1 **William Sisk (CONS/E)** **Case No. 0560585**

Atty **Kruthers, Heather H. (for Public Guardian – Conservator)**

Eighth Account Current and Report of Conservator and (2) Petition for Allowance of Compensation to Conservator and Attorney [Prob. C. §§ 2620; 2623; 2942]

Age: 65		
DOB: 5-25-46		
	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	
	2620(c)	
✔	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

PUBLIC GUARDIAN, Conservator, is Petitioner.

Account period: 12-3-09 through 12-5-11

Accounting: $141,067.25
Beginning POH: $41,019.74
Ending POH: $25,868.13

Conservator: $1,532.80
(10.90 Deputy hours @ $96/hr and 6.4 staff hours @ $76/hr)

Attorney: $2,000.00 (per local rule)

Bond fee: $373,72

Petitioner prays for an order:

1. Approving, allowing and settling the eighth account;
2. Authorizing the conservator and attorney fees and commissions;
3. Payment of the bond fee; and
4. Any other orders that the Court considers proper.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: skc
Reviewed on: 4-5-12
Updates:
Recommendation:
File 1 - Sisk

Dept. 303, 9:00 a.m. Thursday, April 12, 2012

2 Raymond Joseph Lemos, Jr. **Case No. 06CEPR00443**

				NEEDS/PROBLEMS/COMMENTS: ***Examiner Notes will not be prepared for this matter.***
	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			**Updates:**
	Status Rpt			**Contacts:**
	UCCJEA			**Recommendation:**
	Citation			**Reviewed by:** skc
	FTB Notice			**File 2A - Lemos**

Dept. 303, 9:00 a.m. Thursday, April 12, 2012

3 Nellie Garrett (Estate) **Case No. 08CEPR00020**

Atty Kruthers, Heather H (for Petitioner/Administrator Public Administrator)

(1) First and Final Account and Report of Successor Administrator and (2) Petition for Allowance of Ordinary and Extraordinary Commissions and Fees and (3) for Distribution [Prob. C. 216; 9202; 10800; 10810; 10951; 11600; 11850(a)]

DOD: 5/7/2007		
Cont. from 020912		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
✓	**Notice of Hrg**	W/
✓	**Aff.Mail**	
	Aff.Pub.	
✓	**Sp.Ntc.**	W/
	Pers.Serv.	
	Conf. Screen	
✓	**Letters**	2/4/08
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	N/A

PUBLIC ADMINISTRATOR, Administrator, is petitioner.

Account period: 2/4/08 – 11/16/11

Accounting	-	**$77,081.61**
Beginning POH	-	**$77,037.40**
Ending POH	-	**$33,317.55**
Administrator	-	**$2,483.26** (statutory)
Administrator X/O	-	**$1,248.00** (for sale of real property and preparation of tax returns)
Attorney	-	**$2,483.26** (statutory)
Bond fee	-	**$722.63**
Court fees	-	**$366.50** (filing fee and certified copies)
Closing	-	**$1,000.00**

Petitioner states Robert Garret, decedent's son, was living on the estate's property, which had to be sold. Mr. Garrett refused to leave, and Petitioner served him with a 60 day notice to terminate tenancy. Mr. Garrett left the property without a formal unlawful detainer. However when he left he stripped the house of appliances, which totaled $500 as of the date of death. He also removed the water heater and connecting plumbing. It is Petitioner's assertion that Robert Garrett should be responsible to reimburse the estate at least 7/8 of $500 to make the other beneficiaries whole.

Distribution, pursuant to intestate succession, is to:

Ethel Verdot, Darlene Garrett, Kathleen Garrett Chaney, Carolyn Garrett, Richard Garrett, Larry Garrett and Roberta Stricklin - $3,139.87 each and

Robert Garrett - $2,639.86

NEEDS/PROBLEMS/COMMENTS:

Continued from 2/9/12. Minute order states Counsel advises the Court that the claim has been withdrawn, but not the *Request for Special Notice*.

1. **Department of Health Services filed a Creditor's Claim in the amount of $88,999.81. Petition states the State's claim was withdrawn however there is nothing in the file from the Department of Health Services indicating the claim was withdrawn.**

Reviewed by: KT
Reviewed on: 4/6/12
Updates:
Recommendation:
File 3 - Garrett

4 Manuel M. Perez (Estate) **Case No. 08CEPR00662**

Atty Fanucchi, Edward L. (for Cecelia Gossett – Successor Administrator)

Amended Motion for Approval of Computation of Surcharge to Personal Representative, JuanGonzalez, for Unathorized Withdrawals; Declaration of Edward L. Fanucchi in Support Thereof; and, Request for Order Thereon

DOD: 5-8-08

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

CECELIA GOSSETT, Successor Administrator, is Petitioner.

