from the representative's ordinary compensation. *Estate of Billings* (1991) 228 Cal.App.3d 426 (court ordered amounts payable to accounting firm for services normally part of representative's responsibility for ordinary services to be paid by representative from her statutory executrix's fees and reduced her compensation accordingly.) Administrator paid accounting fees in the amount of \$49,396.01. \$39,883.30 of those fees were incurred in connection with the corporation during the time period in which the corporation's accounting records are incomplete and "a mess". It appears the accountant hired by the administrator (Ms. Stevens) was paid for services from February 2011 – June 24, 2011 while failing to perform any accounting services during this time frame. Administrator's compensation should be reduced by the full amount Ms. Stevens was paid in connection with the corporation. Administrator paid Ms. Stevens \$9,485.71 to prepare the estate accounting. Therefore, Administrator's compensation should be further reduced by that amount. The total fees paid to Ms. Stevens is excessive and the administrator should not be awarded compensation where he appointed an agent to perform services and such services were performed poorly at great expense and at great cost to the estate.
4. **Objection 4:** Objector objects to the approval of the Accounting on the grounds that the Administrator fails to provide sufficient information to comply with Probate Code § 1062, which provides that the summary account shall be supported by detailed schedules showing receipts, which show the nature or purpose of each item, the source of the receipt, and the date thereof. The administrator has provided woefully insufficient information. Specifically, the administrator provides for corporation sales from 10/16/09 – 03/15/12 in a single line item which accounts for \$126,955.98. This entry is little more than a "fill" number. Administrator is required to show all receipts individually. This is particularly egregious since the administrator paid an accountant almost \$40,000.00 to track this information so it could be reported on the accounting. This entry is particularly concerning because it occurs during the time period Objector asserts employee embezzlement was occurring. As such, the accounting cannot be approved without providing further information.
5. **Objection 5:** Objector objects to the approval of the accounting on grounds that the administrator fails to provide sufficient information to comply with Probate Code § 1062 in that the administrator provides receipts for various income from 10/16/09 – 03/15/12 which account for \$5,574.41. This entry is little more than a "fill" number. Administrator is required to show all receipts individually. As such, the accounting cannot be approved.
6. **Objection 6:** Objector objects to the approval of accounting on grounds that the administrator allocates disbursements for rental property as a disbursement attributable to the corporation. Objector alleges that all of the disbursements on Schedule D described as "Repairs and Maintenance" associated with the corporation are actually expenses associated with the rental properties owned by the estate and not used by the corporation. The administrator also commingled corporate and rental transaction and activities in the bank account. Therefore, they are miscategorized. Objector requests that the court require the administrator account for each and every entry and confirm what the expenses were used for. This miscategorization is of particular concern because the corporation was distributed to the objector and real properties were distributed to the other beneficiary, Ruth Rios.

Continued on Page 4

7. **Objection 7:** Objector objects to the approval of the accounting on grounds that the administrator has failed to file any fiduciary tax returns. Objector's accounting, Mr. Braun has made repeated requests to see the estates fiduciary tax return. All such requests have been ignored. Objector believes that Ms. Stevens never filed such returns because she never prepared them. Paragraph 9 of the accounting, which is verified by the administrator, states that all California and Federal taxes have been paid. Until proof that the estate has filed is 1041 for each year required, the accounting cannot be approved.
8. **Request for Surcharge for Breach of Fiduciary Duty.** The objections to an account may raise claims of breach of the personal representative's duties, and the objector may seek appropriate redress. (Probate Code § 11001.) The personal representative has a duty to use ordinary care and diligence in controlling, managing, protecting, and preserving the assets and collecting rents, issues, and profits. (Probate Code §§ 9600, 9560.) The Administrator breached its duty of care. An ordinary person does not run a business with such incompetence and significant funds can be lost to embezzlement without noticing and taking corrective actions. This did not preserve or protect the assets of the estate. Further, the records maintained by the administrator make it impossible for the corporation to determine its income and loss because it is not possible to determine the costs of goods sold or the basis in its remaining assets. The estate is entitled to the value of the loss, with interest, resulting from the administrator's breach (Probate Code § 9601). The probate court has broad authority to fashion an appropriate remedy for a breach of duty. Monetary liability arising from a fiduciary's breach of duty may be charged against the fiduciary's compensation (Probate Code § 12205). Objector requests that the fiduciary's statutory compensation be reduced to zero and the administrator be surcharged in amount to be determined at an evidentiary hearing for its breach of its fiduciary duty in the management of the corporation.
9. **Request for cost and attorney's fees under common fund doctrine.** When a benefit has been conferred on an estate by the creation or protection of a common fund, it is possible to seek reimbursement from that fund. *Estate of Stauffer* (1959) 53 Cal.2d 124,132. If objectors objections are granted, the estate will be preserved by preventing unwarranted extraordinary compensation to be paid, the Administrator's statutory compensation will be reduced by the amount paid to the administrator's accountants, and the statutory compensation will be surcharged for Administrator's breach of duty of care. This will protect the estate and create a common fund. Objector should be entitled to reimbursement from such fund.

