

Amended Report to Court and Petition for (1) Supplemental Order to 2007 Order of Final Distribution; (2) Approval of Accounting; and (3) Order for Reimbursement of Costs

DOD: 8/23/1997		<p><b>FRANK J. VOLPA</b>, Executor, is petitioner.</p> <p>Account period 8/23/07 – 12/31/13</p> <p>Accounting - <b>\$1,139,739.39</b>          Beginning POH - <b>\$1,050,266.17</b>          Ending POH - <b>\$ 315,836.38</b></p> <p>Costs - <b>\$1,668.00</b> (filing fees, certified copies, tax consultant and tax preparation).</p> <p><b>Petition states</b> Order for Final Distribution allowed distribution of \$2,744.18 however, Mr. Volpa was paid \$3,973.08. An overpayment of \$1,228.90. Petition further states that Mr. Volpa is owed earnings totaling \$1,728.00 from the 3200 shares of Microsoft stock delivered to him on 9/19/08. <b>Leaving a balance due Mr. Volpa of \$499.10.</b></p> <p>Closing Reserve - <b>\$5,000.00</b></p> <p><b>Proposed Distribution is to:</b></p> <p><b>University of Montana</b> – 8,543.679 shares of Vanguard Fixed Income Securities and \$18,576.54;</p> <p><b>Sigma Chi Foundation</b> – 1,353.586 shares of Wells Fargo Premier Lar Co Fund, 264.709 shares Wells Fargo Advantage Enterprise Fund, 537.186 shares of T. Rowe Price European Stock Fund, 460,387 shares of Vanguard extended Market Index Fund, 183.140 Shares of Vanguard Index Trust, 8,543.679 shares of Vanguard Fixed Income Securities and \$31,485.44.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> An Order for Final Distribution was entered on 10/9/2007. On 8/30/13 Mr. Volpa filed a Petition for Instructions disclosing to the court that he had only distributed a portion of the assets to the beneficiaries (both charities). Mr. Volpa's petition asked the court to approve payments to his new attorney and a CPA, if necessary, and allow said payments to be paid from the estate. The Court denied the request stating the court was not in a position to allow fees to be paid for what should have already been done.</p> <p>1. Need Notice of Hearing on the First Amended Report to Court and Petition for Supplemental Order. California Rules of Court, Rule 7.53(a).</p>
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<b>Reviewed by: KT</b>
<b>Reviewed on: 4/16/14</b>
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 1 – Hanson</b>

2. Petition states (former) attorney Ruth Ratzlaff was paid her statutory fees and the \$3,000.00 closing reserve. The Order for Final Distribution entered on 10/9/2007 states that any unused portion of the closing reserve was to be distributed equally to the remainder beneficiaries. Disbursement schedule includes payment of taxes and other fees that appear should have been paid by the closing reserve. Court may require clarification and itemization of the closing reserve.
3. First Amended Petition for Final Distribution filed on 9/18/2007 stated that federal and California estate taxes had been filed and that no federal or California estate tax was due because of the charitable gifts. The Petition also stated that the personal and fiduciary tax returns had been filed and 1997 through 2006. In addition the Order on Final Distribution included a closing reserve of \$3,000.00. Order on the Petition for Instructions denied Petitioner's request for payment of additional fees. The instant petition request the estate pay costs totaling \$1,668.00 and allows for a closing reserve of \$5,000.00 to pay any unexpected taxes or expenses. It appears that the Mr. Volpa should be personally liable for the additional fees and costs, plus interest, associated with his 6 year delay in distributing the assets as ordered.

**Note:** Petition states the estate's attorney Ruth Ratzlaff hired Raymond Love to assist her and Petitioner in matters relating to the estate. Mr. Volpa states he began working with Mr. Love shortly after his appointment. Mr. Love communicated with the various financial institutions and charitable beneficiaries and Mr. Volpa never did. After the Order for Final Distribution Mr. Volpa states he became angry with Mr. Love on a number of occasions on how long the process was taking. Mr. Love would always assure Mr. Volpa that they were having problems but that things would be completed soon. He did not specify the exact problem but he indicated it had to do with penalties on the Vanguard IRA. Mr. Volpa states he would tell Mr. Love to pay the penalty and move on. He would say he was trying to get it done and that he was working on it. Mr. Volpa states he wanted to complete the administration but felt that Mr. Love was in charge. Finally, Mr. Volpa states he had enough. At the suggestion of an acquaintance, Mr. Volpa contacted Wild, Carter & Tipton for assistance. It was then he learned that Mr. Love died in 2013. At no time did Mr. Love or Ms. Ratzlaff ever indicate there was a problem with delaying distribution, or with liquidating the shares of stock that were supposed to have been delivered to the beneficiaries.