On 2-22-12, JUAN GONZALEZ, was removed as Administrator and Petitioner was appointed as Successor Administrator with Full IAEA without bond (funds blocked).

On 10-26-11, at hearing on the former Administrator's accounting, the Court ordered counsel to compute the monies that were taken by Juan Gonzalez and ordered surcharge at 10% per annum.

Petitioner provides a computation based upon the amounts withdrawn and computed at 10% per annum for the periods from withdrawal to withdrawal, including deposits, for a **total surcharge amount of $1,363.51.**

Petitioner states Juan Gonzalez still owes the sum of $8,451.67 to the estate for amounts withdrawn and not repaid.

Additionally, as a result of the withdrawal of unauthorized funds from the estate, Juan Gonzalez caused necessary extraordinary attorney fees and costs (itemized) as follows:

Attorney fees:	$1,520.00
Paralegal fees:	$1,070.00
Costs:	$2,596.42
Total Attorney Fees and Costs:	**$5,186.42**

Note: The total of the above items is $15,001.60.

NEEDS/PROBLEMS/COMMENTS:

1. **Notice of Hearing filed 3-1-12 included a copy of the *original* motion that was set for this date. This *Amended* Motion was set for the same date; however, it does not appear that the interested parties or surety have been served with the *Amended* Motion (with amended computation, attorney fees, etc.) as filed 3-22-12.**

   The Court may require further service.

2. **Need order.**

Reviewed by: skc

Reviewed on: 4-5-12

Updates:

Recommendation:

File 4 - Perez

Dept. 303, 9:00 a.m. Thursday, April 12, 2012

5 Juan Hernandez (CONS/PE) Case No. 09CEPR00672

Atty **Kruthers, Heather H. (for Public Guardian – Conservator)**

(1) First Account Current and Report of Conservator and (2) Petition for Allowance of Compensation to Conservator and Attorney and (3) for Dispensation of Further Accounts [Prob. C. §§ 2620; 2623; 2628(b); 2942]

Age: 72
DOB: 02/11/40

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	
	2620(c)	n/a
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

PUBLIC GUARDIAN, Conservator, is Petitioner.

Account period: **09/22/09 – 12/23/11**

Accounting - $2,237.41
Beginning POH - $886.13
Ending POH - $1,327.41

Conservator - $764.20 (6.10 Deputy hours @ $96/hr. and 2.35 Staff hours @ $76/hr.)

Attorney - $2,000.00
(Per Local Rule)

Petitioner requests that due to the insufficiency of the estate to pay the fees and commissions that a lien be imposed upon the estate for any unpaid balances of the authorized fees and commissions.

Petitioner states that the conservatorship estate meets the requirements of Probate Code § 2628(b) to dispense with further accountings. Petitioner requests that the Court dispense with further accountings as long as the conservatorship estate continues to meet the requirements of Probate Code § 2628(b).

Petitioner prays for an Order:

1. Approving, allowing and settling the first account;
2. Authorizing the conservator and attorney fees and commissions;
3. Authorizing Petitioner to impose a lien on the estate for any unpaid balances of authorized fees and commissions; and
4. Dispensing with further accountings.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: JF
Reviewed on: 04/05/12
Updates:
Recommendation:
File 5 - Hernandez

Dept. 303, 9:00 a.m. Thursday, April 12, 2012

6 John David Slater (CONS/PE) Case No. 11CEPR00699

Atty Kruthers, Heather H. (for Public Guardian – Conservator)

(1) First and Final Account and Report of Conservator and (2) Petition for Allowance of Compensation to Conservator and her Attorney and (3) Distribution

DOD: 11/20/11		
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	

PUBLIC GUARDIAN, Conservator, is Petitioner.

First & Final Account period: **08/11/11 – 11/20/11**

Accounting - **$11,842.33**
Beginning POH - **$11,842.33**
Ending POH - **$2,255.24**

Subsequent to the Final Account period: **11/21/11 – 12/30/11**

Accounting - **$14,830.51**
Beginning POH - **$2,255.24**
Ending POH - **$10,090.55**

Conservator - **$6,194.00** (57 Deputy hours @ $96/hr. and 9.5 Staff hours @ $76/hr.)

