

Atty Connie Lynn Rana (pro per Petitioner and former conservator)

Atty Kruthers, Heather (for the Public Guardian/current conservator of the estate)

(1) Third Account and Report of Conservator and (2) Petition for Fees

<b>Age: 77 years</b>		<p><b>CONNIE RANA</b>, former Conservator, is petitioner.</p> <p>Account period: 1/8/08 – 12/31/09</p> <p>Accounting - <b>\$782,889.76</b>                  Beginning POH- <b>\$642,039.07</b>                  Ending POH - <b>\$496,754.10</b></p> <p>Conservator - <b>waives</b></p> <p>Attorney - <b>\$4,187.50</b> (per itemization and declaration, 16.75 hours at \$250.00 per hour)</p> <p><b>Current bond: \$800,000.00</b></p> <p><b>Petitioner prays for an Order:</b></p> <ol style="list-style-type: none"> <li>Settling and allowing the third account and report and approving and confirming the acts of petitioner as filed;</li> <li>Authorizing Petitioner to pay her attorney the sum of \$4,187.50 for ordinary legal services provided to the conservator and the estate during the period of the account.</li> </ol>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 3/29/13.</b></p> <p><b>Note:</b> Attorney Steven Shahbazian substituted out as attorney of record on 1/8/13</p> <p><b>Note:</b> Petitioner, Connie Rana, was removed as Conservator of the Estate and the Public Guardian was appointed by Minute Order dated 6/18/12.</p> <p><b>1. Need Order</b></p> <p><i>Please see additional page</i></p>	
Cont. from 102511, 120611, 012412, 030812, 050712, 061812, 072312, 082712, 102512, 112912, 012513, 032913				
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		<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 4/16/13</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 1A - Parks</b></p>		

2. **Disbursement schedule shows payments bi-monthly of \$2,700 to Rana and Rana for rent. The court may require clarification regarding these rent payments and whether or not Rana and Rana has any relationship to the conservator. California Rules of Court 7.1059(a)(4) states the conservator must not engage his or her family members to provide services to the conservatee for a profit of fee when other alternatives are available. Where family members do provide services, their relationship must be fully disclosed to the court and their terms of engagement must be in the best interest of the conservatee compared with the terms available from other independent service providers.** – Declaration of Conservator filed on 11/30/11 states the rental property is owned by the conservator and her husband; however, the sub-market rent is not sufficient to pay the mortgage, property taxes, insurance, and maintenance costs for the property. Conservator states she and her husband do not make any profit from the conservatee's tenancy.
3. **Disbursement schedule shows several months where it appears the conservatorship is paying the cell phone of the live in care provider Sandra Martin. Court may require clarification.** – Declaration of Conservator filed on 11/30/11 states the cell phone payments for Sandra Martin, live in care provider, because the care provider would often take the conservatee to various places and therefore, it was required that the care provider have a cell phone. Because it was a requirement for this care provider, it was agreed that the conservatorship would pay the costs.
4. **Disbursement schedule shows several months where there are two payments per month for Las Vegas Valley Water (utilities), Pesky Pete's Pest control, Embarq (phone), Cox Enterprises (cable service), Southwest Gas (utilities), Republic Service (trash), Nevada Power (utilities). It appears the conservatorship may be paying for more than just the conservatee's expenses. Court may require clarification.** – Declaration of Conservator filed on 11/30/11 states some payment were made, on behalf of the care providers, as part of the "barter" agreement between the care providers and the conservator. The various utilities or cable services expenses would be paid, on occasion, for the conservatee at her residence and on occasion as the "barter" for services by a care provider.
5. **Disbursement schedule shows items purchased that should be included on the property on hand schedule such as:**
  - a. **3/11/08 – TV Surround + patio furniture for \$1,723.65**
  - b. **4/22/08 – Washer and dryer for \$1,578.90**
  - c. **12/22/09 – firmer sofa (?) for \$2,196.19** - Declaration of Conservator filed on 11/30/11 states the purchases were necessary. (**Note:** The Examiner does not question whether not the purchases were necessary but that they are not listed on the property on hand schedule as required.).
6. **Disbursement schedule shows gifts of cash on 12/28/09 to the conservatee's great nephews, Josh Rana - \$250.00 and Jacob Rana - \$200.00. California Rules of Court, Rule 7.1059(b)(3) states the conservator must refrain from making loans or gifts of estate property, except as authorized by the court after full disclosure.** – Declaration of Conservator filed on 11/30/11 states the cash gifts are minimal reflections of the conservatee's affection for her great nephews.

*Please see additional page*

7. Disbursement schedule shows payments identified as Summerlin Dues (without stating the nature and purpose of the payment) as follows:

- 4/15/08 - \$271.00
- 4/15/08 - \$271.00
- 8/26/08 - \$271.00
- 8/26/08 - \$271.00 - Declaration of Conservator filed on 11/30/11 states Summerlin is the name of the large planned development where the Conservatee (and conservator and her husband) reside. Because of the lower rental payments Conservator states she has paid (quarterly) the Summerlin assessment for the rental house. The four assessment payments are the only ones paid and the conservatorship has not been further charged for these homeowner assessments.

8. Disbursement schedule shows a disbursement for "Home Warranty" in the amount of \$313.95 on 5/27/09. Court may require explanation as to why the conservatorship is paying for home warranty when renting (see item #2above). - Declaration of Conservator filed on 11/30/11 states this is a 50-50 split for payment on the home warranty for the rental house.

9. This conservatorship was established in 2003. Property on hand schedule from the 2<sup>nd</sup> account ending on 12/31/2007 shows promissory notes (all apparently established during the 2<sup>nd</sup> account period) as follows:

- \$38,000 dated 6/27/05 from Aaron Wallace secured by a Deed of Trust with interest at 16% per annum
- \$252,000.00 dated 7/19/05 from Aaron Wallace secured by a Deed of Trust with interest at 13% per annum.
- \$60,000.00 dated 10/11/05 from John P. Rana and Kea Rana with interest at 4% per annum. (It appears that John P. Rana is the son of the petitioner.)

Probate Code §2570 requires the Conservator to obtain prior court approval before investing money of the estate. There is nothing in the file to indicate the conservator obtained permission from the Court to invest money of the estate. - Declaration of Conservator filed on 11/30/11 states the promissory notes contained in the 2<sup>nd</sup> account were paid current, principal and interest included. All the notes were first trust deeds secured by real properties with sufficient equities. However, because the notes were of such a high rate of return (16% and 13% interest annum), the mortgagor was in danger of being unable to make further payments, which would have resulted in the requirement of the conservatorship to foreclose on the properties. To avoid foreclosure and subsequent costs incurred, and to avoid owning the properties, the conservator, through her husband who is a real estate investor, replaced these notes with other notes also secured by first trust deeds which are now paying at a more normal rate of return of 4%.