**Objector requests that:**

1. The Administrator's request for extraordinary compensation be denied on grounds it did not comply with Rule of Court 7.702;
2. The Administrator's request for \$26,867.04 in extraordinary compensation for running the corporation be denied;
3. The Administrator's statutory compensation be reduced by \$49,396.00, which is the amount paid to the accountants to perform the Administrator's normal duties;
4. The Administrator's Accounting be denied for failure to provide sufficient information on Schedule A;
5. The Administrator's accounting be denied for improperly categorizing disbursements for rental properties as corporation disbursements;
6. The Administrator's account be denied for failing to file the required state and federal tax returns;
7. That the Administrator be surcharged for breaching its duty of care in an amount to be determined at trail; and
8. Objector recover costs and attorney fees (based on the common fund doctrine) from the estate.

Continued on Page 5

**Declaration of James P. Braun, CPA/ABV/CFF** filed 01/18/13 states:

1. He was hired by Sylvia Bise on 06/24/11 to provide accounting services for Bise Furniture (the "Corporation"). He has been working to file delinquent corporate tax returns for the Corporation. Mr. Braun states that he has been unable to complete the tax filings because he cannot determine the corporate tax basis in its inventory or the cost of goods sold which is a starting point for equity. This is the result of poor bookkeeping by the Corporation's previous accountant, Theresa Stevens, CPA and by the estate administrator, the Public Administrator, who was ultimately responsible for the Corporation.
2. It took many months and multiple requests to obtain the source documents from Ms. Stevens. To date, Mr. Braun states that he still has not received all of the documents requested including the analysis of the shareholder loan account for the Corporation which appears to have been misused.
3. Upon reviewing the source documents which were provided, Mr. Braun states that he is lacking documents in the following areas: inventory, cash, and fiduciary tax filings.
4. The inventory records received contain only a hand written list of inventory at the end of the fiscal years. In addition, no purchase journals were received.
5. In the area of cash, the payments received by the Corporation in cash appear to have been placed in the store cash drawer. Mr. Brauns states that he was not provided with the majority of the petty cash logs showing the dates the cash was received and expenses paid from the till. Also, according to daily cash logs, rental income payments were recorded even though the business does not own any rental property.
6. The corporation's financial transactions were managed through the Public Administrator's account. In this account, there are a number of rental transactions commingled with the store operations transactions even though the Corporation owns no rental property.
7. Mr. Braun has not undertaken a forensic accounting to determine whether money was embezzled from the Corporation. However, he is informed that the corporate employees believe that embezzlement occurred. Based on the information he has seen and in his experience in conducting forensic accountings, he estimates such work to cost approximately \$30,000.00.
8. Ms. Stevens was paid for accounting services through the date of her termination on June 24, 2011. The books received from Ms. Stevens had not been updated since February 2011. In addition, Ms. Stevens turned over a large pile of original records that she had never dealt with prior to her termination. It appears Ms. Stevens was paid by the Administrator for services she never performed.
9. Ms. Stevens also ran the rental activity through the Corporation on tax returns. She did this through misusing the shareholder loan account. The misuse of the shareholder loan account begins immediately upon Ms. Stevens being retained by the Administrator.
10. Mr. Braun is aware of no fiduciary tax returns being filed during the course of the administration. He has repeatedly requested copies of such returns, and Ms. Stevens will not provide them. Thus he believes they were never filed.
11. IRS Form 1041 needs to be prepared and filed for the time period Ms. Stevens was the estate's accountant. Mr. Braun does not believe Ms. Stevens ever elected a tax year for the estate. Because Ms. Stevens has provided no 1041, it is believed that no such filings have ever been made by the estate.

