

(1) Report and Final Account of Administrator, (2) Petition for Reimbursement to Administrator for Costs Advanced and (3) Attorney's Compensation and (4) for Final Distribution

DOD: 4/5/2000	DANIEL DIAZ , Administrator, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>This matter has been continued 5 times. As of 4/15/14 the following issue remains:</p> <p>1. Petition request distribution of 1/5 interest in the estate to the decedent's grandson, Joseph Diaz, son of James Diaz. At the time the estate was opened in 2006 James Diaz, son, was alive and therefore his share of the estate must be distributed to him or his estate and not to his son, Joseph Diaz. - Declaration under Probate Code §13100 re: transfer of personal property filed on 1/28/14. A declaration under Probate Code §13100 can only be used for personal property. The petition requests that Joseph receive his father's share of the real property. Therefore a declaration under Probate Code §13100 cannot be used in this situation. (In addition the declaration is not notarized as required.)</p>
	Account period: 10/24/06 – 8/31/13	
	Accounting - \$23,000.00	
	Beginning POH - \$23,000.00	
	Ending POH - \$23,000.00	
Cont. from 102213, 111913, 010714, 020414, 032014	Administrator - waives	
<input type="checkbox"/> Aff.Sub.Wit.	Attorney (statutory) - \$920.00	
<input checked="" type="checkbox"/> Verified	Costs - \$1,065.00 (filing fees, publication, probate referee, certified copies)	
<input checked="" type="checkbox"/> Inventory	Distribution, pursuant to intestate succession, is to:	
<input checked="" type="checkbox"/> PTC	Virginia Macias, Daniel Diaz, Rachael Garcia, Patricia Contreras and Joseph Diaz, 1/5/ interest each in real property.	
<input checked="" type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters 10/24/06		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
	Reviewed by: KT	
	Reviewed on: 4/15/14	
	Updates:	
	Recommendation:	
	File 1 – Diaz	

Atty Lucich, Nicholas L. Jr. (for Eddie Rogers – Administrator/Petitioner)

(1) First and Final Account and Report of Administrator and (2) Petition for Allowance of Statutory Attorney's and Administrator's Fees and for (3) Extraordinary Administrator's Fees and for (4) Final Distribution

DOD: 10/12/12		EDDIE ROGERS , Administrator, is Petitioner.	NEEDS/PROBLEMS/ COMMENTS:
		Accounting period: 10/12/12 – 01/15/14	
		Accounting - \$285,715.82	
		Beginning POH - \$244,777.79	
		Ending POH - \$158,799.87	
Cont. from		(\$155,299.57 is cash)	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Administrator - \$8,714.31 (statutory)	
<input checked="" type="checkbox"/>	Inventory	Administrator x/o - \$1,000.00 (for sale of real property, ok per Local Rule)	
<input checked="" type="checkbox"/>	PTC	Administrator costs - \$5,437.31 (\$9,937.31 less \$4,500.00 from sale of vehicle) (for estate expenses paid from Administrator's personal funds – itemization provided)	
<input checked="" type="checkbox"/>	Not.Cred.	Attorney - \$8,714.31 (statutory)	
<input checked="" type="checkbox"/>	Notice of Hrg	Attorney x/o - \$1,000.00 (for sale of real property, ok per Local Rule)	
<input checked="" type="checkbox"/>	Aff.Mail	Costs - \$3,833.63 (filing fees, publication, probate referee, certified copies, mortgage payments)	
	Aff.Pub.	Creditor's Claim - \$1,683.22 (to Billie L. Rogers in satisfaction of the approved portion of her claim)	
	Sp.Ntc.	Closing - \$2,000.00	
	Pers.Serv.	Distribution, pursuant to intestate succession, is to:	
	Conf. Screen	Carole Harsch - \$24,583.36 cash, plus 1/5 interest in household furnishings and personal belongings	
	Letters	Dana Thompson - \$24,583.36 cash, plus 1/5 interest in household furnishings and personal belongings	
	Duties/Supp	Calvin Rogers - \$24,583.36 cash, plus 1/5 interest in household furnishings and personal belongings	
	Objections	Sandy Labbe - \$24,583.36 cash, plus 1/5 interest in household furnishings and personal belongings	
	Video Receipt	Eddie James Rogers - \$24,583.36 cash, plus 1/5 interest in household furnishings and personal belongings	
	CI Report	Petitioner requests that all payments and distributions above be authorized to be made from the blocked account and that the Court order that a blocked account is no longer necessary	
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
			Reviewed by: JF
			Reviewed on: 04/15/14
			Updates:
			Recommendation:
			File 3 – Rogers