10. Property on hand schedule for this (the 3<sup>rd</sup>) accounting shows two promissory notes as follows:

- \$95,000 secured by 1209 Coral Isle Way, Las Vegas, NV with interest at 4% per annum and an outstanding balance of \$95,000.00
- \$205,000 secured by 11464 Crimson Rock, Las Vegas, NV with interest at 4% per annum an outstanding balance of \$191,286.22.

It appears that the promissory notes in the second account are not the same promissory notes in the third account. What happened to the promissory notes in the second account? Where they paid in full? Need clarification and need change in asset schedule. - Declaration of Conservator filed on 11/30/11 states the questions raised herein are addressed in the answer above. All principal and interest payments and current interest rates and principal balances are recorded on the Third Account and Report are accurate.

**Please see additional page**

**Public Guardian's Objections to the Third Account and Report of Conservator and Petition for Fees was filed on 9/7/12.** After reviewing the Account the Public Guardian objects as follow:

1. There are two utility bills paid every month within days of each other.
2. There is an extensive amount of supplies and food purchased for Ms. Parks and her care providers monthly.
3. Although Ms. Rana states that she uses the car (which is Ms. Parks' Jaguar) to transport her sister to outings, there is a van that is used to transport Ms. Parks. Why is the conservatee paying for two cars when she cannot drive?
4. There are many insurance payments made, but do not specify for why type of insurance. There are also large gaps as to when insurance payments are being made. They are not monthly or quarterly.
5. Two different pest control company bills are being paid.
6. There is a monthly cleaning bill. In the Public Guardian's experience, care providers do the cleaning while the person receiving the care is resting or not needing assistance. Furthermore, the cleaning company was coming twice a month, sometimes within 3 days of each other.
7. Charges were made to Charlotte Rouse clothing store, which caters to the 15 – 25 year old age group. The conservatee is older than 65.
8. Two monthly trash service bills are being paid each month.
9. In late 2008 there were two cable bills being paid each month.
10. There was \$4,460 paid for the installation of window fixtures on a home that the conservatee rents.
11. There was insurance with different medical companies. What was paid for as a co-pay or deductible? On 2/5/08, she paid "Insurance, med pay" (\$1,079.14), 04/17/08 – "Insurance" (\$1,132.00) but does not specify what insurance, listed Humana Health Insurance deductible (\$1,620.00 – 09/05/08), Health Net, Right Source Rx, and "A&A Insurance add on H.O. prem." (\$300.00) What is Medicare covering? Physical therapy should be covered under insurance if the doctor is prescribing it. Some insurance companies, whether primary or secondary to Medicare, should be picking up some of the expenses and visa-versa.
12. What is RC Wille Firmer So?? Purchased on 12/22/09?
13. Why were new lamps purchased on 12/22/09 for \$285.65?

**Wherefore, the Public Guardian requests the Court deny Petitioner's third account as set forth.**

**Please see additional page**

## 1A (additional page 4 of 5) Darleen Joyce Parks (CONS/PE) Case No. 03CEPR01192

Second Supplemental Declaration of the former Conservator, Connie Rana filed on 10/3/12. Ms. Rana responds to the Public Guardian's Objections number 1-13 in sequence, as follows:

1. **Utilities** - There are two utility bills paid because there is a similar "barter" paid for the Conservatee's in-home care givers. The amounts paid are an "offset" or "barter" for the caregivers in exchange for their services. There is no personal benefit of any of these payments for the Conservator. The amounts are quite modest and do not cause harm or threat to the estate.
2. **Supplies and Food** - Some supplies and expenses are for the care providers, who are often there for 10 hours at a time and require meals. However, much of the expense is to buy the conservatee her adult diapers at \$50 per box, of which she wears at least 5 per day, plus other supplies such as lotions, shampoos, toothpaste, paper products as well as food.
3. **Vehicle** - The conservatee has two vehicles (and has had these throughout the conservatorship). The van is necessary to transport the conservatee, as she is wheelchair bound. She also likes to drive in her other vehicle, a Jaguar, which is paid for. The cost of maintaining the two vehicles is minimal compared to the convenience it provides. The Conservatee is proud of her Jaguar (which was almost new when she had her stroke) and she enjoys being in it. The Conservator and her family have extensive vehicles of their own and do not use the Conservatee's vehicles.
4. **Insurance** - The only insurance that is paid for on behalf of the conservatee is for the vehicles and for her renter's insurance. This is generally paid on a semi-annual basis.
5. **Pest Control** - Besides the monthly bill for the conservatee's residence, a second bill is often paid for for an in-home care provider as a "barter." These payments are included in the general costs to care for the Conservatee and have been previously reviewed and approved by this court including, on the Second Account and Report, which was approved on 7/14/11.
6. **House Cleaning** - The home is relatively large and has other persons (care providers) in it daily, in addition to the conservatee. Contrary to the Public Guardian's "experience" the care providers that Ms. Rana has hired do not do the cleaning and have not been hired to do so. All cleaning bills were for the benefit of the Conservatee.
7. **Charlotte Rouse** - The Conservator is informed that Charlotte Rouse has stores other than the "15-25 year old group" and also for "larger" women like the Conservatee. The only purchases at Charlotte Rouse would have been the Conservatee's nightgowns.
8. **and 9 Trash Services and Cable Bill** - These are the same "barter services" for care givers necessary to maintain 24 hour care for the Conservatee
10. **Window Fixtures** - New windows were necessary in the home for the comfort of the Conservatee.
11. **Insurance** - The only insurance available to the Conservatee, and of which she has been a member since she retired, is Humana Insurance. Humana is not part of the Medicare system; it is separate coverage and is excluded from Medicare.
12. **RC Willey** - Is a furniture store where the Conservator purchased a new and firmer sofa for the conservatee.
13. **New Lamps** - New lamps were necessary because the old ones in her bedroom broke.

The above expenditures are generally minimal and are necessary and convenient for the maintenance of the household and the care and comfort of the conservatee, who has been in Las Vegas for over 7 years and resides 24 hours per day in her residence.