Marjorie C. Hudson Resigned: 10-19-04 DOD: 7-27-12	<b>PHILIP and DEBRA HUDSON</b> , Former Successor Co-Trustees of the <b>HUDSON TESTAMENTARY TRUST</b> dated November 17, 1986 created by <b>MARJORIE C. HUDSON</b> (deceased) on 11-17-85, are Petitioners.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<b>History:</b> In the Preliminary and Partial Account heard 11-15-12, Petitioners stated due to the voluminous number of bank accounts utilized during the accounting period and the related bank statements which had to be subpoenaed, collected and line-item reviewed and entry by an accounting assistant, the length of time that Petitioners acted as Successor Co-Trustees, and the very lengthy amount of time which has passed since Petitioners acted as Co-Trustees, Petitioners respectfully request that they be allowed to augment this preliminary accounting and prepare an even more detailed accounting for the Court's review and approval.	<u>Continued from 1-2-13</u>
<b>Cont. from 010213</b>	The Trust nominated Philip Hudson and his wife Debra Hudson (Petitioners) as Successor Co-Trustees should Marjorie C. Hudson die or become unable to act. Marjorie C. Hudson resigned her position as Trustee on 10-19-04, appointing Petitioners as Successor Co-Trustees.	<b>Minute Order 1-2-13:</b> Ms. Durost informs the Court that her clients have found a substantial amount of receipts. Matter continued to 4/3/13. The Court directs the Public Guardian to provide the Court at the next hearing some input regarding the subsequent accountings and the potential for surcharge. Ms. Durost is directed to maintain contact with the Public Guardian.
Aff.Sub.Wit.	On 12-7-09, Palm Village Retirement Community filed a Petition on Marjorie C. Hudson's behalf seeking to have the <b>FRESNO COUNTY PUBLIC GUARDIAN</b> appointed as her conservator. The Public Guardian was appointed as Conservator of her person and estate on 2-9-10; however, Petitioners remained as Successor Co-Trustees of the Trust.	<b>As of 3-21-13, nothing further has been filed by Petitioner.</b>
✓ Verified	On 4-5-11, pursuant to a petition by the Public Guardian, Petitioners were removed as Successor Co-Trustees and the Public Guardian was appointed Successor Trustee.	<b>Examiner's Note: It is unclear if the "new receipts" mentioned in the minute order are for this account period, which would necessitate amendment. The Court may require clarification.</b>
Inventory		<b>Note: On 3-5-13, the Public Guardian filed a First and Final Account that is set for hearing on 4-24-13.</b>
PTC		1. <b>Petitioners request compensation for their services as co-trustees at 1% of the total assets for each year served. The Court may require clarification with reference to Cal. Rules of Court 7.776 (factors for consideration).</b>
Not.Cred.		<b>Update: Declarations filed 3-20-13 by Petitioners waive compensation.</b>
Notice of Hrg		<b>Reviewed by:</b> skc
Aff.Mail		<b>Reviewed on:</b> 3-21-13
Aff.Pub.		<b>Updates:</b>
Sp.Ntc.		<b>Recommendation:</b>
Pers.Serv.		<b>File 6 - Hudson</b>
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	<b>Amended and Final Account period:</b> <b>10-19-04 through 4-5-11</b> Accounting: \$1,005,034.19 Beginning POH: \$492,023.80 Ending POH: \$135,099.98 (residence and household furniture and furnishings only)	
	<b>SEE ADDITIONAL PAGES</b>	

Page 2

**Beginning POH consisted of the residence in Reedley and furniture and furnishings, plus \$356,923.80 in cash and mutual funds.**

**Receipts total \$513,010.39** and include capital gains, various deposits, dividends, interest, long-term gains, and Social Security income.

**Disbursements total \$861,542.07 and are categorized by Petitioners as:**

- Accountant Fees (Total \$2,655.00)
- Advance – Phil & Debra (Total \$372,308.11)
- Attorney Fees (Total \$95.99)
- Bank Service Charges (Total \$14,034.83, less refund of \$683.65)
- Cable/Internet (Total \$4,322.31)
- Care Home (Total \$159,663.22)
- Caregiver Expense (Total \$88,400.02)
- Clothing (Total \$15,181.53)
- Doctors (Total \$7,585.00)
- Donations (Total \$40.00)
- Fuel (Total \$1,115.07)
- Furniture and Appliances (Total \$7,249.39)
- Groceries (Total \$10,822.11)
- Health Insurance Supplement (Total \$10,091.65)
- House Remodel/Repairs (Total \$69,391.65)
- Household Supplies (Total \$3,056.75)
- Insurance Expense (Total \$7,001.57)
- Misc Expenses (Total \$4,687.56)
- Opening Balance Equity Total (\$56.33)
- Payroll Tax Expense (Total \$20,230.26)
- Prescriptions (Total 8,686.69)
- Restaurant (Total \$210.11)
- Safe Deposit Box (Total \$90.00)
- Subscriptions (Total \$118.40)
- Taxes (Total \$32,187.51)
- Utilities (Total \$21,282.16)
- Yard Care (Total \$1,662.50)
- **Total: \$861,542.07**

**Petitioners allege and believe that just and reasonable compensation for their services would be 1% of the total assets for each year they served as Co-Trustees, and request compensation of \$18,572.95. Petitioners request that advances be offset against compensation.**

**Update: Declarations filed 3-20-13 by Debra Hudson and Philip Hudson waive compensation.**

**Petitioners pray that:**

1. Notice of hearing of this account has been given as required by law;
2. The Court make an order approving, allowing and settling this Amended Final Account;
3. ~~Petitioners be given an offset against any advances they are adjudged to have received in the amount of \$18,572.95, which is the amount of compensation they would receive as the acting Successor Co-Trustees for the time period of the account;~~
4. That any distribution Mr. Hudson is entitled to as a beneficiary be credited as an advance for any funds Petitioners are adjudged to have used for their personal expenses for the time period of the account; and
5. Such other further relief be granted as the Court considers proper.