Attorney - **$1,500.00** (Less than allowed per Local Rule)

Bond Fee - **$25.00** (ok)

Costs - **$1,206.00** (filing fees, certified copies)

Petitioner requests to distribute the remaining funds of $1,165.55 as partial payment of conservatees outstanding credit card bill.

Petitioner prays for an Order:

1. Approving, allowing and settling the first and final account and subsequent to the Final Account;
2. Authorizing the conservator and attorney fees and commissions;
3. Authorizing payment of the bond fee and costs;
4. Authorizing distribution of the remaining assets ($1,165.55) as partial payment of conservatees credit card bill.

NEEDS/PROBLEMS/COMMENTS:

1. **The Itemization of services of Conservator reflects multiple occasions where time is billed for two deputies. The additional time billed for a second deputy is 8.7 hours @ $96/hr. = $835.20. It is unclear why two deputies were needed. The Court may require more information.**

Reviewed by: JF

Reviewed on: 04/05/12

Updates:

Recommendation:

File 6 - Slater

Dept. 303, 9:00 a.m. Thursday, April 12, 2012

7 Jesus Soto (Special NeedsTrust) Case No. 11CEPR00718

Atty **Pimentel, Paul J. (for Jesus Soto, a conserved adult, by his Conservator, Clara Soto – Petitioner)**

Petition for Order Establishing Special Needs Trust [Prob. C. 3600-3613; Cal Rules of Cr 7.903 (c)]

Age: 20		
DOB: 4-8-1991		
Cont. from 092911, 102711, 120811, 020912		
	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	

JESUS SOTO, a conserved adult, by his Conservator, **CLARA SOTO**, is Petitioner.

Mr. Soto is disabled and receives needs-based public benefits including SSI and Medi-Cal. He lives with his parents and his mother, Clara Soto, is his Conservator.

Mr. Soto will receive approx. $36,996.25 from a personal injury settlement. Outright distribution of the settlement would eliminate Mr. Soto's eligibility for SSI and Medi-Cal. Therefore, Petitioner seeks to establish a a "safe harbor" or Special Needs Trust under Probate Code §3602- 3613, and an order that Petitioner, through his guardian ad litem Clara Soto, is authorized to sign the proposed Special Needs Trust as grantor.

Petitioner prays for the following findings and order:

1. That all notices have been given as required by law;
2. That the Court establish the Special Needs Trust, the Petitioner is directed to execute it, and the court has continuing jurisdiction over the Special Needs Trust;
3. That Clara Soto shall serve as initial Trustee without bond, or bond of $40,000.00;
4. That Petitioner has a disability that substantially impairs his ability to provide for his own care or custody, and constitutes a substantial handicap;
5. That Petitioner is likely to have special needs that will not be met without the trust;
6. That money paid to the trust does not exceed the amount that appears reasonably necessary to meet Petitioner's special needs;
7. That payment of all monies due plaintiff in the lawsuit referenced above shall be paid to the Trustee of the Special Needs Trust after payment of the personal injury Medi-Cal lien;
8. That any proceeds of the settlement received by plaintiff's attorney before the hearing of this petition and deposited into attorney's attorney/client trust account shall not be considered received by Jesus Soto for public benefit eligibility purposes;
9. That the assets of the trust are unavailable to the beneficiary and shall not constitute a resource for eligibility purposes for Medi-Cal, SSI, regional center assistance, or any other program of public benefits;
10. That the Trustee provided the Court with a biennial account and report beginning one year after the date the Court approves the establishment of the trust and every two years thereafter; and
11. Such other and further orders as the Court may deem just and proper.

NEEDS/PROBLEMS/COMMENTS:

<u>Minute Order 12-8-11</u>: Counsel informs the Court that they have been unable to obtain bond for any of the family members. Counsel requests a continuance.

<u>Minute Order 2-9-12</u>: Counsel informs the Court that he is waiting on an invoice from his client regarding a van, and he will be submitting a petition for the purchase of that van. Matter continued to 4-12-12.