Please see additional page

Dept. 303, 9:00 a.m. Thursday, April 18, 2013

Ms. Rana states she has been appointed guardian of the person and estate of Darlene Parks in Clark County, Nevada. An Order for Emergency Release of Funds for Guardian to Pay Monthly Expenses from Blocked Accounts was filed on 8/15/12 in Clark County, Nevada. The order was prepared after Ms. Rana submitted a budget, through her attorney in Nevada, for funds to be removed from the blocked accounts for the care of the Conservatee. The budget was approved in the amount of \$8,460 per month. Ms. Rana states that she has approval from the Nevada Court, which now has jurisdiction over the person and estate of the conservatee of nearly the same expenses and budget that she has previously expended for the ongoing care of the conservatee.

**Memorandum Re Third Account and Report of Conservatee filed by Connie Rana on 10/3/12.** States she was appointed as conservator in 2003 because it was determined that Darlene [conservatee] was incapable of caring for herself or her financial matters as a result of a stroke. This condition has remained unchanged for nearly 9 years and Darlene receives the same 24 hour a day care she has had since her stroke. This court granted Ms. Rana's petition to move the Darlene to Nevada on 3/16/2005. Darlene has resided primarily in Nevada since that time. The Third Account has been submitted and is pending approval by this court subject to various questions by the probate examiners, the court and now the Public Guardian.

Petitioner contends that since the court granted permission for the conservatee to move to Nevada and a new proceeding is in effect in Nevada, California courts have no jurisdiction to order the "return" of the Conservatee to this state or to cancel the previous order by which the Conservatee was removed to Nevada. The Court's jurisdiction is now limited to Probate Code §2630. Without fully addressing this jurisdictional issue, there are no substantive reasons for this court not to approve the current Third Account and Report.

From review of the Probate Examiner's notes, and the Court's various comments, the primary concerns are that the Conservator failed to disclose, or failed to receive prior approval of certain transactions which may have been considered "self-dealing" by the court. These matters have been fully explained, and justified in the "Supplemental Declaration and Report of the Conservator." Primarily there has been no showing of harm or loss to the estate of the Conservatee. In fact, as the Third Account and Report shows, the investments provided higher than market value returns.

The Court and the examiners have had more than ample opportunity to review the "transactions" that they may have considered questionable. The fact that the examiners may have decided to "over analyze" every transaction, and point out to the court such *di minimis* matters as the payment of a caregiver's cell phone bill or gifts to the conservatee's great nephews does not create a breach of fiduciary duty.

Upon request by this court, the Public Guardian's office filed objections to the Third Account. The objections have been addressed by Ms. Rana in her Second Supplemental Declaration.

Under the above circumstances and law in this area, the Court is well within its authority in reviewing all transactions and actions by the conservator to approve such transactions which may have required prior court approval, as well as final approval of the Third Account. It should be noted that Ms. Rana is the conservatee's only sibling and closest relative. She has devoted herself for over 9 years to the care of her sister without compensation. She has provided 24 hour, 7 days a week care of her sister with the specific intent not to transfer her to a skilled nursing facility and has expended personal time and effort, well beyond that of any normal conservator's obligation, for her sister. If it is the position of the examiners and this court that, for example, the Conservatee should not be in a quality home owned by the conservator but should, instead, perhaps live next door in a house owned by some other person and pay the same or more rent, it would be the triumph of "procedure" over "substance" and would not provide any greater care or comfort to the conservatee.

**(1) Fourth and Final Account and Report of Conservator and (2) Petition for Fees**

<b>Age: 77 years</b>	<b>CONNIE RANA</b> , former Conservator, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	Account period: 1/8/08 – 12/31/09	<b>Note:</b> Attorney Steven Shahbazian substituted out as attorney of record on 1/8/13
<b>Cont. from 112912, 012513, 032913</b>	Accounting - <b>\$833,886.44</b>	
<b>Aff.Sub.Wit.</b>	Beginning POH- <b>\$496,754.10</b>	<b>Note:</b> Petitioner, Connie Rana, was removed as Conservator of the Estate and the Public Guardian was appointed by Minute Order dated 6/18/12.
<input checked="" type="checkbox"/> <b>Verified</b>	Ending POH - <b>\$278,000.80</b>	
<b>Inventory</b>	Conservator - <b>waives</b>	1. According to the accounting the Conservatee rents the residence in which she resides from the Conservator. The monthly rent appears to be \$1,350.00 however the disbursement schedule shows that the rent was over paid by \$2,086.00.
<b>PTC</b>	Attorney - <b>\$2,000.00</b> (per Local Rule)	
<b>Not.Cred.</b>	<b>Current bond: \$800,000.00</b>	<b>Please see additional page</b>
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	<b>Petitioner prays for an Order:</b>	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	3. Settling and allowing the fourth account and report and approving and confirming the acts of petitioner as filed;	
<b>Aff.Pub.</b>	4. Authorizing Petitioner to pay her attorney the sum of \$2,000.00 for ordinary legal services provided to the conservator and the estate during the period of the account.	
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by: KT</b>
		<b>Reviewed on: 4/16/13</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 1B - Parks</b>

2. Disbursement schedule includes payments to Costco for groceries and supplies that appear to be excessive. Court may require more information.

3/1/10 - \$324.65

3/1/10 - \$102.81 (why 2 separate charges on the same day totaling \$427.46?)

4/5/10 - \$104.58

4/5/10 - \$47.84 (why 2 separate charges on the same day totaling \$152.42?)

5/3/10 - \$201.06

5/3/10 - \$152.54 (why 2 separate charges on the same day totaling \$353.60?)

1/3/11 - \$274.11

1/3/11 - \$281.66

1/3/11 - \$168.30 (why 3 separate charges on the same day totaling \$724.07?)

7/5/11 - \$184.46

7/5/11 - \$301.66

7/5/11 - \$77.16 (why 3 separate charges on the same day totaling \$563.28?)

9/8/11 - \$440.69

9/8/11 - \$125.21

9/8/11 - \$247.72 (why 3 separate charges on the same day totaling \$813.62?)

10/3/11 - \$254.45

10/3/11 - \$378.23 (why 2 separate charges on the same day totaling \$632.68?)

11/2/11 - \$314.36

11/2/11 - \$47.68

11/2/11 - \$279.77 (why 3 separate charges on the same day totaling \$641.81?)

12/5/11 - \$106.68

12/5/11 - \$343.25

12/5/12 - \$12.46 (why 3 separate charges on the same day totaling \$426.39?)

1/3/12 - \$292.40

1/3/12 - \$48.33

1/3/12 - \$178.34 (why 3 separate charges on the same day totaling \$519.07?)