**(1) First Account and Status Report of Administrator, and (2) to set Aside Exempt Personal Property**

<b>DOD: 9/18/2007</b>		<p><b>LAURA DOZIER</b>, surviving spouse/Administrator, is petitioner.</p> <p>Account period: 2/4/2008 – 9/30/2013</p> <p>Accounting - <b>\$650,755.95</b>                  Beginning POH - <b>\$650,750.00</b>                  Ending POH - <b>\$333,000.00</b></p> <p><b>Petitioner states</b> certain assets that were decedent's separate property constitute exempt personal property eligible to be set aside to the surviving spouse pursuant to Probate Code §6510. Petitioner requests the court set aside the following personal property with an aggregate value of \$10,250.00</p> <ul style="list-style-type: none"> <li>• 1997 Chevrolet pickup truck</li> <li>• 2005 Honda ATV R1V32</li> <li>• 2005 KTM Motorcycle</li> <li>• 1963 Willy Jeep</li> </ul> <p>Petitioner states as surviving spouse, she is entitled to have the assets set over to her. Petitioner has already taken possession of the assets and requests that her actions be ratified and confirmed.</p> <p>Petitioner states the estate is not yet in a position to close. An action was filed on a rejected creditor's claim. The estate defaulted. The estate now is reviewing the situation to see whether it is possible to file a motion to set aside the default. Petitioner believes it will take an additional 4-6 months to close the estate.</p> <p style="text-align: center;"><b>Please see additional page</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>There have been 4 continuances in this matter. As of 4/16/14 the following issues remain:</b></p> <ol style="list-style-type: none"> <li>1. Petition does not allege any fact as to why the personal property should be set aside for the surviving spouse.</li> <li>2. Disbursement schedule does not include the nature and purpose of each disbursement as required by Probate Code § 1062(b).</li> <li>3. Petition states the Petitioner used the proceeds from the sale of a bulldozer to reimburse herself various administrative expenses. Need itemization.</li> <li>4. Need order</li> </ol> <p><b>Note:</b> If the petition is granted the court will set a status hearing for the filing of the petition for final distribution on <b>Friday, September 26, 2014 at 9:00 a.m. in Dept. 303.</b></p> <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>	
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		<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 4/16/14</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 2 – Dozier</b></p>		

**Petitioner prays for an order:**

1. That the First Account and Report of Petitioner be settled, allowed and approved as filed;
2. That all actions of Petitioner as Administrator, as set forth in the petition, account and report be ratified, confirmed and approved;
3. That the exempt personal property described in the petition be set aside to the surviving spouse;
4. That the administration of the estate continue.

<p><b>Jesus Gonzalez Rodriguez, age 9</b></p>		<p><b>JESUS N. GONZALEZ</b>, Father, is Petitioner.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b> <b>Continued from 6-11-13, 7-30-13, 9-10-13, 10-8-13, 12-13-13, 3-3-14.</b> <b>See following pages.</b></p> <p><b>Minute Order 10-8-13:</b> Ms. Ibarra is being assisted by an interpreter. Mr. Gonzalez informs the Court that he has an appointment with the counselor today. The Court indicates to the parties that it is not changing the visitation time and they are to mutually agree on a location for visitation to take place during the winter months. The Court orders that Jesus and his father participate in conjoint counseling with a licensed clinical therapist for the purpose of facilitating unsupervised visits. In the event that a licensed therapist is not available in Firebaugh, arrangements are to be made elsewhere with a licensed therapist. Ms. Aguilar is ordered to notify the therapist that the Court will be expecting a report as to how conjoint counseling is progressing. Continued to 12/3/13.</p> <p><b>Minute Order 12-13-13:</b> Counsel informs the Court that father and child are in the process of registering with County Mental Health for an evaluation. Counsel requests continuance. The Court orders that all orders remain in full force and effect. Matter continued to 3-3-14. The Court will entertain an order shortening time if necessary.</p>																																																																				
<p><b>MARIA IBARRA</b>, Maternal Grandmother, was appointed Guardian on 6-26-08. - served by mail 5-27-13</p>		<p>Mother: Patricia Rodriguez (Deceased) Paternal Grandfather: Jose Gonzalez Paternal Grandmother: Josefina Gonzalez Maternal Grandfather: Lorenzo Rodriguez</p>																																																																					
<p><b>Cont. from 061113, 073013, 091013, 100813, 121313, 030314</b></p>		<p><b>Petitioner requests</b> to have custody of his son and to have his case reviewed. Petitioner sees no reason for his son to be with his grandmother when he is fully capable and willing to be fully responsible for his son. Petitioner doesn't feel the visitation that he is allowed is sufficient to fully bond with his son, especially now that he will be having a sibling. Petitioner believes it is in his son's best interest to be closer to his little brother and father than the 2 hours a week that is currently allowed (sometimes less because the grandmother arrives late).</p>																																																																					
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Page 2