<u>As of 4-5-12</u>, nothing further has been filed (since 8-19-11). The following issues remain:

1. **Petitioner requests appointment without bond or bond in the amount of $40,000.00. If bond is waived, the court may require deposit to a blocked account. If required, Examiner calculates that bond, including cost of recovery per Probate Code §2320(c)(4), should be $41,916.75.**
2. **The Trust allows distributions in the Trustee's "sole and absolute discretion." The Court may require clarification between *disbursements* for special needs, which may be made in the Trustee's good faith discretion without court approval, and *distributions*, which may require court approval.**

   (This language would ensure that certain items purchased, such as equipment or a vehicle, would be assets of the trust, rather than "distributions.")
3. **Petitioner requests accountings be required every two years after the first account; however, the Court may require language per Probate Code §2620(a): "*unless otherwise ordered by the Court to be more frequent.*"**
4. **Need revised order per #2 above and Local Rule 7.6.1. (The trust document should be attached and the signature line should appear last.)**

Reviewed by: skc

Reviewed on: 4-5-12

Updates:

Recommendation:

File 7 - Soto

Dept. 303, 9:00 a.m. Thursday, April 12, 2012

8 **Charles Curtis Caudle, Jr (Estate)** **Case No. 11CEPR00785**

Atty **Jones, Robert L (for Petitioner/Executor Charlene Marie Moistner)**

Report of Executor on Waiver of Account and Petition for allowance of Compensation to Attorneys for Ordinary Services and for Final Distribution

DOD: 8/9/2011		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
✓	Inventory	
✓	PTC	
✓	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✓	Letters 10/13/11	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	FTB Notice	

CHARLENE MARIE MOISTNER, Executor, is petitioner.

Accounting is waived.

I & A	-	**$707,097.43**
Executor	-	**waives**
Attorney (statutory)	-	**$17,141.94**

Distribution, pursuant to Decedent's Will, is to:

Charlene Marie Moistner – two parcels of real property and $19,582.79

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: KT

Reviewed on: 4/5/12

Updates:

Recommendation: SUBMITTED

File 8 - Caudle

Dept. 303, 9:00 a.m. Thursday, April 12, 2012

9 Joan Helen Johnson (Spousal) **Case No. 12CEPR00038**

Atty St. Louis, David J. (for Petitioners Jennifer Hughes and Elizabeth Cordero)

Spousal or Domestic Partner Property Petition (Prob. C. 13650)

DOD: 3/1/2009			**JENNIFER HUGHES** and **ELIZABETH CORDERO** are petitioners.
			No other proceedings
Cont. from 022812			
	Aff.Sub.Wit.		Will dated 12/17/1982 confirms Dewey E. Johnson's ½ community property interest to him and devises the decedent's ½ community property interest into a testamentary trust. (Please see note #3.)
✓	**Verified**		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	N/A	
	Aff.Mail		
	Aff.Pub.		**Petitioner requests** court confirmation that ½ interest in real properties, investment accounts, bank accounts, 2006 Lexus, personal property and furniture and furnishings belongs to him and that ½ interest passes to him.
	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:

OFF CALENDAR. Amended Petition filed and set for hearing on 5/3/12

Continued from 2/28/12. ***As of 4/5/12 the following issues remain:***

1. **#2b of the petition indicates the petitioners are the personal representatives of surviving spouse, Dewey E. Johnson. Need Letters showing appointment of Petitioners as personal representatives of Dewey E. Johnson. Note: Petitioners state they are the Trustees of the Dewey E. Johnson Living Trust, dated April 15, 2011. It appears that based on Probate Code §13650 Petitioners do not have standing to bring this petition until they have been appointed as Dewey E. Johnson's personal representative.**

2. **Supplement to the Petition (this is actually an amended petition) was signed and verified by the attorney and not by the petitioners. Probate Code §1023 states an attorney cannot sign or verify for a fiduciary.**

3. **Will of Joan Helen Johnson dated 12/17/1982 that is attached to the supplement to the petition devises her interest in the community property into a testamentary trust and not to her surviving spouse.**

Reviewed by: KT

Reviewed on: 4/5/12

Updates:

Recommendation:

File 9 – Johnson

Dept. 303, 9:00 a.m. Thursday, April 12, 2012

10 Richard N. Thomas (Spousal) Case No. 12CEPR00203

Atty **Burnside, Leigh W. (for Barbara F. Thomas – surviving spouse/Petitioner)**

Amended Spousal or Domestic Partner Property Petition (Prob. C. 13650)

DOD: 12/21/11		
Cont. from		
	Aff.Sub.Wit.	x
✓	**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	

BARBARA F. THOMAS, surviving spouse, is Petitioner.

No other proceedings.

Will dated 05/27/07 devises real property located in Piedmont, CA and located at 2910 N. Van Ness, Fresno to his offspring in equal shares. Will devises decedent's interest in his primary residence to spouse, Barbara Thomas.