2/6/12 - \$158.21

2/6/12 - \$51.56

2/6/12 - \$139.24

2/6/12 - \$235.01 (why 4 separate charges on the same day Totaling \$584.02?)

4/3/12 - \$208.57

4/3/12 - \$206.63

4/3/12 - \$663.97 (why 3 separate charges on the same day totaling \$1,079.14?)

5/4/12 - \$657.89

5/4/12 - \$449.51 (why 2 separate charges on the same day totaling \$1,107.40?)

3. Disbursement schedule shows a payment of \$300.00 to Republic Trash on 9/12/11. This amount is much larger than the other payments to Republic Trash. Court may require clarification.
4. Disbursement includes entries that may require additional information.
  - 5/7/10 to Connie Rana for reimbursement for groceries in the amount of \$405.00.
  - 11/30/10 to Connie credit card on for Ft. Dr. Diapers in the amount of \$756.01.
  - 12/28/10 to Connie reimbursement expenses in the amount of \$301.60
  - 1/20/11 Home Health care cash paid out in the amount of \$500.00.
  - 1/25/11 Check cash and re-deposited in the amount of \$350.00
  - 2/17/11 Home care help – cash paid out in the amount of \$400.00
  - 4/13/11 Connie groceries card for Sandy in the amount of \$250.00
  - 3/29/11 Sandra Martin reimburse grocery and cards in the amount of \$372.40
  - 3/17/11 Home warranty on appliances in the amount of \$396.13 - Conservatee is a renter why would she be paying for the home warranty on appliances?
  - 8/23/11 Rano Final Accounting in the amount of \$1,234.00
  - 8/29/11 Furniture for vacant room in the amount of \$2,700.00. Why is a vacant room being furnished and why is this furniture not listed on the property on hand schedule as an asset of the conservatorship?
  - 8/30/11 Bedroom Chair to replace vacant in the amount of \$1,102.64. Why is this chair not listed on the property on hand schedule as an asset of the conservatorship?
  - 8/30/11 Sandra Martin severance pay in the amount of \$5,000.00
  - 8/31/11
    - RC Willey sofa - \$56.85
    - RC Willey Chair - \$102.75
    - RC Willey New home person care \$373.98
    - RC Willey reimbursement for furniture - \$1,180.45, again, why is this property not listed on the property on hand schedule as an asset of the conservatorship?
  - 9/6/11 Marshalls Firmer sofa - \$165.31
  - 9/6/11 RC Willey Sofa TV Chair - \$373.98. Why is this property not listed on the property on hand schedule as an asset of the conservatorship?
  - 4/23/12 – Walmart fans reimbursements - \$401.00

**Please see additional page**

5. Petition indicates the conservator is waiving her fees however the disbursement schedule appears to indicate the conservator has been paying herself a monthly salary without court order.

1/15/10 – Reimb Connie for sheets, rx, gas - \$500.00

4/19/10 - auto fuel reimbursement - \$400.00.

10/20/10 – reimburse for cas/oil/time & transport - \$500.00

12/20/11 - Dec Mgt fee/shopping/home care/gas/bills etc - \$500.00

1/25/12 – Transport/gas/home care/apt - \$500.00

2/28/12 – Transport/gas/shopping/home care/appts - \$500.00

3/30/12 – Transport/gas/shopping/home care/appts - \$500.00

4/30/12 – Transport/gas/shopping/home care/appts - \$500.00

5/29/12 – Transport/gas/shopping/home care/appts - \$500.00

6/18/12 – Transport/gas/shopping/home care/appts - \$500.00

**Objections of the Public Guardian filed on 11/20/12 states the Public Guardian has reviewed the fourth and final account and has the following concerns:**

1. Because of the lack of description, it is not possible to ascertain if the value given for the cars is accurate.
2. Furniture purchased on 8/29/11 for a vacant room. It does not seem that this expense should be borne by the conservatorship estate.
3. On 8/30/11, there was a severance payment made to one of the care providers in the amount of \$5,000.00. The Public Guardian has never paid severance to their care provider, nor has any care provider ever asked for one.

This is a case that was referred to the Public Guardian after the conservatee had already moved to Nevada. The Public Guardian's objections are based mostly on their regular practices and understanding of appropriate expenses. If the court determines that a surcharge is appropriate, the Public Guardian notes that she will seek fees for her and her attorney for the services they have provided to the Court in this matter.

**(1) Eighth Account and Report of Trustee of Jude William Tinsley Special Needs Trust and (2) Petition for Allowance of Fees to Conservators Attorney [Prob. C. 17200(b)(5)]**

<b>Age: 34 years</b>	<b>HELEN WILSON</b> , conservator, is petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>Summary of Account is not on the mandatory Judicial Council form. Probate Code §2620(a).</li> <li>Pursuant to Probate Code 2320 bond should be increased to \$28,115.00. In addition Probate Code 2320.2 if an additional bond is required by the court when the accounting is heard, the order approving the account and related matters, including fees, is not effective until the additional bond is filed.</li> <li>Order does not comply with Local Rule 7.6.1. All Orders settling accounts shall contain a statement as to the balance of the estate on hand, specifically noting the amount of cash included in the balance.</li> </ol> <p><b>Note:</b> If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> <li><b>Friday, May 24, 2013</b> at 9:00 a.m. in Department 303, for the filing of the additional bond (or if additional funds will be placed into a blocked account, the status hearing will be for the receipt for blocked account).</li> <li><b>Friday, February 6, 2015</b> at 9:00 a.m. in Department 303, for the filing of Ninth Account.</li> </ul> <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.</p>
	Account period: 1/1/11 – 12/31/12	
<b>Cont. from</b>	Accounting - <b>\$199,463.67</b>	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Beginning POH- <b>\$179,127.56</b>	
<input checked="" type="checkbox"/> <b>Verified</b>	Ending POH - <b>\$186,895.00</b>	
<input type="checkbox"/> <b>Inventory</b>	Current bond: \$18,000.00 (is not sufficient)	
<input type="checkbox"/> <b>PTC</b>	Conservator - <b>no fees requested.</b>	
<input type="checkbox"/> <b>Not.Cred.</b>	Attorney - <b>\$1,711.00</b> (per itemization and declaration 10.60 paralegal hours @ \$85.00 per hour and 3.90 attorney hours @ \$300.00 per hour and up to an additional 1.5 hours of attorney time to attend the court hearing.)	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Costs - <b>\$435.00</b> (filing fee)	
<input checked="" type="checkbox"/> <b>Aff.Mail</b> W/	<b>Petitioner prays for an order:</b>	
<input type="checkbox"/> <b>Aff.Pub.</b>	<ol style="list-style-type: none"> <li>Approving, allowing and settling the eighth account and report of Conservator;</li> <li>The Court authorize Petitioner to reimburse the attorney \$435.00 for the filing fee advanced.</li> <li>The Court authorize Petitioner to pay attorney fees in the sum of \$1,711.00.</li> </ol>	
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input checked="" type="checkbox"/> <b>2620(c)</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by: KT</b>
		<b>Reviewed on: 4/15/13</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 2A – Tinsley</b>