Petition for Order Regarding Distribution of Individual Retirement Account

		<p>MARTIN E. MAMIGOINIAN, as Trustee of the Perry Mamigonian Trust, is petitioner.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1.</p>
		<p>Petitioner states Abet E. Mamigonian, by written Declaration of Trust dated 1/27/11, established the Mamigonian Revocable Trust.</p>	
Cont. from		<p>Abet was the owner of Merrill Edge Individual Retirement Rollover Account Number XXX-XX142 (the "IRA")</p>	
	Aff.Sub.Wit.		
✓	Verified	<p>Abet E. Mamigonian died on 1/28/13, and he was survived by his three children, Martin E. Mamigonian, Perry A. Mamigonian and Janice Edwards.</p>	
	Inventory		
	PTC	<p>Pursuant to a letter from Merrill Edge dated 1/15/14, according to Merrill Edge's records the beneficiaries of the IRA are Martin E. Mamigonian (as to 34%), Janice Edwards (as to 33%) and Perry A. Mamigonian Trust (as to 33%). The Perry A. Mamigonian Trust is a subtrust created under the Mamigonian 2011 Revocable Trust.</p>	
	Not.Cred.		
✓	Notice of Hrg	<p>Martin E. Mamigonian and Janice Edwards have completely disclaimed and renounced any interest in the IRA, contingent upon entry of the order requested herein.</p>	
	Aff.Mail		
	Aff.Pub.	<p>Pursuant to Probate Code §850 (a) (3), a trustee or any interested person may make a petition where the trustee has claim to real or personal property, title to or possession of which is held by another. Pursuant to Probate Code §856, if the court is satisfied that a conveyance, transfer, or other order should be made, the court shall make an order authorizing and directing the person having title or possession of the property, to execute a conveyance or transfer to the person entitled thereto, or grant other appropriate relief.</p>	
	Sp.Ntc.		
	Pers.Serv.	<p>Please see additional page</p>	
	Conf. Screen		
	Letters	<p>Reviewed by: KT</p>	
	Duties/Supp		
	Objections	<p>Reviewed on: 4/15/14</p>	
	Video Receipt		
	CI Report	<p>Updates:</p>	
	9202		
✓	Order	<p>Recommendation:</p>	<p>File 5 – Mamigonian</p>
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Petitioner requests that this Court confirm that the entire amount on deposit in the IRA should be distributed to Martin E. Mamigonian, as Trustee of the Perry A. Mamigonian Trust created under the Mamigonian 2011 Revocable Trust, and further authorize, direct and order Merrill Lynch & Co. Inc., and Merrill Edge to distribute such entire amount on deposit in the IRA to Martin E. Mamigonian, as Trustee of the Perry A. Mamigoinian Trust.

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

DOD: 11/14/13	DENNIS VEEH and BRUCE M. BROWN, named executors without bond, are petitioners.	NEEDS/PROBLEMS/COMMENTS: Note: If the petition is granted, status hearings will be set as follows: <ul style="list-style-type: none"> • Friday, August 15, 2014 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. • Friday, June 12, 2015 at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.
	Full IAEA – o.k.	
Cont. from	Will dated: 5/5/2009	
<input type="checkbox"/> Aff.Sub.Wit.	S/P	
<input checked="" type="checkbox"/> Verified	Residence: Fresno	
<input type="checkbox"/> Inventory	Publication: Fresno Business Journal	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg	Estimated value of the estate:	
<input checked="" type="checkbox"/> Aff.Mail	Personal property - \$580,000.00	
<input checked="" type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.	Probate Referee: Rick Smith	
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: KT
		Reviewed on: 4/15/14
		Updates:
		Recommendation: SUBMITTED
		File 6 – Gray

