1 Allen Joseph Volpa and Ethel Volpa (Trust) Case No. 10CEPR00019

Atty Marshall, Jared C. (for Victor Thomas Volpa – Trustee/ Respondent and Movant herein)

Atty Felger, Warren P. (for Peggy Ann Smith – Petitioner)

Respondent's Notice of Motion and Motion for Dismissal

	Aff.Sub.Wit.	
✔	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✔	Notice of Hrg	
✔	Aff.Mail	w
	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	

VICTOR THOMAS ("TOM") VOLPA, Respondent and Trustee of the ALLEN JOSEPH VOLPA and ETHEL VOLPA FAMILY TRUST dated APRIL 19, 1990, moves the Court for an order dismissing this action and for a judgment of dismissal pursuant to Cal. Rule of Court 3.1342(e) on the grounds that **Petitioner PEGGY ANN SMITH** has failed to bring the action to trial within three years of commencing the action and has failed to bring the action to trial within five years of filing.

Declaration of Jared C. Marshall in Support of Motion states: Petitioner Peggy Ann Smith (now Talbot) was deposed on 12-1-11, transcript at Exhibit 1. Petitioner admits that shortly before Allen Joseph Volpa's death, he told her that Tom and Tom's half-brother, Allen, would receive the business and that she would receive approximately one third of his remaining assets. Subsequently, she confirms that she understood his comments to mean that Allen and Tom would own the business after his death.

At Page 66 of the transcript, Petitioner makes reference to conversations that she had with Respondent about the trust, and admits that she discussed trust assets with Tom when he was going to be sending some money or if she needed money.

Petitioner admitted that at some point, she understood that she had received everything that she was going to get under the trust, and admits that she never called Tom to ask about shares of Rice Road, and admits that she never asked for an inventory of trust assets and never asked to see copies of appraisals.

Taken together, these admissions present a strong case against Petitioner's claims that she is entitled to shares of Rice Road and that Respondent did not keep her informed of the Trust administration. Furthermore, these admissions establish that Petitioner was informed of the administration of the trust, knew that she was not going to be receiving shares of Rice Road, and that she did nothing to pursue her claims until seven years later.

See **Memorandum of Points and Authorities** and **Request for Judicial Notice** of: 1) Petition filed 1-6-10, 2) Objection filed 5-25-10, and 3) Declaration filed 12-27-11.

NEEDS/PROBLEMS/ COMMENTS:

<u>Note</u>: Minute Order 2-21-12 states: "Parties convene in chambers off the record for further discussion." The file does not reflect any further hearings or filings after that date.

Reviewed by: skc

Reviewed on: 4-2-15

Updates:

Recommendation:

File 1 – Volpa

Dept. 303, 9:00 a.m. Tuesday, April 7, 2015

2 Jamie E. McGlashan (CONS/PE) Case No. 10CEPR00285

Atty Howk, Robert L (for Petitioner/Conservator Craig MacGlashan)

Amended Petition for Approval of Second and Final Account and Report of Conservator of the Person and Estate; Request for Payment of Conservator's Attorney; Request of Authorization to Distribute Assets to Administrator of the Estate and Named Beneficiaries; and Discharge Conservator of the Estate. Probate Code 2620

DOD: 1/1/14		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	N/A
	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	

CRAIG MACGLASHAN, Conservator, is petitioner.

Account period: 6/1/11 – 1/1/14

Accounting	-	**$2,037,282.39**
Beginning POH	-	**$1,661,989.40**
Ending POH	-	**$1,589,045.76**
Conservator	-	**waives**
Attorney	-	**$13,352.00**

(65.30 hours of paralegal and attorney time at $100 - $280 per hour.)

Costs - **$435.00** (filing fee)

Petitioner states the conservatee died on 1/1/14. Petitioner has been appointed as executor of the estate of Jamie McGlashan.

Petitioner prays for an Order:

1. Approving, allowing and settling the second and final account and report of conservator;
2. All acts and transactions of Conservator as set forth in the accounting are ratified, confirmed and approved;
3. Authorizing the payment of attorney fees and costs;
4. Transfer of the remaining property on hand to Craig MacGlashan as executor of the estate of Jamin McGlashan and to Craig MacGlashan as joint owner of the Farmers Insurance Group Federal Credit Union Account.

NEEDS/PROBLEMS/COMMENTS:

1. Summary of Account is not on the mandatory Judicial Council form. Probate Code 2620(a)
2. Billing statement for the First and Final Account listed the paralegal rate at $60.00 per hour. This amended petition lists the paralegal rate at $100.00 for the same billing period. This amounts to a difference of $1,052.00 in fees. Need clarification.
3. Prior billing statement did not include a charge for the attorney in the amount of $84.00 on 9/17/12 however it is listed in the billing statement attached to the amended account. Need clarification.
4. Prior billing statement had the paralegal preparing the order ($24.00 charged) on 12/31/14. The billing statement attached to the amended account shows the attorney preparing the order ($112.00 charged). Need clarification.

Reviewed by: KT

Reviewed on: 4/3/15

Updates:

Recommendation:

File 2 - McGlashan

Dept. 303, 9:00 a.m. Tuesday, April 7, 2015

3A **Randy A. Jean (Estate)** **Case No. 13CEPR00774**

Atty **Roberts, Gregory J. (for Terri Jean – Administrator – Petitioner)**

1) First Account of Administrator, and 2) Petition for Its Settlement

DOD: 5-22-13		
	Aff.Sub.Wit.	
✓	Verified	
✓	Inventory	
✓	PTC	
✓	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	w
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✓	Letters	11-20-13
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	FTB Notice	

TERRI JEAN, Surviving Spouse and Administrator with Limited IAEA with bond of $64,400, is Petitioner.

Account period: 5-22-13 through 12-31-14
Accounting: $195,517.83
Beginning POH: $195,517.83
Ending POH: $195,517.83
(Cash of $1,277.83 plus personal business property valued at $185,740.00 and personal misc. musical instruments/gear valued at $8,500.00)

Petitioner states the real property originally inventoried was found to have been owned in joint tenancy with Petitioner and thus was removed from Probate administration. See Quit Claim Deed attached to Corrected Inventory and Appraisal Partial No. 1 filed 2-18-15.

Petitioner states the decedent executed the Quit Claim Deed on 10-6-08 transferring title to the real property located at 9077 E. Mountain View Ave., in Selma to: Randy A. Jean, an unmarried man, and Terri Lynn Wekseth, an unmarried woman, as joint tenants with rights of survivorship. Subsequent to execution, the decedent and Petitioner were married. The deed was recorded on 8-23-13. Prior to filing her petition for probate, Petitioner notified her attorney, Joanne Sanoian, about the quitclaim deed and was informed that because it was recorded after the decedent's death, the property had to be part of the estate. In January 2015, Petitioner contacted a realtor to list the property as ordered by the Court. The realtor informed current counsel Gregory J. Roberts of the Quit Claim Deed, which resulted in the corrected Inventory and Appraisal removing the real property from the estate.

Petitioner states two creditor's claims have been filed, but remain unpaid.

Petitioner prays for an order that:

1) **The first account of Petitioner as Administrator be settled, allowed and approved as filed;**

2) **All acts and proceedings of Petitioner as Administrator relating to the matters set forth in the petition be confirmed and approved; and**

3) **Such further orders as the Court considers proper.**

NEEDS/PROBLEMS/ COMMENTS:

<u>Note</u>: On 3-2-15, Randi Poe, daughter, filed Objection to Inventory; Petition to Establish Estate's Ownership of Real Property, and for Order Directing its Transfer to Estate (Probate Code §850(a)(2); 856), which is Page B of this calendar. That petition includes specific objections to the Quit Claim Deed referenced herein.

