



ATTENTION

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

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

Thank you for your patience.

DOD: 11-25-04	<p>FRESNO COUNTY PUBLIC ADMINISTRATOR was appointed Successor Administrator on 11-28-06.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
<p>Cont from 041814, 052314, 111714, 011215, 012015, 030315, 071415, 111715</p>	<p>Background: PRESTON VAN CAMP, Grandson, in pro per, was appointed as Administrator with Full IAEA without bond on 4-12-05 and Letters issued 4-14-05. Pursuant to various Assignments of Interest, Preston Van Camp was also to be the sole beneficiary. I&A filed 8-11-05 indicated a total estate value of \$175,249.00 consisting of real and personal property.</p>	<p>Minute Order 11/17/15: Counsel requests four months due to the appeal.</p>
Aff.Sub.Wit.	<p>A status report filed 4-17-09 indicated that the decedent apparently owed taxes since 1997; therefore, the Administrator needed a 6-month continuance to sell assets, pay creditors, and file the petition for final distribution. The Administrator did not appear at the continued hearing date; however, and an OSC was issued.</p>	<p>1. Need petition for final distribution or current written status report per Local Rule 7.5.</p>
Verified	<p>On 11-28-06, Preston Van Camp was removed as Administrator and the Public Administrator was appointed as Successor Administrator.</p>	Reviewed by: skc
Inventory	<p>The former Administrator was ordered to file his final account and distribute to the Public Administrator. The former Administrator's account and later his amended account detailed various transactions, including granting an option to purchase the real property. The Public Administrator filed objections, and both the original account and the amended account were ultimately denied. According to the amended petition, all assets inventoried (real and personal property) remained on hand.</p>	Reviewed on: 4/7/16
PTC	<p>On 11-5-07, the Court ordered the assets turned over to the Public Administrator and reserved the right to surcharge.</p>	Updates:
Not.Cred.	<p>There was no further activity in this case until 2-14-14 when the Court set this status hearing for failure to file a petition for final distribution.</p>	Recommendation:
Notice of Hrg	<p>Status Report filed 11/13/15 states the PA filed an Unlawful Detainer action for the eviction of Pamela Van Camp from the real property belonging to the estate and was granted a judgment and a writ was issued. Ms. Van Camp was evicted. She filed a Notice of Appeal, but failed to file her brief before the deadline. She obtained an extension and filed her brief before the new deadline. On 10/21/15, the Court mailed a Notice to Appellant of Failure to Procure Record on Appeal. She has 15 dates (sic) from the mailing of that notice (Nov. 5) to reply. To date, she has not responded.</p>	File 2 – Van Camp
Aff.Mail	<p>In the meantime, proposed buyers remain interested in purchasing the property. Should the appeal be dismissed, the PA can proceed with the sale and close the estate. The PA requests continuance of at least four (4) months from the date of this status hearing.</p>	
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		

Page 2

Settlement Agreement (Cont'd): To avoid expense and inconvenience of other litigation, the parties now wish to resolve and fully settle all claims between them. Although the Judgment is against Ronald Roberts only, Sherry Roberts is a party to this agreement by virtue of her community property interest in the property.

Settlement: Roberts agrees to pay the Estate of Johnny Garcia a total of \$101,000 in full satisfaction of the Judgment and settlement of the issues relating to the 2015 Agreement and the Petition filed relating thereto. \$1,000 was previously paid to the estate. \$50,000 to be paid within five days of effective date. See settlement for details.

Once payment has been delivered, Ms. Garcia shall cause the release of the various claims of pendency of action against the property to be released.

Ms. Garcia shall cause a petition for approval of this agreement under Probate Code §9830 to be filed in the probate case. Upon approval by the Court, the remaining \$50,000 balance of the settlement sum shall become due and payable, and Ms. Garcia shall cause Acknowledgment of Satisfaction to be prepared and signed, thereby releasing all claims against Roberts relating to the Judgment, the property, and/or the 2004 litigation. See settlement for details.

Petitioner requests an order of this Court that authorizes Petitioner to do everything necessary to complete the settlement of the suit filed by Johnny Garcia in 04CECG03607 and dismiss the suit with prejudice on the terms and conditions set forth in this petition, and for all other orders the Court considers proper.