Petitioner states that she and the decedent were married in December 1955 and at the time of decedent's death, they had been married for over 55 years. They were married in California and have always resided in California and accumulated all of their property from their marital earnings. Decedent and Petitioner always intended and understood that all of the property described in this Petition was community property in which they each held a ½ interest. The real property seeking to be passed with this Petition were held in the name of the decedent and Petitioner as "husband and wife". No legal proceedings were ever instituted to terminate the marriage or to determine the rights of the parties to their community property, nor did the parties ever separate.

Petitioner requests court confirmation that ½ interest in real property located at 2910 N. Van Ness, Fresno and ½ interest in a promissory note payable to Richard N. Thomas and Barbara Farmington Thomas executed by Daniel Kevin Thomas and Mila Thomas, dated on or about 01/14/99 in the original amount of $327,250.00 secured by a Second Deed of Trust recorded 01/07/11 as Instrument 2011008309 of Fresno County records belongs to her and ½ interest passes to her pursuant to decedent's will.

NEEDS/PROBLEMS/COMMENTS:

1. **Will is not self-proving. Need Affidavit of Subscribing Witness.**
2. **Petition is not marked at item 5(a)(2) regarding issue of a predeceased child.**
3. **Decedent's will devises the real property seeking to be passed with this Petition (2910 N. Van Ness, Fresno, CA) to his offspring in equal shares. Therefore it appears that his ½ community property interest in the Van Ness property would pass to his offspring and not to Petitioner. Court may require more information.**

Reviewed by: JF

Reviewed on: 04/05/12

Updates:

Recommendation:

File 10B - Thomas

11 Danny E. Burnside aka Danny Elwyn Burnside (Spousal) Case No. 12CEPR00208
Atty Janian, Paulette (for Judith Burnside Fegette – surviving spouse/Petitioner)

Spousal or Domestic Partner Property Petition (Prob. C. 13650

DOD: 11/09/99		
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	

JUDITH BURNSIDE FEGETTE, surviving spouse, is Petitioner.

No other proceedings.

Decedent died intestate.

Petitioner states that she and the decedent were married on 12/27/68 and the property seeking to be passed with this Petition was acquired during their marriage. All taxes, insurance and maintenance of the property were paid by the decedent and petitioner during their marriage. Decedent was an only child and both of his parents are deceased.

Petitioner requests court confirmation that decedent's interest in real property located at 317 N. 2nd Street, Fowler, CA passes to her pursuant to intestate succession.

NEEDS/PROBLEMS/COMMENTS:

1. **Petition states that the decedent died on 11/09/99, but the Order states that decedent died on 11/09/11. Need revised Order or Petition.**

Reviewed by: JF
Reviewed on: 04/05/12
Updates:
Recommendation:
File 11 - Burnside

Dept. 303, 9:00 a.m. Thursday, April 12, 2012

12 **Rick L. Barnett aka Rick Barnett (Estate)** **Case No. 12CEPR00211**

Atty **Moore, Susan L. (for Anna E. Barnett – Petitioner)**

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

DOD: 02/02/12		
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	

ANNA E. BARNETT, nominee of heirs, is Petitioner, and requests appointment as Administrator without bond.

Full IAEA – ok

All heirs waive bond.

Decedent died intestate.

Residence: Unincorporated Fresno County
Publication: The Business Journal

Estimated Value of the Estate:

Personal property	-	$ 60,000.00
Real property	-	$112,000.00
Total	**-**	**$172,000.00**

Probate Referee: **RICK SMITH**

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: JF

Reviewed on: 04/05/12

Updates:

Recommendation: SUBMITTED

File 12 - Barnett

Dept. 303, 9:00 a.m. Thursday, April 12, 2012

13 Louis Linzy Hudson (Estate) **Case No. 12CEPR00227**

Atty Armo, Lance E. (for Linzy Hudson – son/Petitioner)

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

DOD: 11/14/09		
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	

LOUIS LINZY HUDSON, son, is Petitioner and requests appointment as Administrator without bond.

Full IAEA – ok

All heirs waive bond.

Decedent died intestate.

