



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.

Corrected First and Final Account and Report of Guardian of the Estate and
 Petition to Deliver Assets

Age:		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><u>OFF CALENDAR</u></p> <p>Matter set for 4-19-13 per minute order 3-27-13 and Notice of Hearing filed 3-29-13.</p>
DOD:		
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Aff.Sub.Wit.		
Verified		
Inventory		
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Notice of Hrg		
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Duties/Supp		
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Video Receipt		
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9202		
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Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by:
		Reviewed on:
		Updates:
		Recommendation:
		File 3 - Mommer

**Corrected First and Final Account and Report of Guardian of the Estate and
 Petition to Deliver Assets**

Age:		NEEDS/PROBLEMS/COMMENTS: <p style="text-align: center;"><u>OFF CALENDAR</u></p> <p>Matter set for 4-19-13 per minute order 3-27-13 and Notice of Hearing filed 3-29-13.</p>
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<input type="checkbox"/>	Status Rpt	
<input type="checkbox"/>	UCCJEA	
<input type="checkbox"/>	Citation	
<input type="checkbox"/>	FTB Notice	
		Reviewed by: Reviewed on: Updates: Recommendation: File 4 - Mommer

Status Report of Mace Norris

DOD: 10/09/11		<p>MACE NORRIS, son, was appointed Executor with full IAEA on 01/23/12 and Letters Testamentary were issued on 01/24/12.</p> <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 to be filed - \$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>	NEEDS/PROBLEMS/COMMENTS:
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
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<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: JF</p> <p>Reviewed on: 04/12/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5 – Norris</p>	

**Petition for Appointment of Probate Conservator of the Person and Estate
(Prob. C. 1820, 1821, 2680-2682)**

Age: 68	TEMPORARY EXTENDED TO 4-18-13	NEEDS/PROBLEMS/COMMENTS:
	ISABEL BARRIENTOS , daughter, is Petitioner and requests appointment as Conservator of the Person and Estate with medical consent and dementia medication and placement powers. [<i>Note: Per Minute Order 10-12-12, Estate request is dismissed.</i>]	<u>Court Investigator advised rights on 8-21-12.</u>
Cont. from 090612, 101812, 111512, 121312, 011713	VOTING RIGHTS NOT AFFECTED	<u>Continued from 9-6-12, 10-18-12, 11-15-12, 12-13-12, 1-17-13.</u>
<input type="checkbox"/> Aff.Sub.Wit.	Need Capacity Declaration.	Note: The temp order also authorized Petitioner to move the Conservatee's residence to reside with Petitioner.
<input checked="" type="checkbox"/> Verified	Petitioner states: Petition is blank. No facts are provided.	Note: Examiner notes that the Petitioner also checked boxes for additional powers under Probate Code §§ 2590, 2351-2358, limited conservatorship, and dementia powers.
<input type="checkbox"/> Inventory	Court Investigator Charlotte Bien filed a report on 8-27-12.	<u>Minute Order 10-12-12:</u> The Petitioner informs the Court that Ricardo Barrientos is back in a convalescent home. <u>The Court dismisses the Petition for Appointment of Conservator of the Estate finding that the Petitioner's desire not to go forward with that petition is a request for dismissal.</u> The Court continues the Petition for Appointment of Conservator of the Person to 11/15/12. The temporary is extended to 11/15/12.
<input type="checkbox"/> PTC		<u>Minute Order 1-17-13:</u> Examiner notes provided to Petitioner. Matter continued to 4-18-13. The Court reinstates and extends the temporary conservator of the person appointing Isabel Barrientos to 4-18-13.
<input type="checkbox"/> Not.Cred.		SEE PAGE 2
<input checked="" type="checkbox"/> Notice of Hrg X		Reviewed by: skc
<input checked="" type="checkbox"/> Aff.Mail W		Reviewed on: 4-12-13
<input type="checkbox"/> Aff.Pub.		Updates:
<input type="checkbox"/> Sp.Ntc.		Recommendation:
<input type="checkbox"/> Pers.Serv. X		File 6 - Barrientos
<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 X		
<input checked="" type="checkbox"/> CI Report		
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<input type="checkbox"/> FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

As of 4-12-13, the following issues remain:

1. Need Capacity Declaration (GC-335) with Dementia Attachment (GC-335A) for consideration of medical consent and dementia medication and placement powers.