**Court Investigator Jennifer Young filed a report on 7-26-13.**

**Minute Order 7-30-13:** Also present in the courtroom is Jesus Rodriguez. Rosie Valdivinos is sworn and interprets for Maria Ibarra. Ms. Ibarra objects to the petition. Visitation between father and the minor is ordered as follows: visitation shall be every Sunday from 1:00 p.m. to 5:00 p.m. at a place mutually agreed upon by the parties. Father is ordered not to expose the minor to any horror movies or encourage any horse play with other children that may be uncomfortable for the minor. **The Court orders the court investigator to contact the Carmen Meza Center regarding the minor's therapy. Parties enter into a waiver of confidentiality for said purpose.** Continued to 9/10/13.

**Court Investigator Jennifer Young filed a report on 9-3-13.**

**Guardian Maria Ibarra filed a declaration on 9-6-13. Ms. Ibarra states** Jesus has always been in her custody since the death of his mother on 10-31-05. Jesus' mother was murdered with a kitchen knife. Her throat was cut open and Jesus was found on top of his mother's dead body covered in blood (at age 1½). The police turned him over to Ms. Ibarra that day. Shortly after the murder, Ms. Ibarra spoke with Mr. Gonzalez, who stated she could keep Jesus as long as he could use his SSN for his taxes. He did not participate in Jesus' life. When Jesus was two years old, Ms. Ibarra allowed overnight visits. During the visits, Jesus slept on pillows on the floor with the family dog. Mr. Gonzalez never returned him on time and she always had to pick him up. On one occasion, he wasn't even present, and Jesus was running around unsupervised with the grandfather getting drunk with his friends. A police report was made. In 2008, Jesus came home with a burn on his hand. Jesus told her that his aunt Karina was mad at him and grabbed his hand and burned it. A police report was made. Also, Jesus was always starving upon return from his visits.

**SEE ADDITIONAL PAGES**

Page 3

**Ms. Ibarra's Declaration (Cont'd):**

Of great concern to Ms. Ibarra is the fact that Mr. Gonzalez was inconsiderate of what happened to Jesus. He had him watch the movie "Chucky" where a doll is murdering people with a knife. Mr. Gonzalez should have been more conscious of the fact that Jesus' mother was killed with a knife. Jesus was traumatized.

Ms. Ibarra states that even now, he continues to have little regard for Jesus' needs, and Mr. Gonzalez lacks maturity when it comes to Jesus' care. Recently he forced horseplay (fight) with Jesus' cousins, and tried to block Ms. Ibarra from seeing with a chair.

Further traumatizing Jesus, Mr. Gonzalez had Ms. Ibarra served with court papers in front of Jesus. The person was rude and disrespectful, demanding to see photo identification or verification of her address. She felt forced to show her PGE bill. Jesus was scared that he was going to be removed from her home.

Ms. Ibarra states she regularly attends church on Sunday afternoons. Jesus enjoys this because that is when his friends go to service too. Mr. Gonzalez refuses to change the visitation schedule so Jesus can attend. Ms. Ibarra would like visits to be Sundays 9-12.

Ms. Ibarra is not opposed to the court ordering Mr. Gonzalez to attend therapeutic visits with Jesus and his counselor. She has attended some sessions, and believes he should also.

Mr. Gonzalez pays only \$128/month child support. Ms. Ibarra pays \$60-70/week in child care. Mr. Gonzalez takes no interest in helping pay for school supplies, uniforms, medical bills, and **refuses to provide her with his insurance card or a letter stating he is not covered. The providers will not accept Medi-Cal because their system shows he has an insurance provider.** Jesus suffers from asthma and this is creating a hardship. Ms. Ibarra cannot afford these bills. All she needs from him is the insurance card.