<u>SEE ADDITIONAL PAGES</u>

Reviewed by: skc

Reviewed on: 4-1-15

Updates:

Recommendation:

File

Dept. 303, 9:00 a.m. Tuesday, April 7, 2015

NEEDS/PROBLEMS/COMMENTS:

1. **The Court may require authority for exclusion of the real property from the estate, given that the Quit Claim Deed was recorded after Decedent's death, and also given that the Court specifically made an order that the real property, which had previously been inventoried as an asset of the estate, is to be sold. (See Minute Order of 1-12-15.)**

2. **In her Objection to Appointment of Randi Jean as Special Administrator filed 9-17-13, Petitioner describes various actions that she took with regard to Decedent's assets, including collection of rents, payment of expenses, transfer of title of various assets, theft of an asset, etc. This First Account indicates no actions were taken at all since Decedent's death. The Court may require clarification.**

3. **Bond of $64,400.00 does not appear sufficient. The Court may require an increase to at least $195,517.83. See Cal. Rule of Court 7.204 (Duty to apply for order increasing bond).**

4. **Petitioner does not provide the reasons why the estate cannot be distributed and closed and an estimate of time needed to close administration pursuant to Probate Code §12200(a).**
   Note: The Court will set a status hearing for the filing of the Final account as appropriate.

3B Randy A. Jean (Estate) **Case No. 13CEPR00774**

Atty Winter, Gary L. (for Randi Poe – Daughter – Petitioner)

Objection to Inventory; Petition to Establish Estate's Ownership of Real Property, and for Order Directing its Transfer to Estate

DOD: 5-22-13		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	w
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	x
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

RANDI POE, Daughter and interested person within the meaning of Probate Code §850(a)(2), is Petitioner.

Petitioner states on 10-6-08, Decedent executed a document titled "In case of death his will to protect people he had to" and had the same acknowledged by Sarbjeet Kaur, a licensed notary public, commission #2097311 (the "Will"). A copy of entry number 8 in the journal of notorial acts of Sarbjeet Kaur dated 10-6-08 is attached to this petition as Exhibit A. See also Exhibit B, which is a certification of notary journal entry executed 2-23-15 by Sarbjeet Kaur.

On numerous occasions prior to his death, Decedent told Petitioner and her brother that "he would take care of them" if he died. In all conversations Petitioner had with Decedent from 2008 until he died, Decedent never once mentioned that his single most valuable asset, the real property located at 9077 E. Mountain View Ave., in Selma, had already been quitclaimed to himself and Terri Jean as joint tenants with rights of survivorship, and would therefore eventually be the sole property of Terri after his death.

Decedent died 5-22-13 in possession of and holding record title to the property.

On 8-23-13, a document purporting to be a Quit Claim Deed was recorded against the property in Official Records of Fresno County as Doc #2013-0121190 (Exhibit C). The Quit Claim Deed purports to be executed on 10-6-08, but was not recorded until 8-23-13, nearly five years later.

Page 4 of the Quit Claim Deed, the signature page of Decedent, is in a different font than pages 1-3, and includes entirely inappropriate text for a quitclaim deed as follows: "After my Will or (Estate Plan) this statement of my last wishes shall be voided."

Petitioner states the Quit Claim Deed is fraudulent because the signature page from the Quit Claim Deed is from the Will, acknowledged by notary Sarbjeet Kaur, and the notorial journal and certification of Sarbjeet Kaur provide evidence of this.

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/ COMMENTS:

SEE ADDITIONAL PAGES

Reviewed by: skc

Reviewed: 4-1-15

Updates:

Recommendation:

File

Petitioner states (Continued): The recording caption of the Quit Claim Deed provides that Decedent himself requested recording and that after recording it should be returned to the property. Terri Jean resides at the property.

Petitioner was unaware of the Quit Claim Deed and only became aware of it on 2-18-15 when served with a copy of Inventory and Appraisal No. 1 Corrected Final filed 2-9-15 by Terri Jean, which removes the property from the estate. Petitioner states Terri Jean filed her petition for Letters of Administration on 9-17-13 and indicated the property was part of the estate and that Decedent died intestate. Until 2-9-15, Terri Jean had not disclosed the existence or produced a copy of the Quit Claim Deed or the Will.

Petitioner states Terri Jean did not investigate the validity of the Quit Claim Deed or did not do so thoroughly enough to look up the notary Sarbjeet Kaur and obtain copies of the notorial journal. Terri Jean is the only person that would benefit if the Quit Claim Deed were valid because the property would pass directly to her and would not be divided equally between her and the decedent's two children.

Petitioner states jurisdiction under Probate Code §850(a)(2) to resolve disputed property claims for estate property is concurrent and not exclusive. Authority provided.

Petitioner requests that:

1. **Finding that all facts stated in the Petition are true and that all notices required by law have been duly given;**
2. **The Court find and direct Terri Lynn Wekseth (Jean) to transfer and quitclaim any and all interest in the property to the Administrator of the Estate of Randy A. Jean;**
3. **Such other and further orders be made as this Court may deem proper under the circumstances.**

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS:

1. **The Notary Journal Entry at Exhibit A does not indicate a document type. The certification of notary journal entry referenced as Exhibit B verifies that the attached photocopies of the journal entry are true and correct; however, her statement as to the document type: "The Document type… Randy A Jean- In Case of Death. (His will to protect people he need to)" does not appear to be a verified statement, and this information is not reflected in the journal entry. The Court may require a verified declaration from the notary as to the specific nature of the document type that was notarized, or further documentation.**

2. **Petitioner appears to allege that this document dated 10-6-08 was the decedent's will, as set forth in the notary's declaration referenced in #1 above. The Court may require clarification as to why this document was never requested to be admitted to probate as a will, either previously, or now, with reference to Probate Code §8504. (Note: Admission would require production and proving. The original document has never been deposited with the Court pursuant to Probate Code §8200.)**

3. **Petitioner was originally granted a fee waiver in connection with her petition for appointment as special administrator, ex parte request for order shortening time, and petition for probate, which filing fees would total $695.00. The filing fee for this petition ($435) was paid. Examiner notes that outstanding filing fees will be due upon any distribution to Petitioner. Alternatively, as it appears Petitioner's circumstances may have changed, or her attorney may now be advancing fees, the Court may require further application pursuant to Government Code 68636(a).**

4. **Need order.**

4 Donna Carter (Estate) **Case No. 14CEPR00642**

Atty Teixeira, J. Stanley (for LaDonna Balto – Administrator/Petitioner)

1) Petition for Final Distribution on Waiver of Accounting; and 2) for Allowance of Statutory Commissions

DOD: 04/07/15		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	w/o
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	09/02/14
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

LADONNA BALTO, Administrator, is Petitioner.

Accounting is waived.