Residence: Friant
Publication: The Business Journal

<u>Estimated Value of the Estate:</u>
Real property - $115,000.00

Probate Referee: **RICK SMITH**

NEEDS/PROBLEMS/COMMENTS:

1. **The Petition states that the decedent had a predeceased spouse; however the name and date of death of the spouse is not stated in item 14 of the Petition as required pursuant to Local Rule 7.1.1D - If a beneficiary, heir, child, spouse, or registered domestic partner in any action before the Probate Court is deceased, that person's date of death shall be included in the petition.**

Reviewed by: JF
Reviewed on: 04/05/12
Updates:
Recommendation:
File 13 - Hudson

Dept. 303, 9:00 a.m. Thursday, April 12, 2012

14 Tony Alvarado, Tino Alvarado and Alyssa Alvarado (GUARD/P)

Case No. 10CEPR00144

Atty Quintero, Felicia Marie (pro per Maternal aunt/guardian of Tony and Tino)
Atty Robles-Esquivel, Rosalyn (pro per Maternal grandmother/guardian of Alyssa)
Atty Quintero, Veronica (pro per Petitioner/mother)

Petition for Visitation

Tony age: 9 years
DOB: 5/21/2002

TIno age: 9 years
DOB: 4/5/2003

Alyssa age: 6 years
DOB: 1/26/2006

Cont. from

	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	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	

VERONICA MONIQUE QUINTERO, mother, is petitioner.

FELICIA QUINTERO, maternal aunt, was appointed guardian of **TONY** and **TINO** on 4/6/10.

ROSALYN ROBLES-ESQUIVEL, maternal grandmother, was appointed guardian on **ALYSSA** on 5/24/10.

Father: **TONY ALVARADO**

Paternal grandfather: Tony Alvarado
Paternal grandmother: Christine Estrada
Maternal grandfather: Abel Quintero

Current Visitation Orders for TONY and TINO:

Per minute order dated 4/6/10 **mom** has supervised visits every other Saturday from 10 a.m. to 12 p.m. in the home of Rosalyn Robles-Esquivel, supervised by Rosalyn Robles- Esquivel.

Per minute order dated 11/16/10 **father** has supervised visits (supervised by Felicia Quintero) at the home of Christine Estrada Saturdays from 10 a.m. to 2 p.m. The parties can change the date or the time but may not increase or decrease the amount of time for the visitation.

Current Visitation Orders for ALYSSA:

Per Order Appointing Guardian dated 5/24/12 **father** visits on the 1st and 3rd Saturday from 10 a.m. to 12 p.m. Supervised by Rosalyn Robles-Esquivel. **Mom** visits on the 2nd and 4th Saturday from 10 a.m. to 12 p.m. supervised by Rosalyn Robles-Esquivel.

NEEDS/PROBLEMS/COMMENTS:

1. **Need *Notice of Hearing***
2. **Need proof of service of the *Notice of Hearing* on:**
   a. **Felicia Quintero (guardian of Tony and Tino)**
   b. **Rosalyn Robles-Esquivel (guardian of Alyssa)**
   c. **Tony Alvarado (father)**
   d. **Tony Alvarado (paternal grandfather)**
   e. **Christine Estrada (paternal grandmother)**
   f. **Abel Quintero (maternal grandfather)**

Reviewed by: KT
Reviewed on: 4/5/12
Updates:
Recommendation:
File 14 - Alvarado

Dept. 303, 9:00 a.m. Thursday, April 12, 2012

Petitioner states she is the mother of Tony, Tino and Alyssa. Mom is requesting an increase in visitation as follows:

- Every weekend of the month from Friday at 6 p.m. to Sunday at 6 p.m. with all three children.
- Visits with Alyssa each week on Monday at 6 p.m. to Tuesday at 8 a.m. and Wednesday at 6 p.m. to Thursday at 8 a.m.

Petitioner asks that the court take into consideration the efforts she has made to improve her self-worth, her recovery and her parenting skills. Petitioner feels she is able to parent and nurture her children in a healthy and loving manner.

Petitioner further requests that she return to court in June of 2012, following the end of the current school year, to request sole physical custody of all the children.

15 **Mason Junior Wolfe (Estate)** **Case No. 10CEPR01132**

Atty **Canas, Lynette D.**

First Accounting or Petition for Final Distribution

Age:		**NEEDS/PROBLEMS/COMMENTS:**
DOD:		**OFF CALENDAR**
Cont. from		**Calendared in Error; First and Final Account was approved on 03/28/12**
	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:** JF
	Status Rpt	**Reviewed on:** 04/05/12
	UCCJEA	**Updates:**
	Citation	**Recommendation:**
	FTB Notice	**File 15 - Wolfe**

Dept. 303, 9:00 a.m. Thursday, April 12, 2012

16 **Harold Eugene Lehr (Estate)** **Case No. 11CEPR01116**

Atty **Lehr, Mark Eugene (pro per – son/Petitioner)**

Petition for Probate of Will and for Letters Testamentary

DOD: 11/21/10		
Cont. from 022212		
S/P	**Aff.Sub.Wit.**	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	w/
	Aff.Pub.	X
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	x
✓	**Duties/Supp**	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

MARK LEHR, son/named Executor without bond, is Petitioner.