**Minute Order 9-10-13 states: Ms. Valdivinos is sworn and interprets for Maria Ibarra. Maria Ibarra objects to the petition. Counsel is directed to facilitate counseling between father and child. Matter continued to 10/8/13.**

**Declaration of Jesus N. Gonzalez filed 10/03/2013** disputes the claims of the guardian, Maria Ibarra. Mr. Gonzalez is seeking to increase his visitation with the minor child to include overnight visits in order for him to become more familiar with his family and become a stronger part of their lives. Mr. Rodriguez states that both he and the guardian shared custody of Jesus, the minor child, without a structured agreement and transportation of the child was done by both parties as well as the father's sister. The father states that when the child would visit his family he always had a comfortable place to sleep, not on the floor. He states the child was with him one time while watching movie clips on You-Tube and there were a few clips from the movie "Chucky" as well as other comedies, cartoons and other genres. The father states the child did not seem disturbed by any of the movie clips. Mr. Gonzalez states that the safety of his son is always held in high regards. He says that Jesus is a normal 10 year old who regularly plays with all of his cousins. Mr. Gonzalez states that he has always been and is willing to help with the child's needs. He states he has purchased shoes, clothing and other items outside of the dollar amount taken for child support. He states that the guardian makes it difficult to bring gifts from family members since she is an active Jehovah's Witness and has gotten upset with Mr. Gonzalez's mother for taking a birthday cake to celebrate with the child during one of the visits. Mr. Gonzalez states that he has provided the guardian with a letter for the child's medical coverage.

**SEE ADDITIONAL PAGES**

**Page 4****Mr. Gonzalez' Declaration (Cont'd):**

Attached to the declaration are pictures of the child with the father in response to the allegations that the child does not want to visit with the father.

**Confidential Supplemental Investigator's Report filed 10-1-13 by Court Investigator Jennifer Young.**

**Minute Order 10-8-13:** Ms. Ibarra is being assisted by an interpreter. Mr. Gonzalez informs the Court that he has an appointment with the counselor today. The Court indicates to the parties that it is not changing the visitation time and they are to mutually agree on a location for visitation to take place during the winter months. The Court orders that Jesus and his father participate in conjoint counseling with a licensed clinical therapist for the purpose of facilitating unsupervised visits. In the event that a licensed therapist is not available in Firebaugh, arrangements are to be made elsewhere with a licensed therapist. Ms. Aguilar is ordered to notify the therapist that the Court will be expecting a report as to how conjoint counseling is progressing. Continued to 12/3/13.

**Minute Order 12-3-13:** Counsel informs the Court that father and child are in the process of registering with County Mental Health for an evaluation. Counsel requests a continuance. The Court orders that all orders remain in full force and effect. Matter continued to 3/3/14. The Court will entertain an order shortening time if necessary. Continued to 3-3-14 at 9am in Dept 303. All other orders remain in full force and effect.

**Minute Order 3-10-14:** Matter continued to 4-21-14.

**As of 4-16-14, nothing further has been filed.**

<b>DOD: 4-14-12</b>	<b>ESTHER F. SOTELO</b> , Granddaughter and Trustee with bond of \$10,000.00, is Petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p style="text-align: center;"><b><u>OFF CALENDAR</u></b></p> <p><b>Amended Petition filed 4-10-14 is set for hearing on 5-27-14</b></p>
	Account period: 1-1-11 through 12-31-13	
	Accounting: \$207,070.34	
<b>Cont. from 031014</b>	Beginning POH: \$200,000.00	
<b>Aff.Sub.Wit.</b>	Ending POH: \$200,000.00 (real property)	
<input checked="" type="checkbox"/> <b>Verified</b>	Trustee: Petitioner requests fees to be deferred until the trust is ready for distribution	
<b>Inventory</b>	Attorney: Petitioner requests fees to be deferred until the trust is ready for distribution	
<b>PTC</b>	Petitioner states Mrs. Esther Sotelo died on 4-14-12. The trust has been kept open because the trustee wants to maximize the return on sale of the trust's principal asset, a house in Pasadena, Ca., prior to distribution. There was substantial deferred maintenance on the property when the Sotelo Conservatorship (03CEPR01364) was first established. The trustee has personally made several trips to perform repairs and improvements, and a caretaker, who has been residing at the property, has invested a substantial sum of money in repairs in exchange for rent.	
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<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>	<b>Petitioner prays that:</b>	
<b>Aff. Posting</b>	1. Notice of the hearing of this Account, Report, and Petition be given as required by law;	
<b>Status Rpt</b>	2. The Court make an order approving, allowing, and settling the second account and report of the trustee and granting the petition as filed;	
<b>UCCJEA</b>	3. The Court defer ruling on compensation for Petitioner and her attorneys until the estate has funds to pay such compensation; and	
<b>Citation</b>	4. Such other relief be granted as the Court considers proper.	
<b>FTB Notice</b>		
		<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 4-16-14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 4 – Sotelo</b></p>