I & A - **$140,000.00**
POH - **$86,021.48** (all cash)

Administrator - **waived**

Attorney - **$5,185.00** (statutory)

Costs - **$830.00** (filing fees, publication, certified copies)

Closing - **$500.00**

Distribution, pursuant to intestate succession, is to:

La Donna Balto - $39,753.24

James Bankston - $39,753.24

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: JF
Reviewed on: 04/01/15
Updates:
Recommendation: SUBMITTED
File

Dept. 303, 9:00 a.m. Tuesday, April 7, 2015

5 Rose Rodriguez (CONS/PE) **Case No. 14CEPR00994**

Atty Krbechek, Randolf (for Dennis Rodriguez)
Atty McFarland, Pamela J (for Petitioner Maxine Rodriguez)
Atty Knudson, David N. (court appointed for Conservatee)

First Amended Petition for Appointment of Probate Conservator of the Person & Estate

Cont. from 021015, 021015, 031715			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
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	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		

TEMPORARY OF THE PERSON ONLY EXPIRES 4/7/15

MAXINE RODRIGUEZ, daughter, is petitioner and requests appointment as conservator of the person with medical consent powers.

Please see petition for details.

Court Investigator Report filed on 1/7/15.

NEEDS/PROBLEMS/COMMENTS:

Court Investigator advised rights on 12/18/14.

Voting rights affected need minute order.

1. Capacity Declaration filed on 3/24/15 is incomplete. It does not state the name of the proposed conservatee at #4.

Reviewed by: KT

Reviewed on: 4/2/15

Updates:

Recommendation:

File 5 - Rodriguez

Dept. 303, 9:00 a.m. Tuesday, April 7, 2015

6A **Bridget Elaine Ward-Bilyeu (GUARD/P)** **Case No. 15CEPR00119**

Atty **Fletcher, Matthew E. (for Heather Ward and Lori Ward – maternal grandmother and aunt/Petitioners)**

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

Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	w/
	Aff.Pub.	
	Sp.Ntc.	
✓	**Pers.Serv.**	w/
✓	**Conf. Screen**	
✓	**Letters**	
✓	**Duties/Supp**	
	Objections	
	Video Receipt	
✓	**CI Report**	
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
✓	**UCCJEA**	
	Citation	
	FTB Notice	

TEMPORARY EXPIRES 04/07/15

HEATHER WARD, maternal aunt, and **LORI WARD,** maternal grandmother, are Petitioners.

Father: **JEREMY BILYEU** – *Declaration re Efforts made to serve Jeremy Bilyeu filed 03/02/15*

Mother: **LAURA WARD** – *personally served on 02/13/15*

Paternal grandfather: GARY BILYEU – *Served by mail on 02/06/15*
Paternal grandmother: AYLA HODDER ANTHONY – *Served by mail on 02/06/15*

Maternal grandfather: LARRY WARD – *Served by mail on 02/06/15*

Petitioners state [see Petition]

Court Investigator Dina Calvillo filed a report on 03/27/15.

NEEDS/PROBLEMS/COMMENTS:

1. Declaration filed 03/02/15 states that efforts have been made to locate the father to serve him, but his whereabouts have not been located. If diligence is not found, need proof of personal service at least 15 days before the hearing of *Notice of Hearing* with a copy of the *Petition for Appointment of Guardian of the Person* or Consent & Waiver of Notice for Jeremy Bilyeu (father).

Reviewed by: JF
Reviewed on: 04/01/15
Updates:
Recommendation:
File

Dept. 303, 9:00 a.m. Tuesday, April 7, 2015

7 **Mercedes S. Arcia (Det Succ)** **Case No. 15CEPR00184**

Atty **Baldwin, Kenneth A (for Stephen E. Arcia, Erica M. Arcia & Jason D. Arcia – Petitioners)**

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

DOD: 04/04/2006			**STEPHEN E. ARCIA**, son, **ERICA M. ARCIA**, granddaughter, and **JASON D. ARCIA**, grandson, are petitioners. 40 days since DOD No other proceedings I&A - $67,500.00 Decedent died intestate Petitioners request Court determination that decedent's ½ interest in real property located at 816 Waterman Ave, Fresno, Ca. pass ½ to Stephen E. Arcia; ¼ to Erica M. Arcia; and ¼ to Jason D. Arcia.	**NEEDS/PROBLEMS/COMMENTS:** 1. #9a(2) of the petition indicates that the decedent's spouse is deceased. Pursuant to Local Rule 7.1D the name and date of death of the decedent's spouse is required. 2. #9a(7) of the petition indicates that there is a deceased child of the decedent. Pursuant to Local Rule 7.1D the name and date of death of the decedent's child is required. 3. Attorney did not sign the Inventory and Appraisal.
Cont. from			
	Aff.Sub.Wit.		
✓	**Verified**		
✓	**Inventory**		
	PTC		
	Not.Cred.		
✓	**Notice of Hrg**		
✓	**Aff.Mail**	w/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	**Order**		
	Aff. Posting		**Reviewed by:** LV
	Status Rpt		**Reviewed on:** 04/03/2015
	UCCJEA		**Updates:**
	Citation		**Recommendation:**
	FTB Notice		**File**

Dept. 303, 9:00 a.m. Tuesday, April 7, 2015

8 William A. Liddle (Estate) **Case No. 15CEPR00195**

Atty Kruthers, Heather H (for the Public Administrator – Petitioner)

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

DOD: 11/19/2014			**PUBLIC ADMINISTRATOR,** is petitioner and requests appointment as Administrator without bond. Full IAEA - ? Decedent died intestate Residence: Clovis Publication: Need **Estimated value of the Estate:** **Real property - $156,000.00** Probate Referee: Rick Smith	**NEEDS/PROBLEMS/COMMENTS:** 1. Need Affidavit of Publication **Note: If the petition is granted status hearings will be set as follows:** • **Tuesday, 08/11/2015 at 9:00a.m. in Dept. 303** for the filing of the inventory and appraisal **and** • **Tuesday, 06/14/2016 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				
	Aff.Sub.Wit.			
✓	**Verified**			
	Inventory			
	PTC			
	Not.Cred.			
✓	**Notice of Hrg**			
✓	**Aff.Mail**	w/		
	Aff.Pub.	x		
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✓	**Letters**			
	Duties/Supp	n/a		
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	**Order**			
	Aff. Posting			**Reviewed by:** LV
	Status Rpt			**Reviewed on:** 04/02/2015
	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File**

Dept. 303, 9:00 a.m. Tuesday, April 7, 2015

9 **Mildred Frances Hicks (Estate)** **Case No. 15CEPR00196**

Atty **Horton, Lisa (for David W. Hicks – Petitioner – Son)**

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

DOD: 09/22/2012			**DAVID W. HICKS,** son is petitioner and requests appointment as Administrator with bond set at $142,000.00. Full IAEA – o.k. Decedent died intestate Residence: Fresno Publication: The Business Journal **Estimated value of the Estate:** Personal property - $9,000.00 Real property - $120,000.00 **Total - $129,000.00** Probate Referee: Steven Diebert
Cont. from			
	Aff.Sub.Wit.		
✓	**Verified**		
	Inventory		
	PTC		
	Not.Cred.		
✓	**Notice of Hrg**		
✓	**Aff.Mail**	w/	
✓	**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		

NEEDS/PROBLEMS/COMMENTS:

Note: If the petition is granted status hearings will be set as follows:

- **Tuesday, 08/11/2015 at 9:00a.m. in Dept. 303** for the filing of the inventory and appraisal **and**
- **Tuesday, 06/14/2016 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.