**(1) First and Final Account and Report of Executor and (2) Petition for Its Settlement, (3) Allowance of Compensation for Ordinary and Extraordinary Services, and (4) Final Distribution**

<b>DOD: 05/26/11</b>	<b>DONALD TOPPIN</b> , Executor, is Petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>The costs reimbursement requests includes charges for copies, postage and fuel/mileage. Pursuant to Local Rule 7.17B, these expenses are considered by the court to be part of the cost of doing business and are not reimbursable costs.</li> <li>Need Order. <b>Note:</b> Pursuant to Local Rule 7.6.1 A - All orders or decrees in probate matters must be complete in themselves. Orders shall set forth all matters ruled on by the court, the relief granted, and the names of persons, descriptions of property and/or amounts of money affected with the same particularity required of judgments in general civil matters. <u>Monetary distributions must be stated in dollars, and not as a percentage of the estate.</u></li> </ol>
	Account period: <b>05/26/11 – 01/31/13</b>	
	Accounting - <b>\$347,068.45</b>	
	Beginning POH - <b>\$342,433.90</b>	
	Ending POH - <b>\$200,303.16</b> (\$197,803.16 is cash)	
<b>Cont. from</b>	Executor - <b>waives</b>	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Attorney - <b>\$8,121.46</b> (less than statutory)	
<input checked="" type="checkbox"/> <b>Verified</b>	Costs - <b>\$213.57</b> (for copying charges, postage, and fuel charges)	
<input checked="" type="checkbox"/> <b>Inventory</b>	<b>Distribution, pursuant to decedent's will, is to:</b>	
<input checked="" type="checkbox"/> <b>PTC</b>	Donald Paul Toppin - 100% of residue of the estate	
<input checked="" type="checkbox"/> <b>Not.Cred.</b>	Sayoko Nakayama - 100% interest in various jewelry items*	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b> w/		
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b> 09/26/11		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input checked="" type="checkbox"/> <b>9202</b>	*Petitioner states that Sayoko Nakayama's whereabouts are unknown, no response has been received from correspondence sent to her last known address in Japan. Petitioner proposes to purchase the various jewelry items for the appraised value of \$2,500.00 and deposit the funds with the Fresno County Treasurer. If Sayoko Nakayama does not claim the \$2,500.00 within 5 years, Ms. Nakayama will be considered to have predeceased the decedent and the \$2,500.00 would then be distributed to Petitioner.	
<input type="checkbox"/> <b>Order</b> x		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input checked="" type="checkbox"/> <b>FTB Notice</b>		

<b>Reviewed by:</b> JF
<b>Reviewed on:</b> 03/22/13
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 7 - Toppin</b>



**Petition for Order Appointing Trustee and Approving Trustee and Approving Trustee's Proposed Action**

<b>DOD: 05/25/11</b>	<b>RONALD SILVA</b> , successor trustee, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from</b>		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>		
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	w/	
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
	<p><b>Petitioner states:</b></p> <ol style="list-style-type: none"> <li>1. He is the duly appointed and acting successor trustee of THE DONNA I. SILVA REVOCABLE FAMILY TRUST, dated 07/30/92, as amended (the "Trust") and is also a beneficiary of the Trust.</li> <li>2. Petitioner seeks the appointment of a trustee for the sub-trust established under the Trust for the benefit of Donna Bunce ("Donna"). The Trust calls for distributions to Petitioner and his brother, Craig Silva, outright and Donna's share is be held in trust until she reaches age 70 with 1/3 of the principal and accumulated income being distributed to her at age 60; 1/3 at age 65 and the remaining 1/3 at age 70. Donna is currently 57 years old.</li> <li>3. The Trust nominates Craig Silva to act as trustee of Donna's sub-trust and nominates the Petitioner if Craig Silva is unable or unwilling to serve as trustee.</li> <li>4. Neither Craig or Petitioner are willing to serve as trustee of Donna's sub-trust and have signed declinations.</li> <li>5. Albert Sheakalee, a long-time family friend, has agreed to serve as trustee of the Donna Silva Bunce Trust and has signed an acceptance of nomination to serve as trustee. Petitioner requests that Albert Sheakalee be appointed trustee of the Donna Silva Bunce Trust.</li> <li>6. On or about 07/20/12, Petitioner served a Notice of Proposed Action to the beneficiaries of the Trust that he intended to enter into a listing agreement for the sale of the Trust's residential real property. Donna currently resides in the residence and has done so during the administration of the Trust.</li> </ol> <p style="text-align: center;">Continued on Page 2</p>	<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 03/22/13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 9 – Silva</b></p>