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

DOD: 11/27/1998	ARDITH MYERS, SUSAN MYERS, PETER MYERS , children, and HERMAN FUDENBERG , spouse, are petitioners.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Petition states the decedent was divorced or never married however Herman Fudenberg is listed on Attachment 14 as spouse. Need clarification. Filed 04/16/2014</p> <p>2. Pursuant to Probate Code § 6401, spouse, Herman Fudenberg, is entitled to a 1/3 interest in the property and the decedent's children would be entitled to share the remaining 2/3 interest (2/9 interest each).</p> <p>3. The Declaration filed 04/16/2014 states that the 12.5% of community property was awarded to Mr. Fudenberg in his divorce decree. It is unclear why the Petition to Determine Succession is before this Court as the property of this petition has already been awarded to Mr. Fudenberg in the divorce proceedings.</p>
	40 days since DOD	
Cont. from	No other proceedings	
<input type="checkbox"/> Aff.Sub.Wit.	I&A - \$32,500.00	
<input checked="" type="checkbox"/> Verified	Decedent died intestate	
Inventory	Petitioners request Court determination that decedent's 12.5% interest in real property pass to Ardith Myers, Susan Myers, Peter Myers and Herman Fudenberg.	
PTC	Declaration filed 04/16/2014 states Herman Hugh Fudenberg was married to the decedent but divorced in 1996. She later died in 1998. Mr. Fudenberg was awarded the 12.5% interest of community property in the divorce decree.	
Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	w/	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 04/15/2014
		Updates:
		Recommendation:
		File 7 – Myers-Fudenberg

DOD: 01/07/2013	KIMBERLY A. SHAVER , daughter, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>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.</p>
	40 days since DOD	
	No other proceedings	
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	I&A - \$65,000.00	
<input checked="" type="checkbox"/> Inventory	Will dated: 02/11/1981 devises all property pass to Kimberly A. Shaver.	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Petitioner requests Court determination that decedent's 50% interest in real property located at 944 W. Fedora, Fresno, Ca. pass to Kimberly A. Shaver pursuant to decedent's will.	
<input checked="" type="checkbox"/> Aff.Mail	w/	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LV
		Reviewed on: 04/15/2014
		Updates:
		Recommendation:
		File 8 – Wakefield

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

DOD: 10/23/2013		<p>LORENA TORRES, sister is petitioner and requests appointment as Administrator with bond set at \$500,000.00</p> <p>Full IAEA – o.k.</p> <p>Decedent died intestate</p> <p>Residence: Fresno Publication: The Business Journal</p> <p>Estimated value of the Estate:</p> <table border="0"> <tr> <td>Real property</td> <td>-</td> <td>\$50,000.00</td> </tr> <tr> <td>Personal property</td> <td>-</td> <td>\$450,000.00</td> </tr> <tr> <td>Total</td> <td>-</td> <td>\$500,000.00</td> </tr> </table> <p>Probate Referee: Steven Diebert</p>	Real property	-	\$50,000.00	Personal property	-	\$450,000.00	Total	-	\$500,000.00	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Petition is not signed by the Attorney.</p> <p>Note: Proof of bond was filed on 03/28/2014 in the amount of \$500,000.00.</p> <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Friday, 09/19/2014 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Friday, 06/19/2015 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <p>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.</p>
Real property	-		\$50,000.00									
Personal property	-		\$450,000.00									
Total	-		\$500,000.00									
Cont. from												
<input type="checkbox"/>	Aff.Sub.Wit.											
<input checked="" type="checkbox"/>	Verified											
<input type="checkbox"/>	Inventory											
<input type="checkbox"/>	PTC											
<input type="checkbox"/>	Not.Cred.											
<input checked="" type="checkbox"/>	Notice of Hrg											
<input checked="" type="checkbox"/>	Aff.Mail w/o											
<input checked="" type="checkbox"/>	Aff.Pub.											
<input type="checkbox"/>	Sp.Ntc.											
<input type="checkbox"/>	Pers.Serv.											
<input type="checkbox"/>	Conf. Screen											
<input checked="" type="checkbox"/>	Letters											
<input checked="" type="checkbox"/>	Duties/Supp											
<input type="checkbox"/>	Objections											
<input type="checkbox"/>	Video Receipt											
<input type="checkbox"/>	CI Report											
<input type="checkbox"/>	9202											
<input checked="" type="checkbox"/>	Order											
<input type="checkbox"/>	Aff. Posting											
<input type="checkbox"/>	Status Rpt											
<input type="checkbox"/>	UCCJEA											
<input type="checkbox"/>	Citation											
<input type="checkbox"/>	FTB Notice											
		<p>Reviewed by: LV</p> <p>Reviewed on: 04/15/2014</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 9 – Alvarado</p>										

Atty Petty, Teresa B., sole practitioner (for Petitioner Rhonda Woods)