Petition for Visitation

		JORGE RIOS , Father, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 3/1/16. See minute order for visitation order. The Court orders the Court Investigator to interview the minors, father, mother, and guardian and to make a recommendation to the Court as to supervised or unsupervised visitation.</p> <p>1. The Court may also require notice to the mother, Roseana Cottrell, due to the allegations in this petition regarding her visitation.</p>	
		JUANITA RIOS , Paternal Grandmother, was appointed Guardian on 11/19/13. - Served by mail on 1/22/16		
Cont. from 030116		Mother: ROSEANA COTTRELL		
<input type="checkbox"/>	Aff.Sub.Wit.	See petition for details.		
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			W
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 4/7/16	
			Updates:	
			Recommendation:	
			File 7- Rios	

Probate Status Hearing RE: Filing of the Inventory and Appraisal

	KIMBERLY ANN BRYANT , Maternal Grandmother, was appointed Guardian of the Estate on 11/10/15 without bond, with \$15,000.00 to be held in a blocked account.	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> On 4/5/16, the status hearing re receipt for blocked account was continued to 4/26/16. See minute order of 4/5/16 for details. 1. Need Inventory and Appraisal pursuant to Probate Code §2610 or written status report pursuant to Local Rule 7.5.
	At the hearing on 11/10/15, the Court set this status hearing for the filing of the Inventory and Appraisal.	
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 4/7/16
		Updates:
		Recommendation:
		File 8- Wilson

Probate Status Hearing RE: First or Final Account

DOD: 5/26/14	<p>BERTHA SOLTERO, Spouse, was appointed Executor with Full IAEA without bond on 2/10/15. Letters issued 2/20/15.</p> <p>At the hearing on 2/10/15, the Court set this status hearing for the filing of the first account or petition for final distribution.</p> <p>Status Report filed 4/4/16 by Attorney Hiyama states the estate assets consist of four real properties. Two have been sold and another is being held to be distributed among the beneficiaries. The last remaining property is in the process of being sold. After Notice of Proposed Action has been filed and the time period for objections has passed, the first and final account and petition for final distribution will be prepared. Mr. Hiyama requests the Court continue this status hearing for approx. 90 days to allow escrow to close on the sale and prepare a petition for final distribution.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need first account or petition for final distribution pursuant to Probate Code §12200.</p>
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		<p>Reviewed by: skc</p> <p>Reviewed on: 4/7/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11- Soltero</p>

Ex Parte Application for Removal of Co-Conservator of the Person

	<p>MICHELLE ANN TORRES, Granddaughter And Co-Conservator of the Person, is Petitioner.</p> <p>Petitioner states On 2/16/16, the Court entered an Order appointing Michelle Ann Torres and Santos Torres as Co-Conservators of the Person of Mary Lou Hernandez.</p> <p>Michelle Ann Torres executed Letters of Conservatorship of the Person pursuant to said Court Order, which Letters were provided to Attorney Brian Fray on behalf of Santos Torres with a request for execution and return for filing.</p> <p>Santos Torres has refused to execute said Letters of Conservatorship although requests have been made on 2/18/16, 3/2/16, and 3/12/16. The failure of Santos Torres to execute Letters has left a vacancy in the office of Conservator of the Person since 2/16/16, the expiration date of the Temporary Conservatorship, and jeopardizes the ability of Michelle Ann Torres to provide evidence of her authority to make the appropriate decisions concerning placement, medical care, etc., required of a conservator of the person.</p> <p>Therefore, request is made that the Court remove Santos Torres as Co-Conservator of the Person and appoint Michelle Ann Torres as the sole Conservator of the Person of Mary Lou Hernandez.</p> <p>Declaration filed 4/4/16 states she and Santos Torres have now signed Letters of Conservatorship on 3/22/16 and will file same. Consequently, there is no need for the hearing on this application and request is made that said hearing be taken off calendar.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Although the Declaration filed 4/4/16 states Letters have been signed and requests that this hearing be taken off calendar, no Request for Dismissal was filed; therefore, the hearing remains set.</p> <p>Note: The Fresno County Public Guardian was appointed as Conservator of the Estate on 4/15/15. Letters issued on 6/1/15.</p> <p>Note: Letters have issued to Michelle Ann Torres and Santos Torres as Co-Conservators on 4/7/16.</p> <p>1. If this matter goes forward, need notice to all interested parties pursuant to the Court's Order of 3/21/16.</p>
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 4/7/16
		Updates:
		Recommendation:
		File 12- Hernandez

Probate Status Hearing

RE: Filing of the Inventory and Appraisal

Age:			NEEDS/PROBLEMS/COMMENTS:
DOD:			
Cont. from			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			<u>OFF CALENDAR</u>
			I&A filed 4/1/16
			Reviewed by: skc
			Reviewed on: 4/7/16
			Updates:
			Recommendation:
			File 13- Ringer