Reviewed by: LV

Reviewed on: 04/02/2015

Updates:

Recommendation: Submitted

File

Dept. 303, 9:00 a.m. Tuesday, April 7, 2015

10 Mary Jane Chester (Estate) Case No. 15CEPR00198

Atty **Krause Cota, Stephanie J (for Peggy J. Wayte – Petitioner – Daughter)**

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

DOD: 10/21/2014	**PEGGY J. WAYTE,** daughter, is petitioner.	**NEEDS/PROBLEMS/COMMENTS:**
	Withdrawal of Peggy J. Wayte's Petition for Probate of Will and for Letters Testamentary filed 03/18/2015 states Attorney Stefanie J. Krause hereby withdraws the Petition filed by Peggy J. Wayte for Probate of Will and For Letters Testamentary. Peggy J. Wayte was admitted to Community Regional Medical Center ICU on 03/04/2015 as a result of an accident. Her date of discharge is unknown. An original letter from Community Regional Medical Center is attached. Based on information and belief, she is unable to continue with her petition.	**Note: Petition for Probate of Lost Will and for Letters of Administration with Will Annexed was filed 03/19/2015 by Daughter, Cathryn J. Cummings. Hearing is set for 04/30/2015.** **Examiner did not complete a review of the petition due to the Withdrawal filed 03/18/2015.** 1. Need Request for Dismissal on the Mandatory Judicial Council Form to dismiss the petition filed by Peggy J. Wayte.
		Reviewed by: LV
		Reviewed on: 04/02/2015
		Updates:
		Recommendation:
		File

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	

11 Joe Hernandez (Estate) **Case No. 05CEPR00293**

Atty Kruthers, Heather (for Public Administrator)

Atty Neilson, Bruce A. (for Erica Hernandez – Former Administrator)

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

DOD: 9-15-04		
Cont. from 021414, 053014, 072114, 092914, 102014, 012015		
	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	

ERICA HERNANDEZ, daughter, was appointed as Administrator with Full IAEA without bond and Letters issued on 5-20-05.

The original petition alleged personal property valued at $2,000.00 and real property valued at $270,000.00, encumbered for $45,000.00.

No Inventory and Appraisal was ever filed pursuant to Probate Code §8800.

No accounting or petition for final distribution was ever filed pursuant to Probate Code §12200.

The Court set this status hearing for failure to file Inventory and Appraisal and failure to file accounting or petition for final distribution. Both attorney and personal representative are ordered to appear.

Mr. Neilson has appeared at all status hearings, but has not filed any written status reports.

On the sixth (continued) status hearing, the Court removed Ms. Hernandez and appointed the Public Administrator.

NEEDS/PROBLEMS/COMMENTS:

OFF CALENDAR

First and Final Account of Public Administrator filed 4/2/15 is set for hearing on 5/13/15.

Minute Order 1-20-15: Mr. Neilson represents that he lost contact with his client 4-5yrs ago. Erica Hernandez is removed as Administrator forthwith and the Court appoints the Public Administrator. Mr. Neilson is to turn over any and all documents pertaining to the estate to the Public Administrator within one week.

1. **Need Inventory and Appraisal pursuant to Probate Code §8800 and accounting and petition for final distribution pursuant to Probate Code §12200, or verified written status report pursuant to local rules.**

   Note: Pursuant to Probate Code §§ 10952, 10953, 11050, the Court may compel an account by the former administrator or the attorney for an absconding former administrator.

Note: The decedent's intestate heirs are his three children: Erica Hernandez, Cristobal Hernandez, and Andrea Hernandez.

Reviewed by: skc
Reviewed on: 4-2-15
Updates: 4/3/15
Recommendation:
File 11 – Hernandez

12 Lycester Wills, Jr. (Estate) **Case No. 07CEPR00386**

Atty Neilson, Bruce A. (for former Administrators Lycester Wills III and Thelma French)

Atty Kruthers, Heather (for Successor Administrator, Public Administrator)

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

DOD: 5/30/07	**LYCESTER WILLS, III** and **THELMA FRENCH** were appointed Co-Administrators with full IAEA authority and without bond on 5/22/2007.	**NEEDS/PROBLEMS/COMMENTS:**
		OFF CALENDAR. **First and Final Account filed and set for hearing on 5/13/15.**
Cont. from 041814, 060614, 072114, 092914, 102014,012015	Letters issued 5/22/2007.	
	I & A was due 9/22/2007.	
Aff.Sub.Wit.	First account or petition for final distribution was due 5/22/2008.	
Verified		
Inventory	Notice of Status Hearing was mailed to attorney Bruce A. Neilson on 2/5/2014.	
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		**Reviewed by: KT**
Status Rpt		**Reviewed on: 4/3/15**
UCCJEA		**Updates:**
Citation		**Recommendation:**
FTB Notice		**File 12 – Wills**

13 Ida Sue Blankenship (Estate) Case No. 11CEPR00225

Atty **Franco, Paul C. (for Deborah Kamine – Executor)**

Status Hearing Re: Account/Report of Executor on Waiver of Account and Petition for Distribution

DOD: 01/17/11	**DEBORAH KAMINE**, daughter, was appointed Executor with full IAEA authority and without bond on 05/12/11. Letter Testamentary were issued on 05/12/11. Inventory & Appraisal, final, filed 10/11/13 - $198,712.13 **Minute Order** from status hearing on 10/25/13 set this matter for status regarding filing the Account/Report of Executor on Waiver of Account and Petition for Distribution. **Former Status Report (not verified) filed 10-27-14 by Attorney Franco states** at the last status hearing, the Court was informed that there was a delay in closing the estate due to an approximate seven-month wait time with the State of California Unclaimed Property Division for certain Merrill Lynch accounts that had been turned over to the state. At this time, the executor is still waiting on those funds. The Unclaimed Property Division is unable to provide an expected time other than what was previously reported. The estate is otherwise in a position to close and resolution has been reached with beneficiaries regarding assets and the large amount of reimbursement sought by the executor. The funds mentioned herein are needed for the resolution, though, which prevents a partial distribution. Petitioner would appreciate a further continuance of 60 days. **Examiner's Note: There is at least one Request for Special Notice filed in this matter. It does not appear that Notice of Hearing or copies of the various status reports have been served on interested parties. The Court may require service of this status report and notice of any future hearing**	**NEEDS/PROBLEMS/COMMENTS:** **Continued from 01/27/2015** 1. **Need First Account or 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.
		Reviewed by: LV
		Reviewed on: 04/02/2015
		Updates:
		Recommendation:
		File 13 – Blankenship

Cont. from 012414, 041814, 052314, 072214, 081914, 102814, 012715

	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	

Former Status Conference Statement filed 01/26/2015 states there still exists a delay in closing the estate due to a delay in receiving money from the State of California Unclaimed Property Division for certain Merrill Lynch accounts of the decedent that had been turned over to the State. At prior hearings on this matter, the Court was informed that the Unclaimed Property Division informed the Executor that there was an approximate 7 month waiting time form application for unclaimed property to receipt of funds. The claim was made in July of 2014, and was resubmitted in November due to certain errors in the original claim. As of the time of the filing of this status report, the Executor is still waiting for those funds from the State of California. The Executor received the notices attached as Exhibit A from the Unclaimed Property Division. That the State is baked up due to budget cuts and shortage of staff.

The estate is otherwise in a Petition to Close, however, the funds from the Unclaimed Property Division represent the only liquid cash assets of the estate. A resolution has been reached with beneficiaries regarding the Estate assets and the large amount of reimbursements sought by the Executor. The funds from the Unclaimed Property Divisions unfortunately are needed for the resolution, preventing a partial Petition for Final Distribution, Petitioner would appreciate a further continuance of 60-90 days.