Note: Petitioner attached a physician's statement to her Confidential Supplemental Information form; however, the Capacity Declaration is a mandatory Judicial Council form that is necessary for the Court to make the findings required to grant medical consent and dementia powers. See GC-335 and Probate Code §§ 1881, 2356.5.

2. Need Citation (GC-322).
3. Need proof of personal service of Citation with a copy of the Petition at least 15 days prior to the hearing pursuant to Probate Code §1824 on Mr. Barrientos.
4. Need Video Receipt (Local Rule 7.15.8.)

Note: Due to the above issues, continuance for compliance may be necessary. Examiner has retained the Order and will prepare accordingly if/when granted.

Petition for Construction of Trust, Appointment and Confirmation of Successor Trustees and Persons Entitled to Distribution from Trust (Prob. C. 17200(b)(1)(4)(10), et seq)

DOD: 01/19/12	<p>STEVEN R. THOMAS, II, son, and KRISTY HELM-THOMAS, daughter, are Petitioners.</p> <p>Petitioners state:</p> <ol style="list-style-type: none"> Petitioners are the children of Steven R. Thomas and interested in the STEVEN R. THOMAS FAMILY TRUST, dated 05/13/03, (the "Trust") created and executed by Steven R. Thomas as sole Settlor and sole Trustee. Steven R. Thomas ("decedent") was unmarried and administered the Trust in Fresno County until his death on 01/19/12. Upon his death, the Trust became irrevocable. Petitioners are not aware of any current, authorized acting successor trustee(s). Petitioners have been provided with a copy of the Trust which Petitioners believe has been altered by handwritten and initialed interlineations and/or changes to the terms of the Trust. Petitioners believe that such interlineations and/or changes is an invalid attempt to amend the Trust's successor trustees and successor beneficiaries and was not done by decedent before his death. There are no amendments to the Trust known to Petitioners except possibly the decedent's Will (pour over Will) dated 05/13/12 currently being probated in Fresno Superior Court Case No. 12CEPR00132 with Petitioners as Co-Executors. The decedent's Will also has handwritten interlineations and changes to the references made as to the decedent's children and named executors. At the time decedent executed both the Trust and his Will, Petitioner Steven R. Thomas, II was present and did not observe any handwritten alterations or modifications to either the Trust or Will. <p style="text-align: center;">Continued on Page 2</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 01/24/13</u></p> <p>Minute Order from 10/24/12 states: Mr. Helon objects. The Court appoints Steven Thomas, II and Kristy Helm-Thomas as co-trustees of the Steven R. Thomas Trust. Counsel is directed to submit an order for the appointment. Mr. Bagdasarian requests to continue this matter to see if a resolution can be reached.</p> <p>Note: Marvin T. Helon was appointed as Guardian Ad Litem for minor grandchildren on 09/24/12.</p> <p>Order Appointing Successor Trustees to Trust was signed on 11/09/12.</p> <p>As of 04/12/13, nothing further has been filed.</p>
Cont. from 091912, 102412, 012413		
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	<p>Reviewed by: JF</p> <p>Reviewed on: 04/12/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 7A - Thomas</p>	

5. Petitioners allege that under Article III, Section B of the Trust entitled "Original Trustees" decedent originally nominated Steven R. Thomas, II and Carl E. Thomas, in that order of priority, as successor trustees.
6. Petitioners further allege that under Article VI, Section A.2 of the Trust entitled "Distributions to Successor Beneficiaries" the decedent originally named the following individuals and the following respective interests as successor beneficiaries in the Trust as follows:
 - Steven R. Thomas II - 25%
 - Kristy Helm-Thomas - 25%
 - Kelby Renee Helm - 25%
 - Michael Garrett Davis - 25%
7. The Trust document, as altered, crossed out the names of Steven R. Thomas II and Carl E. Thomas as successor trustees and were replaced with the name of Kristy Helm-Thomas as the nominated successor trustee. However, Kristy Helm-Thomas's name was also crossed out and replaced with the name of Jeri Rard as successor trustee.
8. The Trust document, as altered, crissed out the originally named successor beneficiaries set forth above in paragraph 6 and replaced them and their respective interests as follows:
 - 100% to (wording undeterminable and crossed out) Grandkids
Coins will be sold later on for my grand childrens college"
9. Petitioners stipulate that the handwritten and initialed interlineations and changes to the original Trust's provisions for successor trustees and successor beneficiaries are not valid amendments to the Trust and that the decedent did not make the changes to the Trust.
10. Under Article I, Section B, Chapter 2, the Trust document provides that the Trust is revocable and amendable by the Settlor as provided in Article V, Section B, Chapter 2 entitled "Revocation and Amendment" that provides that the Settlor may, at any time amend any portion of the Trust by adding provisions or by altering or deleting provisions contained therein, and by delivering a signed statement of amendment to the trustee. Further, the Trust requires that such statement be attached to and made part of the Trust agreement.
11. California Probate Code § 15042 provides that: "Unless the trust instrument provides otherwise, if a trust is revocable by the settlor, the settlor may modify the trust by the procedure for revocation". Probate Code § 15401 sets forth the procedure for revocation in part as follows:

"A trust that is revocable by the settlor may be revoked in whole or in part by any of the following methods:

 - (1) By compliance with any method or revocation provided in the trust instrument.
 - (2) By a writing (other than a will) signed by the settlor and delivered to the trustee during the lifetime of the settlor. If the trust instrument explicitly makes the method of revocation provided in the trust instrument the exclusive method of revocation, the trust may not be revoked pursuant to this paragraph."
12. The Trust, pursuant to Article I, Section B and Article V, Section B provides for the exclusive method of amendment to the Settlor's Trust. Petitioners contend that the handwritten and initialed alterations by interlineations and changes made to the Trust's provisions for successor trustees and successor beneficiaries is an invalid amendment or modification to the Trust. Specifically, Petitioners assert that the alterations to the original Trust did not comply with the Trust's exclusive requirement for amendment or modification, to wit:
 - a. That the provisions added, altered or deleted were not made by the Settlor, or alternatively, are not entirely in the Settlor's own handwriting;
 - b. That no signed statement of amendment was prepared and executed by the Settlor;
 - c. That the Settlor did not deliver a signed statement of amendment to the Trustee;
 - d. That a signed statement of amendment was not attached to and made a part of the Declaration of Trust; and
 - e. The Will of Steven R. Thomas dated May 13, 2003 does not qualify as a writing under Probate Code § 15401 to revoke or amend the Trust.

Continued on Page 3

13. Petitioners seek an order that the alterations by handwritten interlineations and changes made to the Declaration of Trust's provisions for Successor Trustees and Successor Beneficiaries do not amend the Trust's provisions for Successor Trustee and Successor Beneficiaries, the attempted amendment is invalid, that the court appoints and confirms Steven R. Thomas, II and Kristy Helm-Thomas as successor co-trustees. Petitioners further request an order that the Court acknowledge and confirm the following individuals and the following respective interests in the Trust estate as the successor beneficiaries of the Trust as follows:

- Steven R. Thomas II - 25%
- Kristy Helm-Thomas - 25%
- Kelby Renee Helm - 25%
- Michael Garrett Davis - 25%

14. The Trust provides in Article III, Section I, that no bond shall be required of a trustee in performance of its duties.

15. There is no other civil action pending with respect to the subject matter of this petition.

Petitioners pray for an order:

1. Declaring the handwritten alterations by interlineations and changes made to the Declaration of Trust are invalid as an amendment to the Declaration of Trust and are without effect.
2. Confirming that Jeri Rard is not the successor trustee of the Trust.
3. Confirming Steven R. Thomas, II and Kristy Helm-Thomas as the appointed successor co-trustees of the Trust, to serve without bond.
4. Instructing the trustees that, except as set forth below, the grandkids of Steven R. Thomas are not entitled to a share of the Trust.
5. Instructing trustees that the beneficiaries of the Trust are:
 - Steven R. Thomas II - 25%
 - Kristy Helm-Thomas - 25%
 - Kelby Renee Helm - 25%
 - Michael Garrett Davis - 25%; and
6. For costs of suit.