Petition (1) for Removal of Trustee; (2) for Damages for Breach of Trust; (3) to Compel Trust Accounting; and (4) Objection to Accounting (Prob. Code §§ 17200, 16063)

<p>John F. Murray DOD: 12/17/03</p>	<p>MARY MURRAY, Beneficiary, is Petitioner.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
	<p>Petitioner states Settlor John F. Murray executed the trust on 5/26/00 and amended one time on 6/19/02. The trust designated Settlor and DALE MURRAY SULLIVAN to act as co-trustees. Settlor died 12/17/03 and since his death, Dale Murray Sullivan has acted as sole trustee.</p>	<p>Minute Order 3/15/16: Counsel represent that the matter has settled and they have a signed agreement; they are awaiting third party release of funds.</p>
<p>Cont'd from: 102715, 011216, 031516</p>		<p>Note: As of 4/7/16, no request for dismissal has been received. Therefore, this matter remains on calendar.</p>
<p><input type="checkbox"/> Aff.Sub.Wit.</p>		
<p><input checked="" type="checkbox"/> Verified</p>		
<p><input type="checkbox"/> Inventory</p>		
<p><input type="checkbox"/> PTC</p>		
<p><input type="checkbox"/> Not.Cred.</p>		
<p><input checked="" type="checkbox"/> Notice of Hrg</p>		<p>Note: Although Mr. Willoughby signed a stipulation to continue the matter, no formal appearance has been made by Mr. Willoughby or his client Dale Murray Sullivan.</p>
<p><input checked="" type="checkbox"/> Aff.Mail</p>	<p>W</p>	<p>1. Petitioner states Fresno County is the proper venue pursuant to Probate Code §16061.7 with reference to Exhibit C, a copy of the notice provided by the trustee in 2004 listing the trustee's address in Fresno.</p>
<p><input type="checkbox"/> Aff.Pub.</p>		
<p><input type="checkbox"/> Sp.Ntc.</p>		
<p><input type="checkbox"/> Pers.Serv.</p>		
<p><input type="checkbox"/> Conf. Screen</p>		
<p><input type="checkbox"/> Letters</p>		
<p><input type="checkbox"/> Duties/Supp</p>		
<p><input type="checkbox"/> Objections</p>		
<p><input type="checkbox"/> Video Receipt</p>		
<p><input type="checkbox"/> CI Report</p>		
<p><input type="checkbox"/> 9202</p>		
<p><input checked="" type="checkbox"/> Order</p>	<p>Petitioner states in December 2005, the trustee sent a letter to beneficiaries outlining expenses, transactions and income of the trust estate. Petitioner alleges the letter is not a legally sufficient account of trust activities and fails to contain information required by Probate Code §16063. Petitioner object to the account and also objects to the fees claimed by the trustee of \$15,000. Petitioner states the account fails to justify the fees and the fees are excessive and should be disallowed.</p> <p>Exhibit D states the trustee is retaining a reserve of \$55,540,85 for legal fees and final estate tax payments, and states the trust will have additional projected income of \$15,000 for the Palm Canyon Closing Payment, and will also have continuing income of \$4,200/yr. However, despite these statements, there have been no payments to the beneficiaries since December 2005, almost 10 years ago.</p> <p>Based on the reserve, the expected payment, and projected income over the last 10 years, the trustee is believed to have retained and spent trust money of \$112,000 or more.</p>	<p>However, Exhibit D, an expense itemization provided by the trustee in 2005, indicates an address in Sioux Falls, South Dakota, and Petitioner provides a current address for the trustee in San Antonio, Texas.</p> <p>Therefore, need clarification as to why Fresno County is proper venue pursuant to Probate Code §§ 17002, 17005.</p> <p>2. The Court may require further authority as to why §17200(b)(7) should not apply. It appears Petitioner has not had contact with the trustee for 10 years and has not made formal written request to the trustee for the information requested; therefore this petition may be filed prematurely.</p>
<p><input type="checkbox"/> Aff. Posting</p>		<p>Reviewed by: skc</p>
<p><input type="checkbox"/> Status Rpt</p>		<p>Reviewed on: 4/7/16</p>
<p><input type="checkbox"/> UCCJEA</p>		<p>Updates:</p>
<p><input type="checkbox"/> Citation</p>		<p>Recommendation:</p>
<p><input type="checkbox"/> FTB Notice</p>		<p>File 14 – Murray</p>

SEE PAGE 2

Page 2

Petitioner alleges that the requirements of Probate Code §17200(b)(7) of a written request, a 60-day wait, and lack of account within the precedent six months should not apply when a breach of trust may have occurred, especially when more than \$100,000 has disappeared without explanation.