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

DOD: 12/7/11		<p>GLORIA HAGOPIAN is petitioner and requests appointment as Administrator without bond.</p> <p>KIRK HAGOPIAN, current Administrator filed a resignation on 4/17/14.</p> <p>Limited IAEA - ??</p> <p>Decedent died intestate.</p> <p>Residence: Fresno          Publication: <b>NEED</b></p> <p><b>Estimated value of the estate: Not listed</b></p> <p><b>Probate Referee: Steven Diebert.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued to 5/27/14 at the request of the attorney.</b></p> <ol style="list-style-type: none"> <li>Kirk Hagopian was appointed Administrator on 7/26/12. <b>Probate Code §10952 states a personal representative who resigns shall, unless the court extends time, file an accounting not later than 60 days after termination of authority.</b></li> <li>Petition requests limited IAEA authority. #2d(3) of the petition was checked requesting funds be placed into a blocked account but the amount is not included. Inventories and appraisals filed to date show cash assets totaling \$72,606.49.</li> <li>Petition does not include the estimated value of the estate.</li> <li>Need Duties and Liabilities and supplement to the Duties and Liabilities.</li> <li>Need Affidavit of Publication.</li> <li>Need proof of service of the Notice of Petition to Administer the Estate on Kirk Hagopian, current Administrator.</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, June 27, 2014</b> at 9:00 a.m. in Department 303 for the filing of the Accounting of former Administrator Kirk Hagopian.</li> <li><b>Friday, August 15, 2014</b> at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.</li> <li><b>Friday, June 12, 2015</b> at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.</li> </ul>
Cont. from			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
✓ Aff.Mail			
Aff.Pub.	X		
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
✓ Letters			
Duties/Supp	X		
Objections			
Video Receipt			
CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
Reviewed by: KT			
Reviewed on: 4/17/14			
Updates:			
Recommendation:			
File 5 – Smart			

Atty Helon, Marvin T., of Helon & Manfredi (Petitioner)

**Petition for Allowance of Fees to Attorney for Conservatee and Discharge of Attorney; Declaration of Marvin T. Helon in Support of Petition**

Age: 84 years	<b>MARVIN T. HELON</b> , Attorney court-appointed on 11/16/2012 to represent the Conservatee, is Petitioner.	<b>NEEDS/PROBLEMS/ COMMENTS:</b>  1. Need proof of mailed service of the <i>Notice of Hearing</i> for <b>ROBERT W. CHREST</b> , son, per the <i>Request for Special Notice</i> filed on 11/21/2013, pursuant to Probate Code §§ 2640(b) and 1460(b)(4), or waiver of such notice to be filed with the Court.
DOB: 1/1/1930		
Cont. from	<b>DIANA RODRIGUES</b> , daughter, was appointed Conservator of the Person, and <b>PUBLIC GUARDIAN</b> was appointed Conservator of the Estate on 7/22/2013.	
Aff.Sub.Wit.		
✓ Verified	<b>Petitioner states</b> he was appointed counsel for the Conservatee in connection with the initial petition for appointment of conservator filed by Conservatee's daughter, Diane, and her son, <b>ROBERT W. CHREST</b> , who was unable to secure the required bond; following disputes and disagreements between family members, a subsequent petition for appointment was filed and the Public Guardian was appointed Conservator of the Estate.	
Inventory		
PTC		
Not.Cred.		
✓ Notice of Hrg		
✓ Aff.Mail	W/	
Aff.Pub.		
Sp.Ntc.	X	
Pers.Serv.		
Conf. Screen	<b>Petitioner requests:</b>	
Letters	<ul style="list-style-type: none"> <li>The payment of fees from the conservatorship estate in connection with the representation of the Conservatee for the initial petition and subsequent to appoint a conservator from the period of <b>11/15/2012 through 3/11/2014;</b></li> <li>That he be paid for <b>21.68 hours @ \$285.00 per hour prior to 2/1/2014 and @ \$300.00 per hour beginning 2/2/2014, for a total of \$6,000.00;</b></li> <li>That he be reimbursed the <b>\$435.00</b> filing fee that he is advised must now be paid by court-appointed counsel to file a petition; and</li> <li>That he be discharged as attorney for the Conservatee, as the purposes for which counsel was appointed have been addressed and concluded.</li> </ul>	
Duties/Supp	Services are itemized by date and include review of documents, meetings with client and client's family members, telephone calls with client, and court appearances.	
Objections		
Video Receipt		
CI Report		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		<b>Reviewed by:</b> LEG <b>Reviewed on:</b> 4/16/14 <b>Updates:</b> <b>Recommendation:</b> <b>File 6 – Chrest</b>