Opposition to Petition for Construction of Trust filed 10/22/12 by Marvin T. Helon, Court appointed Guardian Ad Litem, for minor grandchildren of Steven R. Thomas states:

1. The Steven R. Thomas Family Trust dated 05/13/03 was amendable by settlor Steven R. Thomas. The trust specifically authorized amendment by altering and/or deleting provisions and delivery of the amendment to the trustee.
2. It appears from the face of the trust and the petition, and Respondent believes, that settlor Steven R. Thomas amended the trust to name his grandchildren as beneficiaries to receive distribution of the trust estate upon his death. By such amendment, it appears that the settlor added or included in addition to the grandchildren originally named in the trust, his grandchildren born after the trust was first signed. The amendment appears subscribed or signed by the settlor and trustee. Initials or any marks by a settlor is sufficient to constitute a signature or subscription if intended by the settlor or trustee as a signature.
3. Respondent understands that Steven R. Thomas served as trustee up until his death and received and accepted the amendment as trustee prior to his death.
4. As a result of the amendment and the death of Steven R. Thomas, Respondent believes the trust is now distributable to Steven R. Thomas's grandchildren, including Steven E. Helm, III, Steven Rex Thomas, Jackson A. Thomas and Alexis Thomas, who are each entitled to an equal share of the trust estate with the settlor's other grandchildren. Distribution to minor grandchildren of the settlor should be made subject to Paragraph 3 of Article VI of the trust providing for holding shares of persons under age 25 in the trust.

Continued on Page 4

5. In addition to the amendment of the trust to modify provisions as to beneficiaries, it appears from the face of the trust and petition, and Respondent believes, that the settlor also amended the provisions designating successor trustee, revoking the original nominations. The Court should appoint a successor trustee. At present, Respondent does not have enough information to form a position as to who should serve as successor trustee, or if any prior nominee should serve, or if a bond should be required if a former nominee is now appointed as trustee.

Respondent prays for an Order that:

1. The petition for construction of the trust as alleged be denied;
2. Determining that the trust was amended to name the grandchildren of Steven R. Thomas as beneficiaries upon the death of Steven R. Thomas;
3. Determining that Steven E. Helm, III, Steven Rex Thomas, Jackson A. Thomas, and Alexis L. Thomas are entitled to an equal share of the trust estate with the settlor's other grandchildren; and
4. Appointing a successor trustee of the trust.

7B Steven R. Thomas Family Trust 5-13-03
Atty Salazar, Steven F. (for Steven R. Thomas, II – son/Petitioner)
Atty Bagdasarian, Gary G. (for Kristy Helm-Thomas – daughter/Petitioner)
Atty Helon, Marvin T. (Guardian Ad Litem for minor grandchildren/Objector)

Case No. 12CEPR00674

Status Hearing

DOD: 01/19/12	<p>STEVEN R. THOMAS, II, son, and KRISTY HELM-THOMAS, daughter, filed a Petition for Construction of Trust, Appointment and Confirmation of Successor Trustees and Persons Entitled to Distribution from Trust on 08/02/12.</p> <p>At a hearing on the matter on 09/19/12, the Court ordered that a Guardian ad Litem be appointed for minor grandchildren and on 09/24/12 Marvin T. Helon was appointed Guardian Ad Litem for Steven E. Helm, III (8), Steven Rex Thomas (6), Jackson A. Thomas (4), and Alexis L. Thomas (3).</p> <p>On 10/22/12, Marvin T. Helon, as Guardian Ad Litem for the minor grandchildren, filed an Opposition to Petition for Construction of Trust.</p> <p>Minute Order from hearing on 10/24/12 set this matter for a status hearing.</p> <p>Order Appointing Successor Trustees to Trust was signed on 11/09/12 appointing Steven Thomas, II and Kristy Helm-Thomas as co-trustees of the Trust.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 01/24/13 Minute Order from 01/24/13 states: Mr. Bagdasarian informs the Court that they are waiting for the assets to be gathered and appraised.</p> <p>As of 04/12/13, nothing further has been filed in this matter.</p>	
Cont. from 012413			
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Citation			
FTB Notice			
			<p>Reviewed by: JF</p> <p>Reviewed on: 04/12/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 7B - Thomas</p>

7B

Petition for Appointment of Probate Conservator of the Person and Estate (Prob. C. 1820, 1821, 2680-2682)