Full IAEA – **NEED**

Will dated 01/30/04

Residence: Fresno
Publication: **NEED**

Estimated Value of the Estate:

Personal property	-	$110,000.00
Annual income	-	7,200.00
Real property	-	150,000.00
Total	**-**	**$267,200.00**

Probate Referee: **STEVEN DIEBERT**

NEEDS/PROBLEMS/COMMENTS:

CONTINUED FROM 02/22/12
As of 04/05/12, the following issues remain:

1. **Need Affidavit of Publication.**
2. **Petition is not marked at item 5(a)(7 or 8) regarding issue of a predeceased child.**
3. **Petition is not marked at item 5(b) regarding stepchild or foster child.**
4. **Need Order and Letters.**

Reviewed by: JF
Reviewed on: 04/05/12
Updates:
Recommendation:
File 16 - Lehr

Dept. 303, 9:00 a.m. Thursday, April 12, 2012

17 Maria M. Lopez (CONS/P) **Case No. 12CEPR00216**

Atty Aguiar, Lupe (pro per Petitioner/daughter)

Atty Rindlisbacher, Curtis D. (Court appointed for the Conservatee)

Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820, 182 2680-2682)

Age: 82 years		
DOB: 10/7/1929		
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	X
✓	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	X
	FTB Notice	

PUBLIC GUARDIAN was appointed Temporary Conservator by minute order TEMPORARY EXPIRES 4/12/12

LUPE L. AGUIAR, daughter, is petitioner and requests appointment as conservator of the person with medical consent and dementia powers.

Declaration of Salvador Gonzales (undated) supports request for medical consents powers.

Petitioner states ????

Court Investigator Julie Negrete's Report filed on 4/5/12

NEEDS/PROBLEMS/COMMENTS:

Court Investigator has not Advised Rights (proposed conservatee was visiting relatives in Arizona).

1. **Petition does not state why a conservatorship is necessary.**
2. **Petition requests dementia powers but does not include the dementia attachment.**
3. **Petition does not include the names and address of all the relatives, within the 2nd degree, of the proposed conservatee (second degree relatives include, children, grandchildren and siblings of the proposed conservatee).**
4. **Need *Notice of Hearing.***
5. **Need proof of service of the *Notice of Hearing* along with a copy of the petition on all relatives within the 2nd degree.**
6. **Need *Citation.***
7. **Need proof of personal service of the *Citation* on the proposed conservatee, Maria M. Lopez.**
8. ***Capacity Declaration* of Dr. Salvador Gonzales was not dated.**
9. ***Capacity Declaration* of Dr. Salvador Gonzales was not initialed at #7b in support of medical consent powers.**
10. **Need video viewing receipt.**

Reviewed by: KT
Reviewed on: 4/6/12
Updates:
Recommendation:
File 17 - Lopez

Dept. 303, 9:00 a.m. Thursday, April 12, 2012

18 Caleb Ray George-Rodriguez (GUARD/P) Case No. 12CEPR00295

Atty George, Rhonda (pro per – maternal grandmother/Petitioner)

Atty Bales, Carolyn (pro per – maternal great-grandmother/Petitioner)

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

Age: 3
DOB: 11/27/08

Cont. from

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

TEMPORARY GRANTED EX PARTE; EXPIRES 04/12/12

GENERAL HEARING 06/15/12

RHONDA GEORGE, maternal grandmother, and **CAROLYN BALES,** maternal great-grandmother, are Petitioners.

Father: **RAY RODRIGUEZ**

Mother: **KIMBERLY RODRIGUEZ**

Paternal grandfather: ENRIQUE RODRIGUEZ
Paternal grandmother: MINERVA ATKISSON

Maternal grandfather: TRACY GEORGE

Petitioners state that Caleb has lived in Petitioner Rhonda George's home since birth. The parents were also living there, but have moved. Petitioners state that they are concerned for Caleb's safety when he is with his parents because his father is an active bulldog gang member and a lot of gang affiliated people are going in and out of his home. Petitioners state that temporary guardianship is necessary to ensure Caleb is in a safe and stable environment, has nutritious meals and can have the life of a normal little boy.