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

<b>Age: 34 years</b>	<b>JANICE LINGENFELTER</b> , mother, is petitioner and requests appointment as successor Conservator of the person and estate.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>There is no vacancy in the office of conservator.</li> <li>Petition does not state the amount of bond required at #1c of the petition.</li> <li>Need attachments 1e through 1k for additional orders requested.</li> <li>Need Duties of Conservator.</li> <li>Need Confidential Conservator Screening form.</li> <li>Need Notice of Hearing.</li> <li>Need proof of service of the Notice of Hearing along with a copy of the Petition on:             <ol style="list-style-type: none"> <li>Jude Tinsley (conservatee)</li> <li>Helen Wilson (conservator)</li> <li>Curtis Rindlisbacher (attorney for conservator)</li> <li>All other relatives within the second degree</li> </ol> </li> <li>Need video viewing receipt.</li> <li>Need Order</li> <li>Need Letters</li> </ol>
<b>Cont. from</b>	<b>HELEN WILSON</b> , paternal grandmother, was appointed Conservator on 8/29/1997.	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	<b>Estimated value of the estate:</b>	
<input checked="" type="checkbox"/> <b>Verified</b>	Personal property - \$200,000-\$300,000.00	
<input type="checkbox"/> <b>Inventory</b>	<b>Petitioner states</b> Jude has cerebral palsy and has been taken care of by his caretaker, Helen Wilson his entire life. He does not have independent life skills.	
<input type="checkbox"/> <b>PTC</b>	<b>Objections to Petition filed on 3/19/13 by Conservator Helen Wilson.</b> Conservator states the petition appears to be raising issues that were resolved by a previous court in the guardianship of Jude Tinsley, the Fifth District Court of Appeal, and the California Supreme Court and Petitioner is informed an believes those issue are now res judicata, based on prior court orders as follows:	
<input type="checkbox"/> <b>Not.Cred.</b>	1. On 4/15/1999, Janice Lingenfelter, Fresno Superior Court issued an order within this case denying Janice Lingenfelter's Petition for Conservatorship;	
<input type="checkbox"/> <b>Notice of Hrg</b> <input checked="" type="checkbox"/>	2. On 6/2/2009, case no. 09CEFL01980 denying Janice Lingenfelter's Petition to be appointed Guardian Ad Litem;	
<input type="checkbox"/> <b>Aff.Mail</b> <input checked="" type="checkbox"/>	3. On 9/8/2009 the Court issued an Order denying Janice Lingenfelter's petition;	
<input type="checkbox"/> <b>Aff.Pub.</b>	4. On 6/9/2010, the Fifth District Court of Appeal in Case No. F0587820, affirmed the Fresno Superior Court Order of 9/8/2009; and	
<input type="checkbox"/> <b>Sp.Ntc.</b>	5. On 9/1/10 Janice Lingenfelter's Petition for Review by the Supreme Court, in Case No. S184634.	
<input type="checkbox"/> <b>Pers.Serv.</b> <input checked="" type="checkbox"/>	<b>Objector requests the petition of Janice Lingenfelter be denied with prejudice.</b>	
<input type="checkbox"/> <b>Conf. Screen</b> <input checked="" type="checkbox"/>	<b>Please see additional page</b>	
<input type="checkbox"/> <b>Letters</b> <input checked="" type="checkbox"/>		
<input type="checkbox"/> <b>Duties/Supp</b> <input checked="" type="checkbox"/>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b> <input checked="" type="checkbox"/>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input type="checkbox"/> <b>Order</b> <input checked="" type="checkbox"/>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 4/16/13</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 2B – Tinsley</b></p>

**Helen Wilson filed a Request for Judicial Notice on 4/5/13** requesting the court take Judicial Notice of the Petitions filed by Janice Lingenfelter in relation to this conservatorship.

**Reply to Answer filed by Janice Lingenfelter on 4/12/13.** Ms. Lingenfelter states she has tried to get help for her son Jude because of his disabilities. She as stated allegations in the past but nothing has been done in response to her allegations. Her requests for help have fallen on deaf ears. Ms. Lingenfelter is requesting control of her son be returned to her after all these years because he is in need of a conservator who can provide an environment of safety and care. Ms. Lingenfelter is now contending that Mrs. Wilson is of no relation to Jude. She states that she believes another man by the name of Eric Green is Jude's father and not Mrs. Wilson's son, Lawrence. Ms. Lingenfelter states that many years have gone by for the mother of Jude without her son. She fought for him and believes that this was a correct way of being a mother for him under all the duress. Ms. Lingenfelter states she loves her son and wants to be his mother in a true manner, although Helen Wilson has been the surrogate mother and caretaker. Ms. Lingenfelter states she will do what is best for Jude with the help of his sisters, Sarah and Fanny. They make decisions that are in the best concern for all involved. They will make decisions for Jude with all his desires considered. They would like him close if agreed upon by him in an independent living situation in Madera County.

**Court Investigator Samantha Henson's Report filed on 4/11/13**

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;"><b><u>OFF CALENDAR</u></b></p> <p>Matter set for 4-19-13 per minute order 3-27-13 and Notice of Hearing filed 3-29-13.</p>
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		
		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**