Age: 85	TEMP EXPIRES 4-18-13	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p><u>Court Investigator advised rights on 4-10-13</u></p> <p>Note: The Court will set status hearings as follows:</p> <ul style="list-style-type: none"> • Friday 9-13-13 for filing of the Inventory and Appraisal • Friday 9-5-14 for filing of the First Account
	PUBLIC GUARDIAN is Petitioner and requests appointment as Conservator of the Person and estate.	
	Voting rights NOT affected	
<input type="checkbox"/> Aff.Sub.Wit.	Petitioner states Public Guardian received a conservatorship referral from Adult Protective Services. An investigation indicated that Mr. Simpson had fallen prey to fraud perpetrated by telephone scammers and has over extended a large credit line on his home and has fallen behind on payments and failed to make his first property tax payment for the 2012-13 tax year. See petition and confidential investigation report for details.	
<input checked="" type="checkbox"/> Verified	Petitioner states Mr. Simpson is 85 and lives alone in his home. He appears thin and frail, his clothing is ragged, his home is falling into disrepair, and he lacks food. He stated that he has not seen a doctor in years. He appears confused about normal life conditions. Conservatorship will allow Public Guardian to ensure proper nutrition and medical care for him.	
<input type="checkbox"/> Inventory	Court Investigator Samantha Henson filed a report on 4-11-13.	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
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<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input checked="" type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		<p>Reviewed by: skc</p> <p>Reviewed on: 4-12-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 10 - Simpson</p>

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

Cerrinity, age 5	<p>TEMP DENIED 1-29-13</p> <p>CHARLES BLAISON, non-relative, is petitioner.</p> <p>Father: JOSE GARCIA – consents and waives notice.</p> <p>Mother: CINDEL PATTON – personally served 1-23-13</p> <p>Paternal grandfather: Frank Garcia Paternal grandmother: Sandra Rodriguez Maternal grandfather: Mark Bishoff Maternal grandfather: Shelly Patton</p> <p>Petitioner states he had temporary guardianship but the petition for guardianship was denied on 4-21-11. Petitioner's temporary petition filed 1-15-13 stated that the Court was clear that Paul Staley (Mother's boyfriend) could not be with or around the children, but Cindel is residing with this man, a registered sex offender, and they have a daughter together. Petitioner wants the children back where he can keep them safe away from danger.</p> <p>DSS Social Worker Keith M. Hodge filed a report on 3-18-13.</p> <p>Court Investigator Charlotte Bien filed a Supplemental Report on 4-9-13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 1-29-13 (Temp): The Court indicates to the parties that at this time, it is accepting Mr. Staley's representation that there are no restrictions regarding his 290 registration. The petition is denied. The General Hearing remains set for 3/21/13. The Court orders the court investigator to immediately check into the terms and conditions of Mr. Staley's 290 registration. If it appears that Mr. Staley is violating any terms and conditions with respect to this matter, the court investigator is to contact law enforcement immediately. Petition denied.</p> <p>Minute Order 3-21-13: The Court indicates for the minute order that it does not believe the children are in danger given the facts of Mr. Staley's registration. The matter is continued to 4/18/13. The court investigator is ordered to speak with Charles Blaison and Cindel Garcia (Patton). In addition, the court investigator is ordered to conduct a further investigation of the home in which the children are living and speak with Keith Hodge regarding the allegations made by Cerrinity. Charles Blaison provides the following contact information to the Court: 5219 N. Fresno St, Apt. 201; telephone #709-0302 (message phone). Continued to 4/18/13</p> <p>Note: Petitioner filed a declaration with an attached letter from a person named "Tara."</p> <p>If this matter goes forward: 1. Need proof of service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per §1511 on all grandparents.</p> <p>Reviewed by: skc</p> <p>Reviewed on: 3-13-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11 - Garcia</p>	
Veronikha, age 2			
Cont. from 32113			
Aff.Sub.Wit.			
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Inventory			
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✓ Duties/Supp			
Objections			
Video Receipt			
✓ DSS Report			
Clearances			
✓ Order			
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			

Pro Per Rodriguez, Maria Luisa (Pro Per Petitioner, maternal great aunt)
 Pro Per Rodriguez, Aciano Chano (Pro Per Petitioner, maternal great uncle)