14 Olivia M. Garcia (CONS/PE) Case No. 14CEPR00275

Atty **Brownson, Maria Begonia (pro per – Conservator of the Person)**
Atty **LeVan, Nancy J. (Court Appointed for Conservatee)**
Atty **Kruthers, Heather (for Public Guardian – Conservator of the Estate)**

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 12/19/14		
Cont. from 102814, 012715		
	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	

On 06/25/14, **MARIA BEGONIA BROWNSON,** daughter, was appointed as Conservator of the Person and **PUBLIC GUARDIAN,** was appointed as Conservator of the Person.

Letters were issued to Maria Begonia Brownson on 07/23/14 and to the Public Guardian on 07/25/14.

Minute Order from 06/25/14 set this matter for status regarding filing of the Inventory & Appraisal.

Inventory & Appraisal, partial no. 1 filed 11/13/14 - $421,000.00

Status Report Regarding Filing First & Final Account filed 04/02/15 states: The conservatee died on 12/19/14. The Public Administrator has filed a petition for probate for the conservatee's estate (15CEPR00251), which will be heard on 04/22/15. Once the petition is approved, the Public Guardian will be in a position to complete the schedules and other documents for the final account. To allow time for the estate hearing and for the preparation and filing of the final account, it is respectfully requested that this matter be set out another 90 days.

NEEDS/PROBLEMS/COMMENTS:

<u>CONTINUED FROM 01/27/15</u>
Minute Order from 01/27/15 states: Ms. Kruthers reports that the conservatee is now deceased; she requests 60 days.

As of 04/02/15, nothing further has been filed in this matter.

1. Need Final Inventory & Appraisal.

Reviewed by: JF
Reviewed on: 04/02/15
Updates:
Recommendation:
File 14 – Garcia

15 Oralia Serrato (Estate) Case No. 14CEPR00755

Atty **Criego, Franz (for Abigail Serrato – Executor)**

Probate Status Hearing RE: Filing of the Inventory and Appraisal

DOD: 6/15/14				
			ABIGAIL SERRATO, Daughter, was appointed Executor with Full IAEA without bond on 12/9/14. Letters issued 12/10/14. At the hearing on 12/9/14, the Court set this status hearing for the filing of the Inventory and Appraisal.	**NEEDS/PROBLEMS/COMMENTS:** 1. **Need Inventory and Appraisal pursuant to Probate Code §8800 or written status report pursuant to Local Rule 7.5.**
	Aff.Sub.Wit.			
	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✔	**Letters**	12/10/14		
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			
	Aff. Posting			**Reviewed by:** skc
	Status Rpt			**Reviewed on:** 4/2/15
	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 15 - Serrato**

Dept. 303, 9:00 a.m. Tuesday, April 7, 2015

16 John Anthony Marchese, Sr. (Estate) **Case No. 14CEPR00894**

Atty Silva, Bradley A. (for John Franklin Marchese – Executor)

Probate Status Hearing RE: Inventory and Appraisal

DOD: 01/09/14			**JOHN FRANKLIN MARCHESE,** son, was appointed Executor with full IAEA and without bond on 11/14/14. **Minute Order from 11/14/14** set this status hearing regarding filing of the Inventory & Appraisal.	**NEEDS/PROBLEMS/COMMENTS:** 1. Need Inventory & Appraisal.
Cont. from				
	Aff.Sub.Wit.			
	Verified			
	Inventory	x		
	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			**Reviewed by:** JF
	Status Rpt			**Reviewed on:** 04/02/15
	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 16 - Marchese**

17 Gordon W. Bergen (Estate) **Case No. 14CEPR00975**

Atty Poochigian, Mark S. (for Alesha J. Jensen – Administrator)

Probate Status Hearing RE: Filing of the Inventory and Appraisal

DOD: 06/18/14			**NEEDS/PROBLEMS/COMMENTS:**
		ALESHA J. JENSEN, daughter, was appointed Administrator with full IAEA and without bond on 12/09/14.	1. Need Inventory & Appraisal.
		Minute Order from 12/09/14 set this status hearing regarding filing of the Inventory & Appraisal.	
Cont. from			
	Aff.Sub.Wit.		
	Verified		
	Inventory	x	
	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		**Reviewed by:** JF
	Status Rpt		**Reviewed on:** 04/02/15
	UCCJEA		**Updates:**
	Citation		**Recommendation:**
	FTB Notice		**File 17 - Bergen**

Dept. 303, 9:00 a.m. Tuesday, April 7, 2015

18 Curtis J. Ruby (GUARD/P) **Case No. 13CEPR00601**

Atty Ryan, Anna L. (pro per – maternal grandmother/Petitioner)
Atty Ruby, Curtis (pro per – father/objector)

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

Cont. from 121614, 021415		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	w/o
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	n/a
✓	**Conf. Screen**	
✓	**Letters**	
✓	**Duties/Supp**	
✓	**Objections**	
	Video Receipt	
✓	**CI Report**	
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
✓	**UCCJEA**	
	Citation	
	FTB Notice	

NO TEMPORARY IN PLACE;
TEMPORARY DENIED ON 10/28/14

ANNA L. RYAN, maternal grandmother, is petitioner.

Father: **CURTIS W. RUBY** – *Notice waived in court on 12/16/14*

Mother: **CHRISTAL RUBY** – *Notice waived in court on 12/16/14*

Paternal grandfather: STEVEN RUBY – *served with Notice of Hearing only on 02/17/15*
Paternal grandmother: TAMMY EWALD – *served by mail on 11/23/14 and 02/17/15 with Notice of Hearing only*

Maternal grandfather: PATRICK RYAN – *served by mail on 11/23/14 and 02/17/15 with Notice of Hearing only*

Petitioner states [see Petition for details].

Objection to Guardianship filed 11/24/14 by Curtis Ruby (father) states: [See file for details]

Court Investigator Jennifer Daniel filed a report on 12/09/14.

Court Investigator Jennifer Daniel filed a report on 02/11/15.

DSS Social Worker Irma Ramirez filed a report on 02/11/15.

NEEDS/PROBLEMS/COMMENTS:

CONTINUED FROM 02/17/15
Minute Order from 02/17/15 states: Matter is continued for the service defects to be cured.

1. Need proof of service of *Notice of Hearing* **with a copy of the *Petition for Appointment of Guardian of the Person*** at least 15 days before the hearing or Declaration of Due Diligence or Consent & Waiver of Notice for:
   a. Steven Ruby (paternal grandfather) – service by mail sufficient
   b. Tammy Ewald (paternal grandmother) – service by mail sufficient
   c. Patrick Ryan (maternal grandmother) – service by mail sufficient

Note: Proof of service filed with Notice of Hearing on 02/27/15 does not state that a copy of the Petition was served along with the Notice of Hearing. A copy of the Petition is required to be served along with the Notice of Hearing pursuant to Probate Code § 1511(a).

Reviewed by: JF
Reviewed on: 04/02/15
Updates:
Recommendation:
File 18 - Ruby

19 Thomas Oliver Ellis (GUARD/PE) **Case No. 13CEPR00849**

Atty Getty-Hopkins, Karen (pro per Guardian/maternal grandmother)

Atty Hopkins, Edwin K. (pro per Guardian/maternal grandfather)

Status Hearing Re: Filing of the First Account

Cont. from 021715		
	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	

KAREN GETTY HOPKINS, maternal grandmother, and **EDWIN K. HOPKINS,** maternal grandfather, were appointed co-guardians of the person and estate on 12/3/13. All funds were ordered placed into a blocked account.