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

DOD: 5/2/2013		RHONDA WOODS , daughter, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		40 days since DOD.	
Cont. from			
	Aff.Sub.Wit.		
✓	Verified	No other proceedings.	
✓	Inventory		
	PTC		
	Not.Cred.	I & A - \$105,000.00	
✓	Notice of Hrg		
✓	Aff.Mail	w/ Decedent died intestate.	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	Petitioner requests Court determination	
	Conf. Screen	that Decedent's 100% interest in real property located at 1416 W. University Ave., Fresno, passes to the Petitioner pursuant to intestate succession.	
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: LEG
			Reviewed on: 4/15/14
			Updates:
			Recommendation: SUBMITTED
			File 10 - Woods

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

DOD: 06/22/07		<p>LARRY A. DONALDSON, friend, was appointed as Executor without bond on 05/27/08 and Letters were issued on 06/18/08.</p> <p>Notice of Status Hearing filed 11/28/12 set this matter for status. Clerk's Certificate of Mailing states that the Notice of Status Hearing was mailed to Larry A. Donaldson on 10/19/12.</p> <p>Declaration of Beneficiary Laura Leonard re Probate Status Hearing – Failure to File First Account or Petition for Final Distribution filed 01/13/11 states: she and her brother (both beneficiaries of the estate) have made many written and verbal requests to Mr. Donaldson requesting an accounting and for their father's estate be brought to a close. Ms. Leonard states that Mr. Donaldson has ignored their requests and repeatedly failed to communicate with them regarding the estate. Ms. Leonard and her brother had an attorney, Frederick Borges, contact Mr. Donaldson on their behalf to request that he move forward with the estate. Mr. Donaldson responded that he would move forward, but has failed to do so. Ms. Leonard states that she and her brother have also made a complaint to the state bar of California regarding Mr. Donaldson's failure to act. Ms. Leonard states that after all of these efforts, Mr. Donaldson recently provided them with a sloppy, incomplete "accounting", however several years' worth of information is absent and many of the transactions are questionable. Declarant further states that she and her brother were supposed to receive a distribution in early January, but have not received anything.</p> <p>Inventory & Appraisal, partial no. 1 filed 07/24/13 - \$1,619,273.76</p> <p>Clerk's Certificate of Mailing filed 10/08/13 states that a copy of the Minute Order from 10/04/13 was mailed to Larry Donaldson on 10/08/13.</p> <p style="text-align: center;">Continued on Page 2</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 02/20/14</p> <p>Hearing on Amended Trust Accounting for 2007 – 2012 and partial 2013 has been continued to 05/05/14</p> <p>Note: Minute order from 07/26/13 states: Mr. Donaldson advises the Court that he filed a status statement yesterday. He further advises that the accounting is being done however he may have a conflict which may require another attorney to complete the work in this matter. The Court on its own motion accepts Mr. Donaldson's withdrawal as Executor in this matter and appoints the Public Administrator. Mr. Donaldson is directed to contact Ms. Kruthers.</p> <p>Note: Letters of Administration were issued to the Public Administrator on 08/01/13.</p> <p>As of 10/01/13, the following remains outstanding:</p> <ol style="list-style-type: none"> 1. Need Final Inventory & Appraisal. 2. Need Accounting and/or Petition for Final Distribution.
Cont. from 012513, 032913, 042613, 072613, 100413, 102513, 120513, 010214, 013014, 022014			
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: JF</p> <p>Reviewed on: 04/15/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11A - Wallace</p>	

Report Regarding Status of Estate filed 11/27/13 states: At a hearing on 07/26/13, the Court accepted Larry Donaldson's resignation as Administrator and appointed the Public Administrator. According to the 07/26/13 minute order, Mr. Donaldson advised that the accounting was being done, however a conflict that may require another attorney to complete the work has come up. No accounting has been filed. Mr. Donaldson was not returning calls to the Public Administrator, who called him weekly on Wednesdays. He finally answered a call made from a personal cell phone. At a hearing on 10/04/13, Judge Hamilton ordered Mr. Donaldson to be present at the continued hearing on 10/25/13. Mr. Donaldson did not appear on 10/25/13. The Public Administrator advised the Court that all estate assets had been liquidated and rolled into a trust, of which Mr. Donaldson is the trustee. Despite requests by the Public Administrator, a copy of the trust has not been provided. The Public Administrator is concerned about the assets considering they have not yet been accounted for in the estate.