Atty Wilson, Joshua G., of Darling & Wilson, Bakersfield (for Petitioner David J. Agee)

(1) Petition for Settlement of First and Final Account and (2) for Final Distribution, for (3) Allowance of Compensation for Ordinary Services, and Reimbursement of Costs Advanced

<b>DOD: 6/5/2012</b>		<b>DAVID J. AGEE</b> , son and Executor, is Petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. <i>Schedule D, Property On Hand</i> appears to indicate the estate contains <b>\$124,892.76</b> in cash. If that is correct, the <i>Petition</i> and the proposed order should but do not state the distribution with the amounts of cash to be distributed to each of the distributees, pursuant to Local Rule 7.6.1(C). Need clarification and/or revised proposed order.</p>
		<b>Account period: 1/24/2013 – 2/18/2014</b>	
		Accounting - <b>\$132,934.10</b>	
		Beginning POH - <b>\$104,323.66</b>	
		Ending POH - <b>\$129,892.76</b> ( ? is cash)	
<b>Cont. from</b>		Executor - <b>waives</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Attorney - <b>\$4,988.02</b> (statutory)	
<input type="checkbox"/>	<b>Verified</b>	Costs - <b>\$75.50</b> (filing fee, certified copy)	
<input checked="" type="checkbox"/>	<b>Inventory</b>	Closing - <b>\$1,000.00</b>	
<input checked="" type="checkbox"/>	<b>PTC</b>	<b>Distribution pursuant to Decedent's Will is to:</b>	
<input type="checkbox"/>	<b>Not.Cred.</b>	<ul style="list-style-type: none"> <li>DAVID J. AGEE – <b>\$ ? cash, 1/3</b> undivided interest in vehicle, and <b>30%</b> interest in JP Morgan Chase investment account consisting of <b>\$ ? cash</b>;</li> <li>JOANN F. FAST – <b>\$ ? cash, 1/3</b> undivided interest in vehicle, and <b>30%</b> interest in JP Morgan Chase investment account consisting of <b>\$ ? cash</b>;</li> <li>LYNETTE J. HUBER – <b>\$ ? cash, 1/3</b> undivided interest in vehicle, and <b>30%</b> interest in JP Morgan Chase investment account consisting of <b>\$ ? cash</b>;</li> <li>MB MISSION – <b>10% interest</b> in investment account after payment of \$1,900.00 to Decedent's 3 children in equal shares.</li> </ul>	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" 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> 012413		
<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>9202</b>		
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<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input checked="" type="checkbox"/>	<b>FTB Notice</b>		
		<b>Reviewed by:</b> LEG	
		<b>Reviewed on:</b> 4/18/14	
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 7 – Agee</b>	

Atty De Goede, Dale A (for Petitioner/Executor Phyllis M. Sedoo)

(1) Report on Waiver of Account and (2) Petition for Final Distribution, (3) and for Allowance of Compensation to Attorneys for Ordinary Services