Letters issued on 12/4/13.

Receipt for Blocked Account filed on 2/5/14.

Inventory and appraisal filed on 3/27/14 showing an estate valued at $20,789.58.

Minute order dated 12/2/13 set this status hearing for the filing of the first account.

Declaration filed 3/13/15 includes bank statement showing a balance of $20,791.31 in a blocked account.

NEEDS/PROBLEMS/COMMENTS:

1. **Need first account.**

Reviewed by: KT

Reviewed on: 4/3/15

Updates:

Recommendation:

File 19 – Ellis

20 Josiah Gayten & Nevaeh Dominguez (GUARD/P) Case No. 14CEPR00508

Atty Alegria, Eddie (Pro Per – Petitioner – Cousin)
Atty Dominguez, Pablo III (Pro Per – Father of Nevaeh – Objector)

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

Cont. from 081414, 101414, 011315, 022415

	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	

TEMPORARY AS TO NAVAEH EXPIRES 04/07/2015

Please see petition for details

NEEDS/PROBLEMS/COMMENTS:

Petition is as to Nevaeh only.

Minute Order of 02/24/2015: Examiner notes handed in open court. The Court admonishes that this is the last continuance to cure the service defects.

Minute Order of 01/13/2015: continued to allow time for the defects to be cured.

Minute Order of 12/15/2014 (Judge Hamlin): Examiner notes are provided to the petitioner. The petitioner advises the Court that she no longer has Josiah. The petition as to Josiah is withdrawn. The temporary as to Neveah is extended to 01/13/2015.

The following issues remain:

1. Need Notice of Hearing
2. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:
   - Pablo Dominguez, III (Father of Nevaeh) – Unless the Court dispenses with notice

Note: Declaration of Due Diligence filed 12/11/2014 states she does not know him. The day he came to take the child he gave her his number but because she never got an answer she assumed it was the wrong number.

   - Chrissy Quair (Mother)-Unless the Court dispenses with notice.

Note: Declaration of Due Diligence is incomplete. It does not provide any information regarding petitioner's last contact nor the results of her search for the mother.

3. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:
   - **Paternal Grandfather of Nevaeh (Not Listed)**
   - **Maylou Dick (Paternal Grandmother)**
   - **Maternal Grandfather (Not Listed)**
   - **Maternal Grandmother (Not Listed)**

Reviewed by: LV

Reviewed on: 04/02/2015

Updates:

Recommendation:

File 20 – Gayten & Dominguez

21 Juanita Opal Guthrie (Det Succ) Case No. 14CEPR00576

Pro Per **Keithley, Patricia; Guthrie, Bill;; Guthrie, Randy, Earline Beem; Mobly, Linda; Branson, Debbie (Pro Per Petitioners)**

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

DOD: 5/9/2014			**PATRICIA KEITHLEY, BILL GUTHRIE, RANDY GUTHRIE, EARLENE BEEM, LINDA MOBLY, DEBBIE BRANSON**, children, and **RYAN KINCADE**, grandchild, are Petitioners.	**NEEDS/PROBLEMS/ COMMENTS:**
			40 days since DOD.	**<u>Continued from 2/3/2015</u>.** *Minute Order* states examiner notes handed in open Court; matter continued to allow the defects to be cured.
Cont. from 020315			No other proceedings.	
✓	**Proof Hol.**		I & A - **$101,310.00**	
✓	**Verified**			
✓	**Inventory**		*Decedent left a holographic unwitnessed Will dated 6/3/2011. Proof of Holographic Instrument filed 4/1/2015.*	**<u>Note</u>:** Probate Code § 6400 provides that any part of the estate of a Decedent not effectively disposed of by Will passes to the Decedent's heirs as prescribed by intestate succession. Therefore, pursuant to the Probate Code, the estate real property must pass to the Decedent's heirs via intestate succession, and the Decedent's Will controls as the expression of Decedent's intent for disposing of her personal property. Petitioner has filed documentation to prove the validity of Decedent's holographic Will in order to pass the personal property as Decedent intended by her Will, and the estate real property passes by intestacy.
	PTC		**Petitioners request**:	
	Not.Cred.		• Court determination that Decedent's **100%** interest in specified items of personal property passes to the specified Petitioners pursuant to Decedent's holographic Will;	
✓	**Notice of Hrg**		and	
✓	**Aff.Mail**	W/	• Court determination that Decedent's **100%** interest in real property located on Auberry Road in Clovis passes to the Petitioners pursuant to intestate succession.	
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	**Order**			
	Aff. Posting			**Reviewed by:** LEG
	Status Rpt			**Reviewed on:** 4/2/15
	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 21 – Guthrie**

Dept. 303, 9:00 a.m. Tuesday, April 7, 2015

22 Miguel Isaiah Morales (GUARD/P) Case No. 14CEPR01065

Atty Lopez, Jose L. (Pro Per – Maternal Step-Grandfather – Petitioner)

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

			See petition for details.
Cont. from: 012715			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
	Aff.Mail	x	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	w	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

On 1-27-15, Examiner Notes were handed in Court and the matter was continued for issues to be cured. As of 4-2-15, nothing further has been filed. The following issues remain:

1. Proof of Personal Service on the minor Miguel Isaiah Morales filed 12-10-14 is incomplete. The Court may require amended proof of service.

2. Need proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 or consent and waiver of notice or declaration of due diligence on:
   - Jessica Ramirez (Mother)

   Note: Notice of Hearing filed 12-10-14 indicates that the mother was served regarding the temporary hearing date only.

3. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 or consent and waiver of notice or declaration of due diligence on:
   - Paternal Grandfather
   - Paternal Grandmother
   - Maternal Grandfather
   - Siblings age 12 or older, with a copy to the adult with whom they reside.

Reviewed by: skc

Reviewed on: 4-2-15

Updates:

Recommendation:

File 22 – Morales

Dept. 303, 9:00 a.m. Tuesday, April 7, 2015

23 Vanessa Solis, Jose Solis, Jeovannie Solis & Angel Solis (GUARD/P)

Case No. 14CEPR01107

Pro Per **Machado, Antonio (Pro Per Petitioner, maternal grandfather)**

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

			NO TEMPORARY REQUESTED
			ANTONIO MACHADO, maternal grandfather, is Petitioner.
Cont. from 021015			
	Aff.Sub.Wit.		
✓	**Verified**		***~Please see Petition for details~***
	Inventory		
	PTC		
	Not.Cred.		**Court Investigator's *Report* was filed on 2/5/2015.**
✓	**Notice of Hrg**		
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		
✓	**Pers.Serv.**		
✓	**Conf. Screen**		
✓	**Letters**		
✓	**Duties/Supp**		
	Objections		
	Video Receipt		
✓	**CI Report**		
✓	**Clearances**		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
✓	**UCCJEA**		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

<u>Continued from 2/10/2015</u>. *Minute Order* states Mr. Machado is advised to bring an interpreter to the next hearing. The Court orders that Veronica Andrade, mother, is not allowed to reside in the home of Antonio Machado with the minors due to her substance abuse issues and until she completes an inpatient treatment program. Examiner notes handed in open court.