According to the Inventory & Appraisal filed by Mr. Donaldson on 06/24/13, the estate's value was \$1,619,273.76. The Public Administrator has not been able to access the Bank of America or Security First Bank accounts. He filed and was granted an ex parte order directing financial institutions to provide access to and information regarding all accounts held by the estate or trust of the decedent. The Public Administrator has made several attempts to locate a company whereby "Person Education Publication Royalties" are paid. According to attachment 2 to the Inventory & Appraisal, future royalties will be paid to the estate. There are two timeshares listed, and the Public Administrator has asked Chicago Title to determine the status of these properties. The real property, valued at \$750,000.00 was reportedly sold for \$600,000 and the proceeds placed into a Bank of America bank account. The Public Administrator believes that Mr. Donaldson should once again be ordered to appear before this Court to account for all assets listed on the Inventory & Appraisal that he filed. He should also be ordered to provide a copy of the Trust and an accounting of those assets to the Public Administrator.

Status Conference Statement filed 01/17/14 by Larry Donaldson, former Executor, states:

1. He retained an accounting firm to prepare an accounting for the estate in August 2013.
2. The accounting firm has indicated that they believe the accounting can be completed by 01/28/14.
3. Several months ago, he provided the beneficiaries a bank ledger showing all income and expenditures for both the Bank of America and Security First Bank accounts pending the filing of an official accounting.
4. He has provided original estate documents to the accounting firm and therefore does not have personal possession of the documents in order to be able to prepare an accounting himself.
5. He requests a short continuance to allow him to file an accounting, he believes he should be able to have it filed on or before 01/31/14.

Order to Show Cause Re: Failure to Appear; Imposition of Sanctions in the Amount of \$600.00

DOD: 06/22/07	<p>LARRY A. DONALDSON, friend, was appointed as Executor without bond on 05/27/08 and Letters were issued on 06/18/08.</p> <p>On 07/26/13, LARRY DONALDSON resigned as Executor and the PUBLIC ADMINISTRATOR, was appointed as Administrator. Letters of Administration were issued to the Public Administrator on 08/01/13.</p> <p>Minute order from 12/05/13 set this matter for an Order to Show Cause and states: The Court sets the matter for an Order to Show Cause on 01/02/14 regarding Larry Donaldson's failure to appear and imposition of sanctions in the amount of \$600.00. The Court sets a further Order to Show Cause on 01/02/14 regarding Larry Donaldson's failure to provide information to the successor administrator timely and imposition of sanctions in the amount of \$800.00. Larry Donaldson is ordered to be personally present on 01/02/14.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 02/20/14</u></p>
Cont. from 010214, 013014, 022014		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 04/15/14
		Updates:
		Recommendation:
		File 11B - Wallace

Order to Show Cause Re: Failure to Provide Information to the Successor Administrator Timely; Imposition of Sanctions in the Amount of \$800.00

DOD: 06/22/07	<p>LARRY A. DONALDSON, friend, was appointed as Executor without bond on 05/27/08 and Letters were issued on 06/18/08.</p> <p>On 07/26/13, LARRY DONALDSON resigned as Executor and the PUBLIC ADMINISTRATOR, was appointed as Administrator. Letters of Administration were issued to the Public Administrator on 08/01/13.</p> <p>Minute order from 12/05/13 set this matter for an Order to Show Cause and states: The Court sets the matter for an Order to Show Cause on 01/02/14 regarding Larry Donaldson's failure to appear and imposition of sanctions in the amount of \$600.00. The Court sets a further Order to Show Cause on 01/02/14 regarding Larry Donaldson's failure to provide information to the successor administrator timely and imposition of sanctions in the amount of \$800.00. Larry Donaldson is ordered to be personally present on 01/02/14.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 02/20/14</u></p>
Cont. from 010214, 013014, 022014		
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: JF</p> <p>Reviewed on: 04/15/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11C - Wallace</p>	

	TERI LYN JACKSON was appointed Guardian of the Estate on 10-12-10 with funds to be placed into blocked accounts. Letters issued on 10-12-10.	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> The Guardian was previously represented by Attorney Erin Childs; however, the attorney was relieved as counsel pursuant to order filed 6-20-12, and the Guardian is now self-represented. <u>Note:</u> The guardianship estate funds are held in various blocked accounts. 1. The Second Account Current is now due. Need Second Account.
	The First Account was settled on 2-2-12 and the Court set this status hearing for the filing of the Second Account.	
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FTB Notice		
		Reviewed by: skc
		Reviewed on: 4-15-14
		Updates:
		Recommendation:
		File 12 – Pelley