7. On 08/31/12, Petitioner's counsel received a written, non-specific objection from Donna to the proposed sale. Since then, no action has been taken by Petitioner in regards to selling the property. Petitioner states that none of the beneficiaries have an interest in co-owning the property and Donna has not advised whether or when she will vacate the property or whether she would like to take the residence as part of a non-prorata distribution of assets to the beneficiaries. Donna is not currently represented by counsel.
8. The residence was appraised by Steven Diebert at \$115,000.00 at date of death.
9. Petitioner now seeks to take action as proposed in his notice of 07/20/12, pursuant to Probate Code § 16503(c). The proposed sale of the residence and distribution of proceeds represents one of the last matters to be handled in this administration. Unfortunately, Donna will not make a decision other than to object to the proposed listing agreement without offering an alternative plan of action or reasonable justification for her objection.
10. Petitioner believes that now is the time to market and sell the residence with springtime approaching. Additionally, the residence presents a potential liability to the Trust, not to mention maintenance and upkeep costs. There is no reason why the residence should not be exposed to the housing market for purposes of a potential sale.

**Petitioner prays for an Order:**

1. Appointing Albert Sheakalee as trustee of the Donna Silva Bunce Trust; and
2. Approving Petitioner's proposed action of listing the Trust's residence for sale.

Petition for Approval and Confirmation of Sale and Instructions (Prob. C. 16503(c) and 17200)

Age:		NEEDS/PROBLEMS/COMMENTS:  <b><u>CONTINUED TO 4-10-13</u></b> Per Attorney Request
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: skc
		Reviewed on: 3-21-13
		Updates:
		Recommendation:
		File 10 - Rendion

**Petition for Appointment of Guardianship of the Person**

<b>Nathan age: 6</b>	<b>ROMONA TREJO</b> , non-relative/former foster parent of mother, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Daniel age: 5</b>		
<b>Cont. from</b>	<b>KIMBERLY VIDAURRI</b> and <b>RONNIE VIDAURRI</b> , paternal aunt and uncle, were appointed temporary guardians on 1/31/13. Temporary Letters expire on 4/3/13.	<b><u>This matter will be heard at 1:30 p.m.</u></b>
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>	Father: <b>DANIEL BOONE</b> – court dispensed notice per minute order dated 1/3/13, unless father’s whereabouts become known.	1. Child Information attachment to the Petition does not include the names and address of the paternal and maternal grandparents.
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>	Mother: <b>JENNIE MENDEZ</b> – nominates, consents, and waives notice.	2. Need Notice of Hearing
<input type="checkbox"/> <b>Not.Cred.</b>		
<input type="checkbox"/> <b>Notice of Hrg</b>	Paternal grandfather: Not listed Paternal grandmother: Not listed Maternal grandfather: Not listed Maternal grandmother: Not listed	3. 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 for: a. Daniel Boone – if his whereabouts have become known.
<input type="checkbox"/> <b>Aff.Mail</b>		
<input type="checkbox"/> <b>Aff.Pub.</b>	Petitioner states the children lived with her prior to going to live with their father. She was the foster mother to the children’s mother and Petitioner states the mother has remained, in every sense of the word, her “daughter.” The children have been raised as her grandchildren and she is gravely concerned for their well-being as their father has admitted he is not taking his medications for his mental health disorder and appears to be using drugs again.	4. Need proof of service of the Notice of Hearing along with a copy of the Petition or consent and waiver of Notice or Declaration of Due Diligence for: a. Paternal grandparents b. Maternal grandparents
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>	<b>Please see additional page</b>	5. Need Orders
<input checked="" type="checkbox"/> <b>Conf. Screen</b>		
<input checked="" type="checkbox"/> <b>Letters</b>	<b>Reviewed by: KT</b>	
<input checked="" type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>	<b>Reviewed on: 3/27/13</b>	
<input type="checkbox"/> <b>Video Receipt</b>		
<input checked="" type="checkbox"/> <b>CI Report</b>	<b>Updates:</b>	
<input type="checkbox"/> <b>9202</b>		
<input type="checkbox"/> <b>Order</b>	<b>Recommendation:</b>	
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>	<b>File 1A – Boone-Mendez</b>	
<input checked="" type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		

**Objections to Petition for Appointment of Guardian filed by Kimberly Vidaurri and Ronnie Vidaurri, paternal aunt and uncle, on 1/22/13. Objectors state** the appointment of Ramona Trejo is not in the children's best interest because she is not related to the children, has had no contact with the children in several years and is a complete stranger to the children.

It is in the best interest of the children that Kimberly Vidaurri and Ronnie Vidaurri be appointed as guardians because they have a close relationship with the children, the children have already been placed in their home, they are relatives, and intend to adopt the children.