1. Need *Notice of Hearing* and proof of personal service of the *Notice of Hearing* with a copy of the *Petition for Appointment of Guardian*, or *Consent to Appointment of Guardian and Waiver of Notice*, or a *Declaration of Due Diligence*, for:
   - Jose Solis Gonsales, father – *if Court does not find diligence.*
2. Need proof of service by mail of the *Notice of Hearing* with a copy of the *Petition for Appointment of Guardian*, or *Consent to Appointment of Guardian and Waiver of Notice*, or a *Declaration of Due Diligence*, for:
   - Javier Solis, paternal grandfather; – *if Court does not find diligence.*
   - Joba Gonsales, paternal grandmother; – *if Court does not find diligence.*

Reviewed by: LEG

Reviewed on: 4/2/15

Updates:

Recommendation:

File 23 - Solis

Dept. 303, 9:00 a.m. Tuesday, April 7, 2015

24 Demaree Sirreal Williams (GUARD/P) Case No. 14CEPR01122

Pro Per **Peele, April (Pro Per Petitioner, maternal grandmother)**
Pro Per **Williams, Deandre (Pro Per Objector)**

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

			NO TEMPORARY REQUESTED
			APRIL PEELE, maternal grandmother, is Petitioner.
Cont. from 021715			Father: **DEANDRE WILLIAMS** Mother: **MERCEDES LAMB**; *deceased.*
	Aff.Sub.Wit.		
✓	**Verified**		
	Inventory		Paternal grandfather: Nathanie Williams; sent notice by mail 3/3/2015. Paternal grandmother: *Deceased* Maternal grandfather: Charles E. Lamb
	PTC		
	Not.Cred.		
✓	**Notice of Hrg**		
✓	**Aff.Mail**	W/O	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	N/A	***~Please see Petition for details~***
✓	**Conf. Screen**		
✓	**Letters**		
✓	**Duties/Supp**		***~Please see additional page~***
✓	**Objections**		
	Video Receipt		
✓	**CI Report**		
✓	**Clearances**		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
✓	**UCCJEA**		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

Continued from 3/10/2015. *Minute Order* states for the record, Nathanie Williams is the paternal grandfather, and he has been properly served. The Court deems mail service will be sufficient as to the father, Deandre Williams. The general hearing remains for 4/7/2015.

1. Need proof of service of the *Notice of Hearing* with a copy of the *Petition for Appointment of Guardian*, or *Consent to Appointment of Guardian and Waiver of Notice* for:
   - Deandre Williams, father (*Proof of service by Mail filed 3/20/2015 states the notice was mailed on 4/13/2015 and is therefore not satisfactory; further, the proof does not state a copy of the petition was served.)*

2. Need proof of service by mail of the *Notice of Hearing* with a copy of the *Petition for Appointment of Guardian*, or *Consent to Appointment of Guardian and Waiver of Notice*, or a *Declaration of Due Diligence*, for:
   - Charles E. Lamb, maternal grandfather.

~Please see additional page~

Reviewed by: LEG
Reviewed on: 4/2/15
Updates:
Recommendation:
File 24 - Williams

Dept. 303, 9:00 a.m. Tuesday, April 7, 2015

Additional Page 24, Demaree Sirreal Williams (GUARD/P)Case No. 14CEPR01122

Objection to Guardianship filed by DEANDRE WILLIAMS, father, on 12/22/2014 states:

- He objects to the guardianship because he was giving the family time and space to grieve the death of Mercedes Lamb since he is the offspring of her and her only child (grandchild);
- He was attempting to contact the grandmother and she was unresponsive;
- He would like to raise his son;
- Once he got in contact with the grandmother, he expressed that he wanted his son, and that's when she told him she filed for guardianship.

Note for Objector DEANDRE WILLIAMS:

1. **Need proof of service by mail of a copy of the *Objection to Guardianship* filed on 12/22/2014 for the following persons:**

- **April Peele, maternal grandmother (Petitioner);**
- **Charles E. Lamb, maternal grandfather;**
- **Nathanie Williams, paternal grandfather.**

Court Investigator's *Report* was filed on 2/10/2015.

NEEDS/PROBLEMS/COMMENTS, continued:

Notes:

- **Court records show Family Law Case 13CEFL06511** exists, with an entry dated 5/29/2014 that states: marital status terminated 7/30/2014.

- ***Minute Order* entry dated 4/15/2014** (Judge Tharpe) states: Court accepts Ms. Williams' documents in open Court. Parties agree mother is to have sole legal and sole physical custody of the minor child Demaree Sirreal Williams **The father shall have visitation on alternating weekends commencing on 4/25/2014 from Friday at 6pm to Sunday at 6pm.** The issue of Child support is reserved. There is no personal property or assets or debts to divide. Parties agree they would not pay or receive spousal support. Court jurisdiction on Spousal Support is terminated.

25 Mason Gonzales & Xavier Gonzales (GUARD/P) Case No. 15CEPR00112

Atty Lozano, Monica (pro per – maternal grandmother/Petitioner)

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

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	x
	Citation	
	FTB Notice	

NO TEMPORARY REQUESTED

MONICA LOZANO, maternal grandmother, is Petitioner.

Father: **JAVIER MEDINA**

Mother: **JENNIFER GONZALES**

Paternal grandfather: UNKNOWN
Paternal grandmother: SYLVIA LEYVA

Maternal grandfather: ALFRED GONZALES

Siblings: JASON (10), RENEE (8), CELESTE (6), MONIQUE (5)

Petitioner states [see petition for details].

Court Investigator Jennifer Young filed a report on 03/27/15.

NEEDS/PROBLEMS/COMMENTS:

1. Need UCCJEA.
2. Need *Notice of Hearing*.
3. Need proof of service at least 15 days before the hearing of *Notice of Hearing* with a copy of the *Petition for Appointment of Guardian of the Person* or Consent & Waiver of Notice or Declaration of Due Diligence for:
   a. Javier Medina (father) – *personal service required*
   b. Jennifer Gonzales (mother) – *personal service required*
   c. paternal grandfather – service by mail sufficient
   d. Sylvia Leyva (paternal grandmother) – service by mail sufficient
   e. Alfred Gonzales (maternal grandfather) – service by mail sufficient

Reviewed by: JF

Reviewed on: 04/02/15

Updates:

Recommendation:

File 25 - Gonzales

Dept. 303, 9:00 a.m. Tuesday, April 7, 2015

26A Marina Yuritzi Fernandez (GUARD/P) Case No. 15CEPR00117

Atty **Gomez, Daniela (pro per – maternal cousin/Petitioner)**

Atty **Salcido, Ana Guadalupe Ojeda (pro per – maternal aunt/Petitioner**

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

Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	w/o
	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	

GENERAL HEARING: 04/07/15

DANIELA GOMEZ, maternal cousin, and **ANA GUADALUPE OJEDA SALCIDO,** maternal aunt, are Petitioners.

Father: **ALFONSO FERNANDEZ** – *Court dispensed with notice on 02/17/15*

Mother: **DULCE KARINA ROMERO** – *deceased*

Paternal grandfather:
Paternal grandmother: ELENA NOVOA – *Declaration of Due Diligence filed 02/17/15*

Maternal grandfather: RUBEN ROMERO DUARTE – *deceased*
Maternal grandmother: LUZ MARINA SALCIDO GAXIOLA – *served by mail on 02/15/15 with Notice of Hearing only*

Petitioners state Marina's mother passed away on 01/21/15 and her father is unknown. She does not have a guardian and needs someone to look after her now that she doesn't have her mother.

Court Investigator Jennifer Daniel filed a report on 04/01/15.