DOD: 10/09/11	MACE NORRIS , son, was appointed Executor with full IAEA on 01/23/12 and Letters Testamentary were issued on 01/24/12.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><u>OFF CALENDAR</u> Waiver of Accounting and Report of Executor filed 04/10/14 and set for hearing on 05/14/14</p>
Cont. from 041813, 101713	<p>Petitioner requests additional time to complete the administration of the estate in connection with the sale of the remaining real property assets of the Estate. Clouds on title to certain real property assets of the Estate have been determined and Petitioner believes that clearing these title issues through the Probate is the most efficient procedure.</p> <p>Three creditor's claims have been filed against the Estate and their dispositions are yet to be determined.</p> <p>I & A Partial No. 1 filed 02/27/12 - \$250,000.00 I & A Partial No. 2 filed 05/07/12 - \$600,000.00 I & A Final <u>to be filed</u> - \$2,500.00</p> <p>Petitioner has taken the following actions during the administration of the Estate:</p> <ol style="list-style-type: none"> Petitioner sold real property located at 2780 W. Acacia, Fresno 93705, after providing a Notice of Proposed Action filed 03/22/12. The property sold for \$79,200.00 Petitioner sold real property located at 5659 Greenwood Ave, Clovis, after providing a Notice of Proposed Action filed 10/17/12. The property sold for \$145,000.00 Petitioner sold real property located at 2093 E. Fallbrook, Fresno, after providing a Notice of Proposed Action filed 04/23/12. The property sold for \$192,000.00 Petitioner sold real property located at 19109 Avenue 14, Madera, after providing a Notice of Proposed Action filed 11/29/12. The property sold for \$100,000.00 <p>Petitioner states that the Estate is not yet in a position to be closed. Real property assets of the Estate, including those with title defects, require additional attention and Petitioner requests an additional 6 months.</p> <p>Petitioner is the sole beneficiary of the Estate.</p> <p>Status Report of Mace Norris filed 10/15/13 states: The creditor's claims filed against the estate have been resolved and paid. The estate is not yet in a position to be closed, there are two real property assets of the estate that are listed or will be listed for sale soon. Petitioner requests a six month continuance.</p>	
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		<p>Reviewed by: JF</p> <p>Reviewed on: 04/15/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 13 – Norris</p>

Atty Alarcon, Elvera (pro per – maternal grandmother/Petitioner)

Atty Victoria, Desiree (pro per – non-relative (father’s girlfriend)/competing Petitioner)

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

Age: 12	<u>GENERAL HEARING 05/27/14</u>		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>See page 14B for competing Petition filed by Desiree Victoria.</p> <p><u>CONTINUED FROM 04/07/14</u></p> <p>1. Need proof of personal service at least 5 court days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Temporary Guardianship</i> <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for:</p> <p>a. Randall Gambell (father) – Petitioner states that the father is currently incarcerated and that she will not be able to serve him in time for the temporary guardianship</p> <p>b. Triston Gambell (minor)</p>
	<p>ELVERA ALARCON, maternal grandmother, is Petitioner.</p> <p>Father: RANDALL GAMBELL – <i>currently incarcerated</i></p> <p>Mother: NELIDA GARCIA – <i>Consent & Waiver of Notice filed 03/27/14</i></p> <p>Paternal grandfather: THOMAS GAMBELL – deceased</p> <p>Paternal grandmother: MELANIE GAMBELL - deceased</p> <p>Maternal grandfather: JESUS CONTRERAS GARCIA</p> <p>Petitioner alleges that the father was arrested after his home was raided due to his drug dealing. The minor has been left in the care of the father’s girlfriend who petitioner also suspects uses and deals drugs. Petitioner states that Triston’s mother is also a drug addict.</p>		
Cont. from 040714			
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			Reviewed by: JF
			Reviewed on: 04/15/14
			Updates:
			Recommendation:
			File 14A – Gambell