<b>DOD: 3/21/12</b>		<b>PHYLLIS M. SEDOO</b> , Executor, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Accounting is waived.	
		I & A - <b>\$785,890.00</b>	
<b>Cont. from</b>		POH - <b>\$582,552.44</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>	Executor - <b>waives</b>	
<input checked="" type="checkbox"/>	<b>Inventory</b>	Attorney - <b>\$18,717.80</b>	
<input checked="" type="checkbox"/>	<b>PTC</b>	(statutory)	
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>	Attorney Costs- <b>\$60.00</b> (filing fee)	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	W/	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	<b>Distribution, pursuant to Decedent's Will, is to:</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>	Phyllis M. Sedoo – 100% of the estate remaining.	
<input checked="" type="checkbox"/>	<b>Letters</b>	3/19/13	
<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>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 checked="" type="checkbox"/>	<b>FTB Notice</b>		
			<b>Reviewed by: KT</b>
			<b>Reviewed on: 4/17/14</b>
			<b>Updates:</b>
			<b>Recommendation: SUBMITTED</b>
			<b>File 8 – Sedoo</b>

**Petition for Allowance of Fees to Attorney for Conservatee and Discharge of Attorney; Declaration of Marvin T. Helon in Support of Petition**

		<p><b>Petitioner MARVIN T. HELON</b> was Court appointed to represent the Conservatee on 11-12-13.</p> <p>Shelia Stearns was appointed Conservator of the Person and Estate with bond of \$50,000.00 and \$425,000.00 to be placed into blocked accounts pursuant to Evidentiary/Settlement Conference Minute Order dated 2-25-14 and the Order was signed on 3-5-14. (Letters have not issued – a status hearing regarding bond/blocked accounts is set for 4-18-14.)</p> <p>Petitioner requests fees of \$6,100.00 for 21.32 hours @ \$285-300/hr in connection with the representation of the Conservatee, plus \$435.00 for the filing of this petition, payment to be made from the conservatorship estate.</p> <p>Services are itemized by date and include review of documents, visits with client and relatives, court appearances, trial, etc.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. The conservatorship was established less than two months ago and Letters have not yet issued to the Conservator. An Inventory and Appraisal has not yet been filed. The Court may require clarification re good cause for making an order for compensation prior to issuance of Letters (Probate Code §2640).</p> <p><b>Note:</b> The original conservatorship petition estimated that the estate would contain personal property of \$475,000.00 as well as real property and income; however, because no I&amp;A has been filed, the nature of the assets are not known to the court at this time.</p>				
	<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>			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>						
	<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>						
<table border="1"> <tr> <td><b>Reviewed by:</b> skc</td> </tr> <tr> <td><b>Reviewed on:</b> 4-17-14</td> </tr> <tr> <td><b>Updates:</b></td> </tr> <tr> <td><b>Recommendation:</b></td> </tr> <tr> <td><b>File 9 – Cook</b></td> </tr> </table>			<b>Reviewed by:</b> skc	<b>Reviewed on:</b> 4-17-14	<b>Updates:</b>	<b>Recommendation:</b>	<b>File 9 – Cook</b>
<b>Reviewed by:</b> skc							
<b>Reviewed on:</b> 4-17-14							
<b>Updates:</b>							
<b>Recommendation:</b>							
<b>File 9 – Cook</b>							

	<b>ANTHONY KINSEY</b> , a conserved adult, by and through his Conservator, <b>IAN KINSEY</b> , is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<u>Continued from 2-27-14, 3-20-14</u>
		<b>Note:</b> Page 15 of this calendar is the continued status hearing in the Conser
		<b>Note:</b> On 3-4-14, Attorney Paul Pimentel filed a Notice of Lien for Attorney Fees and Costs indicating attorney fees of approx. \$80,000.00 and costs of \$10,167362. The Notice requests that should the Court authorize the special needs trust, that the trustee of said trust be authorized to issue a check to the Law Office of Tomassian, Pimentel & Shapazian for its attorney fees earned and its costs expended.
		<b>Examiner's Note:</b> <u>The above-referenced Notice of Lien appears to request relief (Court authorization for payment of attorney fees). The Court may require proper noticed petition and filing fee to address this request.</u>
		<b>As of 4-16-14, the following issues remain:</b> <u>SEE ADDITIONAL PAGES</u>
Cont. from 022714, 032014	Petitioner seeks an order under Probate Code §§3600-3613 to establish a Special Needs Trust (SNT) with the proceeds of a litigation settlement resulting from a car accident. No legal proceedings have actually been filed as the matter was resolved via mediation with the Honorable Howard Broadman.	
Aff.Sub.Wit.		
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Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
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Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	Petitioner has a disabling condition and receives Supplemental Security Income (SSI) and Medi-Cal benefits in order to meet his basic needs. Because these benefits are needs-based, outright distribution of assets to Petitioner will result in losing eligibility for public benefits unless the assets are directed to a SNT.	
	Petitioner additionally requests that the trustee of the SNT be authorized to deposit the funds into a blocked account but that he have the authority to invest in mutual funds and US government bonds with a maturity date later than five years.	
	Petitioner also seeks an order authorizing payment for attorneys' fees for his attorney in counseling the client, preparing the trust, preparing this petition, and other related services.	
	<b>SEE ADDITIONAL PAGES</b>	
		Reviewed by: skc
		Reviewed on: 4-16-14
		Updates:
		Recommendation:
		File 10 – Kinsey