**Court Investigator Julie Negrete's Report filed on 3/21/13**

<b>Nathan age: 6</b>		<p style="text-align: center;"><b>Temporary Expires 4/3/13</b></p> <p><b>KIMBERLY VIDAURRI and RONNIE VIDAURRI</b>, paternal aunt and uncle, are petitioners.</p> <p>Father: <b>DANIEL BOONE</b> – nominates, consents and waives notice.</p> <p>Mother: <b>JENNIE MENDEZ</b></p> <p>Paternal grandfather: Richard Boone          Paternal grandmother: Brenda Boone          Maternal grandfather: unknown          Maternal grandmother: unknown</p> <p><b>Petitioners state</b> the children have previously been in foster care. The father was given custody and the mother was given supervised visits. Father has struggled with drug and alcohol problems all his life. On 12/21/12, Father contacted the petitioners and stated he was no longer able to take care of the children. The children have been in the custody of the petitioners since that time. A guardianship is needed to prevent further disruption in the children's lives.</p> <p><b>Objections to Appointment of Guardian filed by Ramona Trejo on 3/5/13</b> states she became Jennie's [the children's mother] foster mother in 2000. Since the children were born she has always been in their lives. The children have always viewed her as a grandmother. The children have a strong bond with her family. In fact, all of the children's family lives in Fresno. The Petitioners state that she has had no contact with the children in several years. The Petitioners are clearly demonstrating that they do not keep close contact with the children or the father. The children spent virtually all of the 2012 summer vacation living with Jennie and visiting with Objector.</p> <p style="text-align: center;"><b>Continued on additional page</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b><u>This matter will be heard at 1:30 p.m.</u></b></p> <ol style="list-style-type: none"> <li>1. Notice of Hearing filed on 3/7/13 indicates the time for the hearing is 9:00 a.m. however the time for the hearing is 1:30 p.m.</li> <li>2. Need proof of service of the Notice of Hearing or Consent and Waiver of Notice or Declaration of Due Diligence on:             <ol style="list-style-type: none"> <li>a. Richard Boone (paternal grandfather)</li> <li>b. Maternal grandparents</li> </ol> </li> </ol>
<b>Daniel age: 5</b>			
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> W/		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input checked="" type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input checked="" type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input checked="" type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
		<p><b>Reviewed by:</b> KT</p> <p><b>Reviewed on:</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 1B – Boone-Mendez</b></p>	

**Objections to Appointment of Guardian filed by Ramona Trejo (cont.):** Objector states the children have spent virtually all of their lives around her family. The children's roots are firmly placed in Fresno County. They were attending school here before their father whisked them away to Riverside County. It is clear that the proposed guardians are disregarding the children's stability and wish to keep the children away from their family.

**Objections to the Appointment of Guardian filed by mother, Jennie Mendez, on 3/5/13.** Objector states she was never married to the children's father. She and the father did live together with their children. During the time the children were with her and their father she had never heard of or met Petitioners Kimberly Vidauri or Ronnie Vidauri. In 2007 a dependency action was commenced due to the fact that Mom and Dad were involved in a tumultuous relationship that involved drug use and domestic violence. At the time the dependency action was commenced Ramona Trejo was asked to take the children into her custody. At that time she was physically unable to properly care for the children as she was scheduled for surgery. Ramona Trejo is mom's godmother and her foster parent. She has acted as her mother for the majority of mom's life. The children were placed into foster care for a short period of time. The father attended a rehabilitation program. In 2009, the children were placed in the custody of Ramona Trejo. Ramona was a mentor to the father and supervised the visitations between the father and the children. On June 10, 2010, the dependency court granted the father sole legal and sole physical custody of the children. Mom admits she was not involved in any of the above proceedings. Mom feels it is important to note that the Petitioners were still strangers to the children at this time. Approximately December 2010, the father moved the children with him to Riverside. Mom states she did not have contact with the children during the time they were in Riverside. Mom states she was told by the father that her parental rights had been terminated. Father left Riverside with the children some time in December 2011. In June 2012 Mom states she and the father began to speak by telephone. The father also allowed her to speak to the children by telephone. Shortly thereafter she began to visit with the children. Gradually, the father allowed her to take the children for overnight visits. During the Summer of 2012 the children stayed with her for a total of 5 weeks. During the 2012 school year Mom states she began receiving phone calls from the school because the children were missing a lot of school. When she contacted the father regarding the absences, the father stated he was having trouble functioning because he stopped taking his medications. It was then Mom realized the father was once again abusing drugs. In approximately November 2012, Mom states she asked Ramona Trejo to petition for guardianship of the children. At the time she believed that was her only avenue because she still believed her parental rights had been terminated.

Mom states the Petitioners are alleging she has had no contact with the children since 2010. The Petitioners are clearly demonstrating that they have not kept in close contact with the children since they spent virtually the entire 2012 summer vacation living with her. Mom states Petitioners are also alleging that she is homeless. Mom states she is not homeless. She is currently married with a child from the marriage. Mom states she lives in a stable home with her husband and child. She is drug free and would voluntarily submit to any type of drug test.

Mom states the guardianship is unnecessary as she is fit to care for her own children.