<b>Age:</b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>  <p style="text-align: center;"><b><u>OFF CALENDAR</u></b></p> <p>Matter set for 4-19-13 per minute order 3-27-13 and Notice of Hearing filed 3-29-13.</p>
<b>DOD:</b>		
<b>Cont. from</b>		
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	
<input type="checkbox"/>	<b>Verified</b>	
<input type="checkbox"/>	<b>Inventory</b>	
<input type="checkbox"/>	<b>PTC</b>	
<input type="checkbox"/>	<b>Not.Cred.</b>	
<input type="checkbox"/>	<b>Notice of Hrg</b>	
<input type="checkbox"/>	<b>Aff.Mail</b>	
<input type="checkbox"/>	<b>Aff.Pub.</b>	
<input type="checkbox"/>	<b>Sp.Ntc.</b>	
<input type="checkbox"/>	<b>Pers.Serv.</b>	
<input type="checkbox"/>	<b>Conf. Screen</b>	
<input type="checkbox"/>	<b>Letters</b>	
<input type="checkbox"/>	<b>Duties/Supp</b>	
<input type="checkbox"/>	<b>Objections</b>	
<input type="checkbox"/>	<b>Video Receipt</b>	
<input type="checkbox"/>	<b>CI Report</b>	
<input type="checkbox"/>	<b>9202</b>	
<input type="checkbox"/>	<b>Order</b>	
<input type="checkbox"/>	<b>Aff. Posting</b>	
<input type="checkbox"/>	<b>Status Rpt</b>	
<input type="checkbox"/>	<b>UCCJEA</b>	
<input type="checkbox"/>	<b>Citation</b>	
<input type="checkbox"/>	<b>FTB Notice</b>	
		<b>Reviewed by:</b> <b>Reviewed on:</b> <b>Updates:</b> <b>Recommendation:</b> <b>File 4 - Mommer</b>

**Status Report of Mace Norris**

<b>DOD: 10/09/11</b>		<p><b>MACE NORRIS</b>, son, was appointed Executor with full IAEA on 01/23/12 and Letters Testamentary were issued on 01/24/12.</p> <p><b>Petitioner</b> 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><b>I &amp; A Partial No. 1</b> filed 02/27/12 - \$250,000.00  <b>I &amp; A Partial No. 2</b> filed 05/07/12 - \$600,000.00  <b>I &amp; A Final</b> to be filed - \$2,500.00</p> <p><b>Petitioner has taken the following actions during the administration of the Estate:</b></p> <ol style="list-style-type: none"> <li>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</li> <li>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</li> <li>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</li> <li>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</li> </ol> <p><b>Petitioner states</b> 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 <b>Petitioner requests an additional 6 months.</b></p> <p>Petitioner is the sole beneficiary of the Estate.</p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> w/		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
		<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 04/12/13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 5 – Norris</b></p>	

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

<b>Age: 68</b>	<b>TEMPORARY EXTENDED TO 4-18-13</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<b>ISABEL BARRIENTOS</b> , 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><b>Court Investigator advised rights on 8-21-12.</b></u>
<b>Cont. from 090612, 101812, 111512, 121312, 011713</b>	<b>VOTING RIGHTS NOT AFFECTED</b>	<u><b>Continued from 9-6-12, 10-18-12, 11-15-12, 12-13-12, 1-17-13.</b></u>
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	<b>Need Capacity Declaration.</b>	<b>Note:</b> The temp order also authorized Petitioner to move the Conservatee's residence to reside with Petitioner.
<input checked="" type="checkbox"/> <b>Verified</b>	<b>Petitioner states:</b> Petition is blank. No facts are provided.	<b>Note:</b> 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"/> <b>Inventory</b>	<b>Court Investigator Charlotte Bien filed a report on 8-27-12.</b>	<u><b>Minute Order 10-12-12:</b></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"/> <b>PTC</b>		<u><b>Minute Order 1-17-13:</b></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"/> <b>Not.Cred.</b>		<b>SEE PAGE 2</b>
<input checked="" type="checkbox"/> <b>Notice of Hrg</b> X		<b>Reviewed by:</b> skc
<input checked="" type="checkbox"/> <b>Aff.Mail</b> W		<b>Reviewed on:</b> 4-12-13
<input type="checkbox"/> <b>Aff.Pub.</b>		<b>Updates:</b>
<input type="checkbox"/> <b>Sp.Ntc.</b>		<b>Recommendation:</b>
<input type="checkbox"/> <b>Pers.Serv.</b> X		<b>File 6 - Barrientos</b>
<input checked="" type="checkbox"/> <b>Conf. Screen</b>		
<input checked="" type="checkbox"/> <b>Letters</b>		
<input checked="" type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b> X		
<input checked="" type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b> X		
<input type="checkbox"/> <b>FTB Notice</b>		

## 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.

**7A 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**

**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)**

<b>DOD: 01/19/12</b>	<p><b>STEVEN R. THOMAS, II, son, and KRISTY HELM-THOMAS, daughter, are Petitioners.</b></p> <p><b>Petitioners state:</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>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).</li> <li>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.</li> <li>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.</li> </ol> <p style="text-align: center;">Continued on Page 2</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>CONTINUED FROM 01/24/13</u></p> <p><b>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.</b></p> <p><b>Note:</b> 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><b>As of 04/12/13, nothing further has been filed.</b></p>
<b>Cont. from 091912, 102412, 012413</b>		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>		
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b> w/		
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input checked="" type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
<b>Reviewed by:</b> JF		
<b>Reviewed on:</b> 04/12/13		
<b>Updates:</b>		
<b>Recommendation:</b>		
<b>File 7A - Thomas</b>		

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**

<b>DOD: 01/19/12</b>	<p><b>STEVEN R. THOMAS, II</b>, son, and <b>KRISTY HELM-THOMAS</b>, daughter, filed a <b>Petition for Construction of Trust, Appointment and Confirmation of Successor Trustees and Persons Entitled to Distribution from Trust</b> 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 <b>10/22/12</b>, Marvin T. Helon, as Guardian Ad Litem for the minor grandchildren, filed an <b>Opposition to Petition for Construction of Trust</b>.</p> <p><b>Minute Order from hearing on 10/24/12</b> 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><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>CONTINUED FROM 01/24/13</b>  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><b>As of 04/12/13, nothing further has been filed in this matter.</b></p>		
<b>Cont. from 012413</b>				
<b>Aff.Sub.Wit.</b>				
<b>Verified</b>				
<b>Inventory</b>				
<b>PTC</b>				
<b>Not.Cred.</b>				
<b>Notice of Hrg</b>				
<b>Aff.Mail</b>				
<b>Aff.Pub.</b>				
<b>Sp.Ntc.</b>				
<b>Pers.Serv.</b>				
<b>Conf. Screen</b>				
<b>Letters</b>				
<b>Duties/Supp</b>				
<b>Objections</b>				
<b>Video Receipt</b>				
<b>CI Report</b>				
<b>9202</b>				
<b>Order</b>				
<b>Aff. Posting</b>				
<b>Status Rpt</b>				
<b>UCCJEA</b>				
<b>Citation</b>				
<b>FTB Notice</b>				
			<b>Reviewed by:</b> JF	
			<b>Reviewed on:</b> 04/12/13	
			<b>Updates:</b>	
		<b>Recommendation:</b>		
		<b>File 7B - Thomas</b>		