Age: 12		GENERAL HEARING 06/04/14		NEEDS/PROBLEMS/COMMENTS:	
		<p>DESIREE VICTORIA, father's girlfriend, is petitioner.</p> <p>Father: RANDALL GAMBELL – <i>currently incarcerated; Consent & Waiver of Notice filed 04/07/14</i> Mother: NELIDA GARCIA</p> <p>Paternal grandfather: THOMAS GAMBELL – deceased Paternal grandmother: MELANIE GAMBELL - deceased</p> <p>Maternal grandfather: JESUS CONTRERAS GARCIA</p> <p>Petitioner alleges that Triston has resided with her and his father. His father was arrested on 03/14/14, after his arrest, the maternal grandmother filed for guardianship without notifying anyone. Petitioner states that Triston's father wants him to stay in his home with her and her children. Petitioner states that Triston needs to be protected from any forces than can displace him from his home.</p> <p>Response to Petition for Appointment of Temporary Guardian filed 04/14/14 by Elvera Alarcon (competing Petitioner) states: she feels she should have guardianship of Triston, she can provide him with a safe environment. Ms. Alarcon states that Ms. Victoria and the children were present when the father's home was raided and he was arrested. Ms. Alarcon further states that statements made in court (related to the father's arrest) suggest that she may have been involved in the drugs/weapons. Ms. Alarcon is worried that Triston has been traumatized by the raid and seeing his father arrested. Ms. Alarcon does not feel that Ms. Victoria is capable of providing a safe home for Triston. Letters supporting Ms. Alarcon as Triston's guardian from maternal aunt, Guillermina Rios, and maternal uncle, Juan Acosta are attached.</p>		<p>2. Need <i>Notice of Hearing</i>.</p> <p>3. Need proof of personal service at least 5 court days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Temporary Guardianship or Consent & Waiver of Notice or Declaration of Due Diligence</i> for: c. Nelida Garcia (mother) d. Triston Gambell (minor)</p>	
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				Reviewed by: JF	
				Reviewed on: 04/15/14	
				Updates:	
				Recommendation:	
				File 14B – Gambell	

Atty Alvarez, Salvador (pro per Petitioner/maternal grandfather)

Atty Castaneda, Enedina (pro per Petitioner/maternal grandmother)

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

Xavier age: 5		<p>TEMPORARY (granted ex parte) Expires 4/17/14.</p> <p>General Hearing 6/4/14</p> <p>SALVADOR ALVAREZ and ENEDINA CASTANEDA, maternal grandparents, are petitioners.</p> <p>Father (Xavier, Arianna & Angel): JAIME GUTIERREZ</p> <p>Father (Noah): JORGE GUTIERREZ</p> <p>Mother: YESENIA ALVAREZ CASTANEDA</p> <p>Paternal grandparents: Unknown</p> <p>Petitioners state at times the mother threatens to take the children with her. Mom is not use to caring for the children and the children are not use to their mother. If the mother takes them she would be taking them to where she goes for her drugs.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service of the Notice of Hearing or Consent and Waiver of Notice or Declaration of Due Diligence on: <ol style="list-style-type: none"> a. Jaime Gutierrez (father of Xavier, Arianna and Angel) b. Jorge Gutierrez (father of Noah) c. Yesenia Alvarez Castaneda (mother) 3. Need UCCJEA for Angel and Noah. 	
Arianna age: 4				
Angel age: 3				
Noah age: 1				
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✓	Verified			
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<p>Reviewed by: KT</p> <p>Reviewed on: 4/15/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 15 – Alvarez</p>				

Atty Bell, Melinda, sole practitioner of San Juan Capistrano (for Petitioners Lee Ann Hitchman and Bruce Hitchman, Trustees)

(1) Second Account and Report of the Trustees for the Kyle Yang Special Needs Trust (2) Petition to Settle Account (3) Petition for Order Authorizing Trustees Fees on Account, and (4) Petition to Fix and Allow Trustee Fees and Attorney Fees, (5) Petition for Instruction to Allow Additional Care Manager Fees