**Court Investigator Julie Negrete's Report filed on 3/21/13**

Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

<b>DOD: 01/20/2013</b>	<b>CHEN LIANG</b> , petitioner requests appointment as Administrator without bond.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Petitioner, Chen Liang, does not provide her relationship to the decedent.  2. Petitioner, Chen Liang, is not listed on #8 of the petition.  3. #8 of the petition does not state the relationship between the decedent and Wang Shu Zhen.  4. Need name and date of death of other parent pursuant to Local Rule 7.1.1D (assuming Wang Shu Zhen is one of the parents of the decedent).  <b>Note: If the petition is granted status hearings will be set as follows:</b>  <ul style="list-style-type: none"> <li>• <b>Friday, 09/06/2013 at 9:00a.m. in Dept. 303</b> for the filing of the inventory and appraisal <b>and</b></li> <li>• <b>Friday, 06/06/2014 at 9:00a.m. in Dept. 303</b> for the filing of the first account and final distribution.</li> </ul> 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.
	Sole heir waives bond and nominates the petitioner to administer the estate.	
<b>Cont. from</b>	Full IAEA – o.k.	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Decedent died intestate	
<input checked="" type="checkbox"/> <b>Verified</b>	Residence: Fresno	
<input type="checkbox"/> <b>Inventory</b>	Publication: The Business Journal	
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	w/	
<input checked="" type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>	<b>Estimated value of the Estate:</b>	
<input type="checkbox"/> <b>Pers.Serv.</b>	Personal property - \$15,000.00	
<input type="checkbox"/> <b>Conf. Screen</b>	Real property - \$100,000.00	
<input checked="" type="checkbox"/> <b>Letters</b>	<b>Total: - \$115,000.00</b>	
<input checked="" type="checkbox"/> <b>Duties/Supp</b>	Probate Referee: Rick Smith	
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
	<b>Reviewed by:</b> LV	
	<b>Reviewed on:</b> 03/21/2013	
	<b>Updates:</b>	
	<b>Recommendation:</b>	
	<b>File 11 - Liang</b>	

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

<b>DOD: 6-10-08</b>		<p><b>CRIS PILEGARD</b>, Son and named sole remaining named co-executor without bond, is Petitioner.</p> <p>Petitioner states Judgment of Final Distribution was entered 12-15-09; however, Executor Donald Pilegard died unexpectedly prior to completing distribution.</p> <p>Petitioner states he believes that all property has been distributed except for cash in bank and brokerage accounts totaling approximately \$8,000.00, which was being retained in order to pay any additional expenses.</p> <p>The appointment of a successor Executor is necessary to pay the expenses, distribute the remaining property, and complete closing of the estate.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Note:</u> Decedent's Will dated 3-22-07 was admitted to probate on 7-14-09.</p>
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> w/o		
<input type="checkbox"/>	<b>Aff.Pub.</b> n/a		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
		<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 3-22-13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b> SUBMITTED</p> <p><b>File 12 – Pilegard</b></p>	

**Petition for Termination of Guardianship**

<b>Age:</b> 8	CORINA DIAZ, mother, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need <i>Notice of Hearing</i> . 2. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Termination of Guardianship or Consent &amp; Waiver of Notice or Declaration of Due Diligence</i> for: - Jesus Diaz (father) - Rosemary Casarez (paternal grandmother/Guardian) - Guillermo Diaz (paternal grandfather) - Abel Salinas (maternal grandfather) - Rita Salinas (maternal grandmother)
	ROSEMARY CASAREZ, paternal grandmother, was appointed guardian on 02/08/12.	
<b>Cont. from</b>	Father: JESUS DIAZ	
<input type="checkbox"/> Aff.Sub.Wit.	Paternal grandfather: GUILLERMO DIAZ	
<input checked="" type="checkbox"/> Verified	Maternal grandfather: ABEL SALINAS	
<input type="checkbox"/> Inventory	Maternal grandmother: RITA SALINAS	
<input type="checkbox"/> PTC	<b>Petitioner states</b> that guardianship should be terminated because she is the minor's mother and he wants to live with her.	
<input type="checkbox"/> Not.Cred.	<b>Court Investigator Jo Ann Morris filed a report on 03/22/13.</b>	
<input type="checkbox"/> Notice of Hrg		
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 03/22/13
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 13 - Diaz</b>