Petitioner states she has received and is in possession of a check dated 7/15/15 from HMS-Palm Springs in the sum of \$39,600 made out to John F. Murray. Petitioner has been unsuccessful in contacting HMS-Palm Springs to determine the reason for the check and/or to find out what other payments have been made since the death of the settlor.

Petitioner prays for an order:

1. **Instructing Dale Murray Sullivan to prepare and file with this court an account for the John F. Murray Living Trust from the date of death, or alternatively, should the Court find Exhibit D to be a legally sufficient account, from the end date of Exhibit D;**
2. **Instructing Dale Murray Sullivan to petition this court for settlement of the account;**
3. **Removing Dale Murray Sullivan as trustee;**
4. **Finding that Dale Murray Sullivan as trustee has breached the trust and that she is liable for all resulting damages;**
5. **Sustaining Petitioner's objections to the account;**
6. **Surcharging the trustee for damages and for all improper payments; and**
7. **For any additional orders the court deems appropriate.**

Note: Status Statement filed 3/14/16 by Attorney Harris states the parties have settled and are awaiting payment from a third party in possession of trust assets. Upon receipt of funds, Petitioner will dismiss her petition. The parties expect payment in the next 10-15 days. Accordingly, Petitioner requests continuance.

Second Amended Petition for Appointment of Probate Conservator of the Person and Estate

See petition for details.			<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p>Court investigator advised rights on 10/23/15</p> <p>Voting rights affected – need minute order</p> <p><u>Note:</u> The prior version of this petition requested medical consent powers under Probate Code §2355 in addition to dementia medication and placement powers under §2356.5. This Second Amended Petition appears to request <u>only</u> dementia medication and placement powers under §2356.5, but not medical consent powers under §2355, although such powers are supported by the Capacity Declarations.</p> <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p> <p>Reviewed by: skc</p> <p>Reviewed on: 4/7/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 15 – Garoppo</p>
	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		

Page 2 - NEEDS/PROBLEMS/COMMENTS:

1. Need clarification: Petitioner was previously requesting medical consent powers under Probate Code §2355, which are supported by the Capacity Declarations; however, this Second Amended Petition does not include a request for medical consent powers under §2355. See #1g of the petition.
2. Examiner Notes previously noted that although Petitioner checked the box at #1k re dementia powers, the mandatory Judicial Council Form #GC-313 Attachment Requesting Special Orders Regarding Dementia, which specifies the powers being sought, was not attached to the petition.

The GC-313 is still not attached to this Second Amended Petition. Rather, it appears to have been attached to the Capacity Declaration that was filed on 2/24/16. Because it is not attached to the petition, the request for such powers still has not been properly served on the proposed Conservatee or relatives. The Court may require further service.

3. Need new order and letters per Local Rule 7.1.1.F. Petitioner is reminded that the Judicial Council Order Appointing Probate Conservator was recently revised on 1/15/16 and the most recent revision must be used.

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

- Tuesday, August 9, 2016 for filing the Inventory and Appraisal
- Tuesday, June 6, 2017 for filing the First Account.

Note: Although Petitioner filed an Inventory and Appraisal on 2/29/16, it does not appear complete in that the bank account is not included and the vehicles and other personal property assets were not appraised by the Probate Referee. See Probate Code §2610.

Petition for Appointment of Guardian of the Person

		See petition for details.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Minute Order 3/1/16:</u> Examiner Notes provided in open court. Rayannan Perez, mother, represent that the maternal grandmother is Vicki McCue of Anchorage, Alaska, and the maternal grandfather is Angelo Subia of Fresno. The Court makes a true name finding of “McCue” as to the spelling of the minor’s last name.</p> <p>1. 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 on: - Vicki McCue, Maternal Grandmother</p> <p><u>Note:</u> Notice of Hearing filed 3/10/16 indicates notice to “Vickie Spry” at an address in Clovis; however, this does not correspond to the information provided by the mother at the hearing on 3/1/16. Further notice to the maternal grandmother may be required.</p>
Cont. from 030116			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	W	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv.	W	
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	Clearances		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			<p>Reviewed by: skc</p> <p>Reviewed on: 4/7/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 17- McCue</p>