**7B**

<b>DOD: 11/28/2012</b>	<b>ERIC SCHLOEN</b> , interested party is petitioner and requests appointment as Special Administrator without bond.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from</b>	Full IAEA – Not Requested	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input type="checkbox"/> <b>Verified</b>		
<input checked="" type="checkbox"/> <b>Inventory</b>	Residence: Fresno Publication: Not Required	
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	<b>Estimated Value of the Estate:</b>	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	<b>Total            -            \$0</b>	
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>	Petitioner seeks only the limited power to pursue Medi-Cal benefits to retire medical bills incurred by the decedent prior to death.	
<input type="checkbox"/> <b>Conf. Screen</b>		
<input checked="" type="checkbox"/> <b>Letters</b>		
<input checked="" type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>	Probate Referee: Steven Diebert	
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> LV
		<b>Reviewed on:</b> 04/12/2013
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 8 – Colby</b>

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

<b>Age: 77</b>		<b><u>NO TEMPORARY ORDERS</u></b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		<p><b>COLLIN BRYANT</b>, son, is petitioner and requests appointment as Conservator of the person, with medical consent and dementia powers.</p>		<p><b>Court Investigator Advised Rights on 03/19/2013.</b></p>	
<b>Cont. from</b>		<p><b>Declaration of Patrick A. Golden, M.D.</b></p>		<p><b>Voting Rights Affected Need Minute Order</b></p>	
	<b>Aff.Sub.Wit.</b>		<p>Voting Rights Affected.</p> <p><b>Petitioner states:</b> the proposed conservatee has been diagnosed with dementia and has active visual and auditory hallucinations. She has wandered from her residence and other places and has been taken to the hospital. She has been found yelling and knocking on doors in her neighborhood. Mrs. Bryant has a "friend" by the name of John Gormly, who apparently visits regularly. The extent of his involvement with her day to day activities is unknown. Petitioner is fearful that his mother may be exposed to dangerous circumstances given her dementia and impaired cognitive functioning. Petitioner states that it may be necessary at some time in the future to move Mrs. Bryant into a secure facility for her protection and well-being.</p> <p><b>Court Investigator Julie Negrete's Report filed 04/11/2013.</b></p>	<ol style="list-style-type: none"> <li>1. Need video receipt for each conservator pursuant to Local Rule 7.158(A).</li> <li>2. The Capacity Declaration signed by Dr. Patrick A. Golden was not dated.</li> <li>3. #4a of the Capacity Declaration not answered as to when Dr. Golden last saw the proposed conservatee.</li> </ol>	
✓	<b>Verified</b>				
	<b>Inventory</b>				
	<b>PTC</b>				
	<b>Not.Cred.</b>				
✓	<b>Notice of Hrg</b>				
✓	<b>Aff.Mail</b>	w/			
	<b>Aff.Pub.</b>				
	<b>Sp.Ntc.</b>				
	<b>Pers.Serv.</b>				
✓	<b>Conf. Screen</b>				
✓	<b>Letters</b>				
✓	<b>Duties/Supp</b>				
	<b>Objections</b>				
	<b>Video Receipt</b>	x			
✓	<b>CI Report</b>				
	<b>9202</b>				
✓	<b>Order</b>				
	<b>Aff. Posting</b>				
	<b>Status Rpt</b>				
	<b>UCCJEA</b>				
	<b>Citation</b>				
	<b>FTB Notice</b>				
				<p><b>Reviewed by: LV</b></p>	
				<p><b>Reviewed on: 04/15/2013</b></p>	
				<p><b>Updates:</b></p>	
				<p><b>Recommendation:</b></p>	
				<p><b>File 9 - Bryant</b></p>	

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

<b>Age: 85</b>	<b>TEMP EXPIRES 4-18-13</b>	<p><b>NEEDS/PROBLEMS/ COMMENTS:</b></p> <p><u>Court Investigator advised rights on 4-10-13</u></p> <p><b>Note: The Court will set status hearings as follows:</b></p> <ul style="list-style-type: none"> <li>• Friday 9-13-13 for filing of the Inventory and Appraisal</li> <li>• Friday 9-5-14 for filing of the First Account</li> </ul>
	<b>PUBLIC GUARDIAN</b> is Petitioner and requests appointment as Conservator of the Person and estate.	
	<b>Voting rights NOT affected</b>	
<input type="checkbox"/> Aff.Sub.Wit.	<b>Petitioner states</b> 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	<b>Court Investigator Samantha Henson filed a report on 4-11-13.</b>	
<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.		
<input type="checkbox"/> Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" 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 checked="" type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		<b>Reviewed by:</b> skc
		<b>Reviewed on:</b> 4-12-13
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 10 - Simpson</b>

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

Cerrinity, age 5	<p><b>TEMP DENIED 1-29-13</b></p> <p><b>CHARLES BLAISON</b>, non-relative, is petitioner.</p> <p>Father: <b>JOSE GARCIA</b> – consents and waives notice.</p> <p>Mother: <b>CINDEL PATTON</b> – 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><b>Petitioner states</b> 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><b>DSS Social Worker Keith M. Hodge filed a report on 3-18-13.</b></p> <p><b>Court Investigator Charlotte Bien filed a Supplemental Report on 4-9-13.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Minute Order 1-29-13 (Temp):</b> 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><b>Minute Order 3-21-13:</b> <b>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</b></p> <p><b>Note:</b> Petitioner filed a declaration with an attached letter from a person named "Tara."</p> <p><b>If this matter goes forward:</b> 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.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
Aff.Mail			X
Aff.Pub.			
Sp.Ntc.			
✓ Pers.Serv.			W
✓ Conf. Screen			
✓ Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
✓ 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	<b>TEMPORARY GRANTED AT PETITIONER'S REQUEST IN COURT on 2/14/2013, expires 4/18/2013</b>		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 2/14/2013.</b>  <i>Minute Order</i> 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><b>The following issue from the last hearing remains:</b></p> <ol style="list-style-type: none"> <li>1. Need <i>Duties of Guardian</i> signed by Co-Petitioner, <b>Aciano Chano Rodriguez</b>. (Note: A blank copy of the <i>Duties of Guardian</i> form has been placed in the case file for use by Aciano Rodriguez.)</li> </ol> <p>~Please see additional page~</p>
Cont. from 011713, 021413	<p><b>MARIA LUISA RODRIGUEZ and ACIANO CHANO RODRIGUEZ, JR.</b>, maternal great aunt and uncle, are Petitioners.</p> <p>Father: <b>MATEO GUERRERO</b>; personally served 11/23/2012.                  Mother: <b>SUSANNHA AYALA</b>; 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><b>Petitioner states</b> 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><b>Court Investigator Julie Negrete's Report was filed on 2/4/2013.</b></p>		
Aff.Sub.W			
✓ Verified			
Inventory			
PTC			
✓ ICWA Ntc			
✓ Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
✓ Pers.Serv.		W/ O	
✓ Conf. Screen			
Aff. Post			
✓ Duties/S			
Objection			
Video Receipt			
✓ CI Report			
✓ Clearancs			
✓ Order			
✓ Letters			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 4/12/13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 12 - Guerrero</b></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)