NEEDS/PROBLEMS/COMMENTS:

See page 26B for a competing petition.

1. Need proof of service by mail at least 15 days before the hearing of *Notice of Hearing* **with a copy of the *Petition for Appointment of Temporary Guardian of the Person*** or Consent & Waiver of Notice or Declaration of Due Diligence for:
   a. Paternal grandparents
   b. Luz Salcido Gaxiola (maternal grandmother) **Note:** Notice of Hearing filed 02/15/15 indicates that the Notice of Hearing was served without a copy of the Petition.

Reviewed by: JF
Reviewed on: 04/02/15
Updates:
Recommendation:
File 26A- Fernandez

Dept. 303, 9:00 a.m. Tuesday, April 7, 2015

26B Marina Yuritzi Fernandez (GUARD/P) **Case No. 15CEPR00117**

Atty Martinez, Armida (pro per – maternal aunt/Petitioner)

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

Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	w/o
	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	

GENERAL HEARING: 02/17/15

ARMIDA MARTINEZ, maternal aunt, is Petitioner.

Father: **ALFONSO FERNANDEZ** – *Court dispensed with notice on 02/17/15*

Mother: **DULCE K. ROMERO** – *deceased*

Paternal grandmother: ELENA NOVOA

Maternal grandfather: ANTONIO OJEDA – *deceased*

Maternal grandmother: LUZ MARINA SALCIDO DE OJEDA - *served by mail on 03/03/15 with Notice of Hearing only*

Petitioner states that Marina's mother died on 01/21/15 and her death is under investigation. Marina has lived with Petitioner for the past year and now needs a guardian to care for her medical and educational needs.

Court Investigator Jennifer Daniel filed a report on 04/01/15.

NEEDS/PROBLEMS/COMMENTS:

1. Need proof of personal service at least 5 court days before the hearing of *Notice of Hearing* with a copy of the *Petition for Appointment of Temporary Guardian of the Person* or Consent & Waiver of Notice or Declaration of Due Diligence for:
   A. Elena Novoa – paternal grandmother
   B. Paternal grandfather
   C. Luz Salcido Gaxiola (maternal grandmother)
   Note: Notice of Hearing filed 03/04/15 indicates that the Notice of Hearing was served without a copy of the Petition.

Reviewed by: JF
Reviewed on: 04/02/15
Updates:
Recommendation:
File 26B- Fernandez

Dept. 303, 9:00 a.m. Tuesday, April 7, 2015

27A Phillips, Paris (GUARD/P) Case No. 14CPER00351

Atty Ruiz, Richard A. (for Rose Hess – Paternal Great-Grandmother – Petitioner)

Atty Phillips, Robert (Pro Per – Father)

Atty Weikel, Jennifer (Pro Per – Mother – Objector)

Status Hearing Re: Reconsideration of Temporary Guardianship

	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	

ROSE HESS, Paternal Great-Grandmother, filed Petition for Appointment of Guardian of Minor on 4/15/14, and was appointed Temporary Guardian *ex parte* on 4/15/14.

JENNIFER WEIKEL, Mother, filed an objection on 4/25/14.

ROBERT PHILLIPS, Father, filed an objection on 4/30/14, but later signed a consent and waiver of notice, which was filed 7/18/14.

At hearing on the temporary guardianship petition on 5/1/14, the matter was set for Court Trial. Ms. Hess' temporary guardianship letters were extended at further hearings.

On 9/26/14, the Court terminated the temporary guardianship, made various orders, including visitation orders for Ms. Hess, and the matter was set for Court Trial on 11/18/14.

At the continued Court Trial on 3/24/15, the Court set this status hearing re reconsideration of temporary orders.

On 3/27/15, Ms. Hess filed a new temporary petition, which is Page B of this calendar.

NEEDS/PROBLEMS/COMMENTS:

<u>Note</u>: Ms. Hess' new Petition for Appointment of Temporary Guardian filed 3/27/15 is Page B.

Reviewed by: skc

Reviewed on: 4/2/14

Updates:

Recommendation:

File 27A - Phillips

Dept. 303, 9:00 a.m. Tuesday, April 7, 2015

27B Phillips, Paris (GUARD/P) Case No. 14CPER00351

Atty Ruiz, Richard A. (for Rose Hess – Paternal Great-Grandmother – Petitioner)

Atty Phillips, Robert (Pro Per – Father)

Atty Weikel, Jennifer (Pro Per – Mother – Objector)

Petition for Appointment of Temporary Guardian

			See petition for details.
	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		

NEEDS/PROBLEMS/COMMENTS:

Note: Ms. Hess' original petition for guardianship filed 4/15/14 remains outstanding. The most recent visitation order is set forth in Order After Hearing filed 10/17/14.

1. **Although Robert D. Phillips (Father) signed consent and waived notice in connection with ongoing proceedings and trial, the Court may require personal service regarding this *new* temporary petition pursuant to Probate Code §2250(e).**

2. **Examiner notes that other than Paternal Grandmother Dawn Phillips, who consents, the paternal grandfather and both maternal grandparents have never been identified to this Court or served with notice of hearing, nor has any declaration of due diligence been filed regarding these family members who are entitled to notice of proceedings pursuant to Probate Code §1511. At this time, the Court may require further information as to the minor's relatives, who are either not listed, or noted "unknown on the Child Information Attachment to Petition filed 4/15/14.**

Reviewed by: skc

Reviewed on: 4/2/14

Updates:

Recommendation:

File 27B - Phillips

Dept. 303, 9:00 a.m. Tuesday, April 7, 2015

28 Guillermina Conde (CONS/PE) **Case No. 15CEPR00307**

Atty Jackson, Martha (Pro Per – Daughter – Petitioner)

Petition for Appointment of Temporary Conservatorship of the Person and Estate

			See petition for details.
	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	x	
	9202		
✔	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/ COMMENTS:

1. **Need Court Investigator's report.**
2. **Need Notice of Hearing.**
3. **Need proof of personal service of Notice of Hearing with a copy of the temp petition at least five court days prior to the hearing per Probate Code §2250(e) on Proposed Conservatee Guillermina Conde.**
4. **Need proof of service of Notice of Hearing with a copy of the temp petition at least five court days prior to the hearing on all relatives pursuant to Probate Code §2250(e):**
   - Patricia Conde (daughter)
   - Richard Conde (son)
   - Frank Conde Jr. (son)
   - Joe Conde (son)
5. **The Court may also require notice to the Fresno County Public Guardian and County Counsel in connection with separate proceedings involving this proposed Conservatee.**

Reviewed by: skc

Reviewed on: 4/2/15

Updates:

Recommendation:

File 28 – Conde

Dept. 303, 9:00 a.m. Tuesday, April 7, 2015

29 Brayden Kane Hallman (GUARD/P) **Case No. 15CEPR00314**

Atty **Hallman, Donna Louise**

Atty **Hallman, Frank Marlon**

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

Age:			**NEEDS/PROBLEMS/COMMENTS:**
DOD:			**OFF CALENDAR.** Request for Dismissal entered on 4/1/15. General hearing remains set for 5/27/15 at 9:00 a.m. in Dept. 303
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		**Reviewed by:** KT
	Status Rpt		**Reviewed on:** 4/1/15
	UCCJEA		**Updates:**
	Citation		**Recommendation:**
	FTB Notice		**File 29 - Hallman**

Dept. 303, 9:00 a.m. Tuesday, April 7, 2015