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 and Waiver of Notice or Declaration of Due Diligence for:**
   - Ray Rodriguez (father)
   - Kimberly Rodriguez (mother)
2. **Item 1c(2) of petition indicates that child may be an Indian child. Therefore, a *Notice of Child Custody Proceeding for Indian Child* (Form ICWA-030), must be served together with copies of petition and all attachments, including this form, on the child's parent; any Indian custodian; any Indian tribe that may have a connection to the child; the Bureau of Indian Affairs (BIA), and possibly the U.S. Secretary of the Interior, by certified or registered U.S. Mail, return receipt requested. (Please see Probate Code 1460.2, and CA Rules of Court 7.1015)**
3. **Per item 1, above, need proof of service of notice, including copies of the notices sent and all return receipts and responses received, pursuant to Probate Code 1460.2(d).**

Reviewed by: JF

Reviewed on: 04/06/12

Updates:

Recommendation:

File 18 – George-Rodriguez

Dept. 303, 9:00 a.m. Thursday, April 12, 2012

19 Zachary Filgas (GUARD/P) **Case No. 10CEPR00914**

Atty Attashian, Zepure (for Elaine Thomas – paternal grandmother/Petitioner)

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

Age: 19 months		
DOB: 09/12/10		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	x
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	x
✓	**Conf. Screen**	
	Letters	x
✓	**Duties/Supp**	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	x
	Aff. Posting	
	Status Rpt	
✓	**UCCJEA**	
	Citation	
	FTB Notice	

TEMPORARY GRANTED EX PARTE; EXPIRES 04/12/12

GENERAL HEARING 06/04/12

ELAINE THOMAS, paternal grandmother, is Petitioner.

Father: **KIRK FILGAS** – *consent and waiver of notice filed 04/02/12*

Mother: **RACHEL STAUFFER**

Paternal grandfather: DECEASED

Maternal grandfather: GEORGE ISOM
Maternal grandmother: PATRICIA KILPATRICK

Petitioner states Zachary is in imminent danger while in the care of his mother. She has made statements to various people that she is going to hurt Zachary and has stated that she shook him. Further, Zachary has suffered severe diaper rashes while in his mother's care, as it appears she is not properly caring for him. Petitioner states that it appears the mother needs mental health treatment and has admitted she needed to be checked into a hospital. Petitioner states that Zachary's father is a recovering alcoholic, he has recently been released from incarceration for alcohol related offenses and consents to her appointment as guardian. Petitioner states that temporary guardianship is necessary to for Zachary's safety and well-being.

NEEDS/PROBLEMS/COMMENTS:

1. **Need *Notice of Hearing.***
2. **Need proof of personal service at least 5 court days before the hearing of *Notice of Hearing* with a copy of the *Petition for Appointment of Temporary Guardian of the Person* or Consent and Waiver of Notice or Declaration of Due Diligence for:**
   - Rachael Stauffer (mother)

Reviewed by: JF	
Reviewed on: 04/06/12	
Updates:	
Recommendation:	
File 19 - Filgas	

Dept. 303, 9:00 a.m. Thursday, April 12, 2012

20 **Mark C Weimert (Estate)** **Case No. 11CEPR00106**

Atty **Chester, Bruce C. (for George L. Weimert – Administrator – Petitioner)**

(1) Waiver of Accounting and (2) Petition for Allowance of Compensation to Attorney and for (3) Final Distribution (Prob. C. 10954, 11640)

DOD: 10-12-10			**GEORGE L. WEIMERT**, Administrator with Full IAEA without bond, is Petitioner.
			Accounting is waived.
	Aff.Sub.Wit.		I&A: $703,647.00
✔	**Verified**		POH: $703,647.00 ($63,348.00 cash plus securities and business interests)
✔	**Inventory**		
✔	**PTC**		Administrator (Statutory): Waived
✔	**Not.Cred.**		
✔	**Notice of Hrg**		Attorney (Statutory): $17,072.94
✔	**Aff.Mail**	W/O	**Distribution pursuant to intestate succession is to:**
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		Michelle Wiemert: Entire estate consisting of $46,275.06 cash plus securities and business interests
	Conf. Screen		
✔	**Letters**	3-24-11	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✔	**9202**		
✔	**Order**		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
✔	**FTB Notice**		

NEEDS/PROBLEMS/COMMENTS:

<u>Note</u>: Examiner has interlineated the order to reflect the dollar amount of the cash being distributed pursuant to Local Rule 7.6.1.A.

Reviewed by: skc

Reviewed on: 4-6-12

Updates:

Recommendation: SUBMITTED

File 20 - Weimert

Dept. 303, 9:00 a.m. Thursday, April 12, 2012