<b>DOD: 03/29/12</b>		<b>JOHN A. SHAPAZIAN, III</b> , Executor, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		<b>Accounting is waived.</b>		
<b>Cont. from</b>		I & A - <b>\$677,352.66</b>		
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	POH - <b>\$675,697.89</b> (\$104,097.89 is cash)		
<input checked="" type="checkbox"/>	<b>Verified</b>	Executor - <b>waived</b>		
<input checked="" type="checkbox"/>	<b>Inventory</b>	Attorney - <b>\$16,547.20</b> (statutory)		
<input checked="" type="checkbox"/>	<b>PTC</b>	Closing- <b>\$2,000.00</b>		
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>	<b>Distribution, pursuant to Decedent's will, and upon agreement of the heirs, is to:</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	<b>David Shapazian</b> - \$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"/>	<b>Aff.Mail</b>	<b>Danielle R. Shapazian</b> - \$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		
	<b>Aff.Pub.</b>	<b>John A. Shapazian, III</b> - \$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		
	<b>Sp.Ntc.</b>			
	<b>Pers.Serv.</b>			
	<b>Conf. Screen</b>			
	<b>Letters</b>			
	<b>Duties/Supp</b>			
	<b>Objections</b>			
	<b>Video Receipt</b>			
	<b>CI Report</b>			
<input checked="" type="checkbox"/>	<b>9202</b>			
<input checked="" type="checkbox"/>	<b>Order</b>			
	<b>Aff. Posting</b>			
	<b>Status Rpt</b>			
	<b>UCCJEA</b>			
	<b>Citation</b>			
<input checked="" type="checkbox"/>	<b>FTB Notice</b>			
				<b>Reviewed by:</b> JF
				<b>Reviewed on:</b> 04/12/13
			<b>Updates:</b>	
			<b>Recommendation:</b> SUBMITTED	
			<b>File 13 - Shapazian</b>	

Nicole, age 4	<b>TEMP GRANTED EX PARTE EXPIRES 4-18-13</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
Aryah, age 3	<b>GENERAL HEARING 6-5-13</b>	
	<b>JOSEPHINE M. LONGORIA-CONTENTE</b> , Paternal Grandmother, is Petitioner.	1. 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.
	Father: <b>MATHEW JOSEPH BELL</b>	2. Need Notice of Hearing.
Aff.Sub.Wit.	- Nominates, consents, and waives notice	3. Need proof of personal service of Notice of Hearing with a copy of the temp petition at least five court days prior to the hearing per Probate Code §2250 and Order dated 4-5-13 on the mother:
✓ Verified	Mother: <b>GENIA KAY CHERRY</b>	- Genia Kay Cherry (Mother)
Inventory	Paternal Grandfather: Michael Walter Bell	<b>Note:</b> Temp order was previously signed ex parte. Letters may be extended by minute order, attorney to prepare.
PTC	Maternal Grandfather: Unknown	
Not.Cred.	Maternal Grandmother: Sherill Wyatt	
Notice of Hrg	Half-Siblings: Arianna, Jaden Bell	
Aff.Mail	(ages not provided)	
Aff.Pub.	<b>Petitioner states</b> 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.	
Sp.Ntc.		
Pers.Serv.	X	
✓ Conf. Screen	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.	
Letters		
✓ Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
✓ Order		Reviewed by: skc
Aff. Posting		Reviewed on: 4-12-13
Status Rpt		Updates:
✓ UCCJEA		Recommendation:
Citation		File 14 - Bell
FTB Notice		

Atty Jacobsen, Scott (pro per – paternal step-grandfather/Petitioner)

Atty Jacobsen, Kristi (pro per – paternal grandmother/Petitioner)

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

Age: 3	<b><u>TEMPORARY GRANTED EX PARTE;</u></b> <b><u>EXPIRES 04/18/13</u></b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<b><u>GENERAL HEARING 06/06/13</u></b>	
Cont. from	<b>KRISTI JACOBSEN</b> and <b>SCOTT JACOBSEN</b> , paternal grandmother and step- grandfather, are Petitioners.	
<input type="checkbox"/> Aff.Sub.Wit.	Father: <b>DANIEL JOHNSON</b> – <i>Personally served on 04/09/13</i>	
<input checked="" type="checkbox"/> Verified	Mother: <b>MADELINE KELLY</b> – <i>Declaration of Due Diligence filed 04/11/13</i>	
<input type="checkbox"/> Inventory	Paternal grandfather: <b>BRIAN RICHIE</b> – <i>Served by mail on 04/09/11</i>	
<input type="checkbox"/> PTC	Maternal grandfather: <b>DONEGAN KELLY</b> – <i>Served by mail on 04/09/13</i>	
<input type="checkbox"/> Not.Cred.	Maternal grandmother: <b>MELISSA RUST</b> – <i>Served by mail on 04/09/13</i>	
<input checked="" type="checkbox"/> Notice of Hrg	<b>Petitioners allege</b> that both of the parents have put Aiden in dangerous situations in the past and neither is able to provide a safe and stable home at this time.	
<input checked="" type="checkbox"/> Aff.Mail w/	Petitioners allege that Aiden is behind on his immunizations and doctor visits and they want to get him up to date. Further, Petitioners are fearful that the parents may remove Aiden from their home upon learning of this guardianship petition. Petitioners states that moving him from their home would cause emotional harm to him because he has stability at their home. Further, Petitioners fear for his safety in the care of his parents.	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv.		
<input checked="" type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters x		
<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 type="checkbox"/> Order x		
<input type="checkbox"/> Aff. Posting		<b>Reviewed by:</b> JF
<input type="checkbox"/> Status Rpt		<b>Reviewed on:</b> 04/15/13
<input checked="" type="checkbox"/> UCCJEA		<b>Updates:</b>
<input type="checkbox"/> Citation		<b>Recommendation:</b>
<input type="checkbox"/> FTB Notice		<b>File 15 – Kelly-Johnson</b>