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

<b>DOD: 12/30/2011</b>	<b>JESSE R. TUBBS and ABRAHAM ISAAC TUBBS,</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Petition was filed using a fee waiver. A filing fee of \$395 must be paid to the Court prior to the signing an order to pass the property.  2. Need Inventory and Appraisal completed by the Probate Referee.  3. Need Notice of Hearing.  4. Need proof of service on Petition to Determine Succession to Real Property.  5. Need notice to the Director of California Victim Compensation and Government Claims Board pursuant to Probate Code §216.  6. Need attachment 14 to the petition listing all heirs who will take under intestacy.  7. Attachment 11 does not provide the decedent's interest in the real property or the APN #.  8. Need date of death of deceased spouse per Local Rule 7.7.1.D  <b>Reviewed by:</b> LV <b>Reviewed on:</b> 03/21/2013 <b>Updates:</b> <b>Recommendation:</b> <b>File 14 - Tubbs</b>
	Sons, are Petitioners.	
	40 days since DOD	
<b>Cont. from</b>	No other proceedings	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	I&A: ?	
<input checked="" type="checkbox"/> <b>Verified</b>	Decedent died intestate	
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>	Petitioners request Court determination that Decedent's real property pass to them in equal shares pursuant to intestate succession.	
<input type="checkbox"/> <b>Notice of Hrg</b>		
<input type="checkbox"/> <b>Aff.Mail</b>		
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		

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

Age: 12	<p align="center"><b><u>NO TEMPORARY REQUESTED</u></b></p> <p><b>MORRIS L. REID</b> and <b>CAROLE DIANE REID</b>, maternal grandparents, are Petitioners.</p> <p>Father: <b>RENE GAONA, JR.</b> – <i>Declaration of Due Diligence filed 01/30/13</i></p> <p>Mother: <b>CHERYL REID</b> – <i>deceased</i></p> <p>Paternal grandfather: RENE GAONA – <i>deceased</i></p> <p>Paternal grandmother: UNKNOWN – <i>Declaration of Due Diligence filed 01/30/13</i></p> <p>Sibling: JONATHAN REID – <i>Consent &amp; Waiver of Notice filed 01/30/13</i></p> <p><b>Petitioners allege</b> that Morgan has always lived with them with her mother's consent. Morgan's mother has passed away. Prior to her passing, she stated that she wanted Morgan to continue to live with them. Morgan's father is a convicted child molester and his current whereabouts are unknown. According to his parole officer, he has absconded and there is currently a warrant out for his arrest. He has not been a part of Morgan's life because her mother, never allowed him to have contact with her when she found out about his criminal history. Petitioners state that they will continue to protect Morgan.</p> <p><b>Court Investigator Jennifer Daniel filed a report on 03/27/13.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Need <i>Notice of Hearing</i>.</li> <li>2. Declaration of Due Diligence filed 01/30/13 states that the father, Rene Gaona, Jr.'s whereabouts are unknown. If diligence is not found, need proof of personal service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition or Consent &amp; Waiver of Notice</i> for:           <ul style="list-style-type: none"> <li>- Rene Gaona, Jr. (father)</li> </ul> </li> <li>3. Declaration of Due Diligence filed 01/30/13 states that the paternal grandmother is unknown and her whereabouts are unknown. If diligence is not found, need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition or Consent &amp; Waiver of Notice</i> for:           <ul style="list-style-type: none"> <li>- Paternal grandmother</li> </ul> </li> </ol>	
Cont. from			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			x
Aff.Mail			x
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			
<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 03/22/13</p> <p><b>Updates:</b> 03/27/13</p> <p><b>Recommendation:</b></p> <p><b>File 15 - Gaona</b></p>			

Petition for Determination of Entitlement

<b>DOD: 6/27/12</b>		<p><b>PUBLIC ADMINISTRATOR</b>, Administrator, is Petitioner.</p> <p>On 8/15/2012 Petitioner was appointed Administrator. The Order appointing authorized Petitioner to distribute any assets in accordance with Decedent's Will dated 9/21/1990. The distribution was to be made to his son, John C. Broome II, aka Jack Jackson.</p> <p>On 10/30/2012 attorney David Knudson faxed to attorney Heather Kruthers a copy of an alleged 2005 holographic Will. It is unknown where the original is. This Will made distributions of \$1 to each of his three children (John, Derek, and Stephanie), and the remainder of his estate to his wife (now ex-wife). The decedent and his wife divorced <i>after</i> the Will was executed. Pursuant to Probate Code §6122, a "dissolution ... revokes all of the following: (1) Any disposition or appointment of property made by the will to the former spouse." If the 2005 Will is found by the Court to be valid, the decedent's three children, by intestate succession, would receive his full estate.</p> <p>Administration of the estate will close soon. Therefore, Petitioner seeks instructions as to whom distribution of the estate should be made. Following the 1990 Will would result in John C. Broome, II, aka Jack Jackson to receive the entire estate. Following the 2005 Will would result in the three children, John, Derek and Stephanie to share the entire estate. Petitioner asserts that due to the decedent's dissolution, his ex-wife, Fanny Broome, is not entitled to nay share of his estate, regardless of which will his upheld.</p> <p><b>Petitioner prays for an order directing distribution of the decedent's estate.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> Petition states an order will be submitted once a ruling is issued.</p>	
<b>Cont. from 032013</b>				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			W/
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input type="checkbox"/>	Order			X
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 3/26/13</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 16 - Broome</b></p>		