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

Age: 8 months	<p>TEMPORARY GRANTED AT PETITIONER'S REQUEST IN COURT on 2/14/2013, expires 4/18/2013</p> <p>MARIA LUISA RODRIGUEZ and ACIANO CHANO RODRIGUEZ, JR., maternal great aunt and uncle, are Petitioners.</p> <p>Father: MATEO GUERRERO; personally served 11/23/2012. Mother: SUSANHA AYALA; personally served 11/28/2012; mother consents per Minute Order 2/14/2013.</p> <p>Paternal grandfather: Regino Guerrero; Mexico; Declaration of Due Diligence filed 1/2/2013. Paternal grandmother: Name unknown; Mexico; Declaration of Due Diligence filed 1/2/2013.</p> <p>Maternal grandfather: Jose L. Ayala; personally served 11/28/2012. Maternal grandmother: Maria C. Ayala; personally served 11/28/2012.</p> <p>Petitioner states the mother has violated her probation and admits that she and the baby's father use drugs, and both parents agree to the Petitioners having custody of the child.</p> <p>Court Investigator Julie Negrete's Report was filed on 2/4/2013 and recommends the guardianship be GRANTED.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 2/14/2013. Minute Order states the Court notes for the minute order that mother, Susannha Ayala is personally present in court. An ICWA packet is provided to the petitioners in open court. Mother informs the Court that she is in favor of the petition. At the request of the petitioners, the Court grants a temporary guardianship in favor of Maria Rodriguez and Aciano Rodriguez, Jr. The temporary expires on 4/18/2013. Matter continued to 4/18/2013. The petitioners are directed to provide notice to father for the next hearing.</p> <p>The following issue from the last hearing remains:</p> <ol style="list-style-type: none"> 1. Need Duties of Guardian signed by Co-Petitioner, Aciano Chano Rodriguez. (Note: A blank copy of the Duties of Guardian form has been placed in the case file for use by Aciano Rodriguez.) <p>~Please see additional page~</p>
Cont. from 011713, 021413		
Aff.Sub.W		
<input checked="" type="checkbox"/> Verified		
Inventory		
PTC		
<input checked="" type="checkbox"/> ICWA Ntc		
<input checked="" type="checkbox"/> Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv. W/ O		
<input checked="" type="checkbox"/> Conf. Screen		
Aff. Post		
<input checked="" type="checkbox"/> Duties/S		
Objection		
Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> Clearancs		
<input checked="" type="checkbox"/> Order		
<input checked="" type="checkbox"/> Letters		
Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
Citation		
FTB Notice		
<p>Reviewed by: LEG</p> <p>Reviewed on: 4/12/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 12 - Guerrero</p>		

NEEDS/PROBLEMS/COMMENTS, continued:

Note Re Notice to Father: Court directed petitioners to provide notice to the father for the next hearing. Court served by mail to the father the *Notice of Child Custody Proceeding for Indian Child* filed 2/25/2013 as required pursuant to ICWA; however, the US Postal Service returned the mail indicating no city delivery is possible to the address listed in Huron, and the mail must be addressed to a post office box, which has not been provided in the Court file. Petitioners did have the father personally served on 11/23/2012 for the initial hearing in this matter on 1/17/2013, which had been continued by Court to allow time for ICWA notice.

Notes Re ICWA:

- *CI Report* filed 2/4/2013 states Petitioner indicates that the child's biological maternal great-grandmother was of Indian descent.
- CA Rule of Court 7.1015(c)(9) states if after a reasonable time following service of notice under the act—but in no event less than 60 days—no determinative response to the *Notice of Child Custody Proceeding* (ICWA 030) is received, the court may determine that the act does not apply to the proceeding unless further evidence of its applicability is later received. *Clerk's Certificate of Mailing* shows the *Notice of Child Custody Proceeding for Indian Child* filed 2/25/2013 was served by the Probate Clerk to the parents and required agencies on 2/25/2013. *Sixty days from date of mailing elapses on **4/25/2013***.
- US Mail *Return Receipts* have been filed with the Court showing acknowledgment of receipt by the persons and agencies required to be given notice of this proceeding, with the most recent filed on 3/15/2013.
- Probate Code 1460.2(e) states no proceeding shall be held until at least 10 days after receipt of notice by the parent, Indian custodian, the Tribe or the BIA, and the aforementioned shall, upon request, be granted up to 20 additional days to prepare for the proceeding. *Based upon the filed Return Receipts, 10 days has elapsed from receipt of notice by the entitled persons and agencies, and the Court has received no request for additional time as of 4/12/2013.*