Age: 13 years	LEE ANN HITCHMAN and BRUCE HITCHMAN, professional fiduciary Co-Trustees, are Petitioners.		NEEDS/PROBLEMS/ COMMENTS: 1. Need proposed order pursuant to Local Rule 7.1.1 (F). Note: Status hearing set for 5/2/2014 is off calendar based upon the filing of this Second Account. Note: Court will set a status hearing as follows: <ul style="list-style-type: none"> Friday, June 19, 2015 at 9:00 a.m. in Dept. 303 for filing of the third account. Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required. ~Please see additional page~
	Account period: 12/1/2012 – 11/30/2013		
	Accounting	- \$251,384.36	
	Beginning POH	- \$226,740.77	
	Ending POH	- \$228,748.38	
Cont. from	(\$42,433.79 is cash; non-cash assets consist of Merrill Lynch investment portfolio)		
✓ Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC	Co-Trustees - \$5,148.50 (\$2,200.00 paid)		
Not.Cred.	(\$7,348.50 total fees requested for Second Account; Declaration and itemizations attached as Exhibit B; for 19.20 hours @ \$75.00/hour Staff rate and 46.50 hours @ \$125.00/hour trustee rate; Trustees time logs filed 3/5/2014.)		
✓ Notice of Hrg	Attorney - \$10,360.00 (Declaration and itemization attached as Exhibit C, for no less than 96 hours @ \$350.00 per hour; includes \$1,260.00 for anticipated time for emailing Trustees, reviewing and responding to probate notes, preparing, filing and serving notice, reviewing file and preparing for hearing, and attending hearing.)		
✓ Aff.Mail	W/		
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Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt	Attorney Costs - \$250.00 (paid) (not itemized)		
CI Report			
✓ 2620	Bond - \$259,551.00 (sufficient)		
Order	X		
Aff. Posting			
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UCCJEA			
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FTB Notice			
Petitioners state: <ul style="list-style-type: none"> The Trustees had to continually encourage the family to consider possible uses for Kyle's Special Needs Trust; this proved difficult and required extraordinary effort; eventually, services from a care manager and translator were obtained; this has resulted in more progress being made; ~Please see additional page~			
Reviewed by: LEG			
Reviewed on: 4/15/14			
Updates:			
Recommendation:			
File 16 – Yang			

Petitioners state, continued:

- Kyle does not receive Supplemental Security Income at this time; Petitioners do not believe it to be cost effective to engage the services of a public benefits advocate at this time; instead, Petitioners believe it is better for Kyle to spend the money on on-going care management services to ensure Kyle receives the counseling and assistance in school that benefits him;
- Given the cultural considerations of this Hmong Beneficiary and his family, research was done to understand how to best work with them; Petitioners were authorized by Court to engage a care manager to assist Kyle and his family in obtaining services and products for his special needs; Petitioners interviewed several care managers and selected one based on her sensitivity to the Hmong culture, which is important due to the fact that Kyle's special needs involve counseling;
- Through the work of the care manager, Kyle is now being seen by Fresno County's Mental Health Department and receives counseling services with the participation and approval of his parents; the care manager has assisted with finding the appropriate resources within the County, scheduling appointments when necessary, finding translators, and in general managing the services for Kyle; Petitioners believe that she is absolutely necessary in order for Kyle to receive these services.

Petitioners request:

1. Monthly fee of **\$200.00** on account for Trustee's compensation beginning 1/1/2014 (for December 2013) continuing for a period of 15 months or until further order of this Court; (Note: *Order on First Account* filed 3/13/2013 authorized the Trustees to pay themselves up to **\$200.00** per month on account for Trustees compensation);
2. Payment of an amount up to **\$5,000.00** to a Care Manager over the course of the next 15 months for on-going care management services for the following year.

NEEDS/PROBLEMS/COMMENTS, continued:

- At establishment of this Special Needs Trust by the Court on 1/5/2012, the placement for the funds had not yet been designated by the Petitioners. Petitioners placed the initial funds of **\$229,082.06** with Merrill Lynch Wealth Management in an investment portfolio (current property on hand is stated as **\$228,748.38.**) The following is noted for the Court's reference with respect to the investment:
 - *Schedule A, Receipts* shows dividends of **\$4,950.61** received by the SNT;
 - *Schedule B, Gains on Sales* (of shares of stock) shows **\$19,692.98** received by the SNT;
 - *Schedule D, Losses on Sales* (of shares of stock) shows **\$3,239.44** came out of the SNT.
- The following amounts are noted for the Court's comparison relating to the 1-year accountings for 1/5/2012 to 11/30/2012 and 12/1/2012 to 11/30/2013 for this SNT:
 - **Special Needs Disbursements for Beneficiary: First Account: \$0.00; Second Account: \$2,839.61.**
 - **Merrill Lynch Advisory Fees: First Account: \$874.04; Second Account: \$1,911.31.**
 - **Care Manager Fees: First Account: \$0.00; Second Account: \$1,594.00.**
 - **Trustees Fees: First Account: \$1,977.50; Second Account: \$7,348.50** (Note: \$75.00/hour Staff rate increased to \$85.00/hour in Second account; Trustee rate is \$125.00 for both first and second account.)
 - **Attorney Fees: First Account: \$6,308.00; Second Account: \$10,360.00.**