(1) First and Final Report of Executor, (2) Petition for Final Distribution Without an Accounting and (3) for Allowance of Compensation for Ordinary Services (Prob. C. 11640, 10954, 10810, 10830)

DOD: 03/29/12		JOHN A. SHAPAZIAN, III , Executor, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Accounting is waived.	
		I & A - \$677,352.66	
		POH - \$675,697.89 (\$104,097.89 is cash)	
Cont. from		Executor - waived	
<input type="checkbox"/>	Aff.Sub.Wit.	Attorney - \$16,547.20 (statutory)	
<input checked="" type="checkbox"/>	Verified	Closing- \$2,000.00	
<input checked="" type="checkbox"/>	Inventory	Distribution, pursuant to Decedent's will, and upon agreement of the heirs, is to:	
<input checked="" type="checkbox"/>	PTC	David Shapazian - \$28,664.51 cash; plus 1/3 interest in household furniture, furnishings, and personal effects; a 2002 Ford Crown Victoria; 1/3 interest in real property located at 12736 S. Mitchell, Selma; and 1/3 interest in real property located at 9342 E. Mountain View, Selma	
<input checked="" type="checkbox"/>	Not.Cred.	Danielle R. Shapazian - \$27,664.51 cash; plus 1/3 interest in household furniture, furnishings, and personal effects; a 2000 Ford Taurus; 1/3 interest in real property located at 12736 S. Mitchell, Selma; and 1/3 interest in real property located at 9342 E. Mountain View, Selma	
<input checked="" type="checkbox"/>	Notice of Hrg	John A. Shapazian, III - \$28,564.51 cash; plus 1/3 interest in household furniture, furnishings, and personal effects; a 1975 Ford pick-up; a 1988 Ford Taurus; a 1953 Ford pick-up; a 1983 Wayne van; 1/3 interest in real property located at 12736 S. Mitchell, Selma; and 1/3 interest in real property located at 9342 E. Mountain View, Selma	
<input checked="" type="checkbox"/>	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
<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: 04/12/13
			Updates:
			Recommendation: SUBMITTED
			File 13 - Shapazian

Nicole, age 4	<p>TEMP GRANTED EX PARTE EXPIRES 4-18-13</p> <p>GENERAL HEARING 6-5-13</p> <p>JOSEPHINE M. LONGORIA-CONTENTE, Paternal Grandmother, is Petitioner.</p> <p>Father: MATTHEW JOSEPH BELL Mother: GENIA KAY CHERRY</p> <p>Paternal Grandfather: Michael Walter Bell Maternal Grandfather: Unknown Maternal Grandmother: Sherill Wyatt</p> <p>Half-Siblings: Arianna, Jaden Bell (ages not provided)</p> <p>Petitioner states the father is incarcerated. The minors resided with Petitioner from birth until approx. January 2010, and then again from June-November 2012, when the mother took them to Hayward, CA. From November 2012 until approx. three weeks ago, the mother and minors were homeless, living on the streets, in and out of a homeless shelter in the area. On or about 3-7-13, the mother abandoned the minors at the residence of Petitioner's sister, Deanna Neal, in Lemoore, CA. On 3-28-13, Ms. Neal contacted Petitioner and requested she pick up the children.</p> <p>Petitioner states she is an appropriate guardian due to her lifelong bond with the children. She has always been involved and cared for their needs while they resided with her, and is prepared to do so as long as necessary.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> The Court may require clarification regarding Fresno as appropriate venue with reference to the children recently living with their mother in Alameda County and with another relative in Kings County. Need Notice of Hearing. Need proof of personal service of Notice of Hearing with a copy of the temp petition at least five court days prior to the hearing per Probate Code §2250 and Order dated 4-5-13 on both parents: <ul style="list-style-type: none"> - Matthew Joseph Bell (Father) - Genia Kay Cherry (Mother) <p>Note: Temp order was previously signed ex parte. Letters may be extended by minute order, attorney to prepare.</p>	
Aryah, age 3			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			X
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			X
✓ Conf. Screen			
Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
	<p>Reviewed by: skc</p> <p>Reviewed on: 4-12-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 14 - Bell</p>		