## Page 2

**Petitioner states:** Ian Kinsey is the Court-appointed conservator of the person and estate and has standing to bring this petition under Probate Code §3602(b). Anthony Kinsey is disabled due to an automobile accident in which he sustained severe head injuries at the age of five. As a result of these injuries, his cognitive function is impaired, affecting his ability to live independently and be employed. Petitioner is a SSI and Medi-Cal recipient as a result of his disability and must meet certain income and resource restrictions. Petitioner relies on Medi-Cal for all of his medical needs.

Description of claim: A personal injury lawsuit was threatened but never filed as the parties agreed to mediate the dispute. As a result of the mediation, a settlement was reached: The defendant's insurance company agreed to pay \$250,000.00 and the defendant agreed to pay \$100,000.00 of his own funds for a total settlement of \$350,000.00. Agreement attached. After payment of attorney's fees (which are in dispute), liens (which are being negotiated), and expenses from the settlement, Anthony Kinsey will receive approx. \$270,000.00.

If received outright, the lump sum would eliminate his continuing eligibility for SSI and Medi-Cal. The only way to preserve eligibility is via special needs trust, recognized under federal law as a "safe harbor" trust. The SNT is necessary to provide for Anthony's current and future needs while preserving his eligibility for public benefits.

Therefore, Petitioner requests an order of the Court that the settlement funds be paid to the trustee of the Anthony Kinsey Special Needs Trust pursuant to Probate Code §§3604, 3611. The proposed SNT complies with all federal and state law requirements including payback provision and Cal. Rules of Court 7.903. See petition and attached proposed trust for references.

Petitioner requests that the Court for good cause allow the funds to be placed into a blocked account and expand the trustee's investment powers beyond those in Probate Code §2574 to include authority to purchase mutual funds and US government bonds with maturity dates later than five years. Court authorization is necessary pursuant to Cal. Rules of Court 7.903(c)(4). Petitioner states investment in mutual funds permits investment across several asset classes, subclasses and sectors while avoiding high transaction costs. Because they are highly diversified, mutual funds are inherently less risky than individual securities in which a conservator may invest pursuant to code.

Petitioner requests that **IAN KINSEY**, Anthony's brother and conservator, be named as the initial trustee and shall be responsible for all investments and general management. Petitioner requests that no bond be required and instead the Court order that funds be deposited to a blocked account.

Petitioner also requests authorization to pay attorney Philip M. Flanigan fees of \$6,340.00 for legal services including consultation on public benefits, petitioning the Court for establishing a conservatorship of the person and this special needs trust, and costs of \$899.50 for filing and process server fees for a total of \$7,239.50.

**SEE ADDITIONAL PAGES**

Page 3

Petitioner prays that the Court make the following findings and order:

1. That all notices have been given as required by law;
2. That the Court establish the ANTHONY KINSEY SPECIAL NEEDS TRUST, the Petitioner is directed to execute it, and the Court has continuing jurisdiction over the ANTHONY KINSEY SPECIAL NEEDS TRUST;
3. That IAN KINSEY shall serve as initial trustee of the ANTHONY KINSEY SPECIAL NEEDS TRUST with no bond required although under the direction that funds be deposited into a blocked account;
4. That Petitioner ANTHONY KINSEY has a disability that substantially impairs his ability to provide for his own care or custody and constitutes a substantial handicap;
5. That Petitioner ANTHONY KINSEY is likely to have special needs that will not be met without the trust;
6. That money to be paid to the trust does not exceed the amount that appears reasonably necessary to meet ANTHONY KINSEY's special needs;
7. That payment of all monies due plaintiff ANTHONY KINSEY by and through his Conservator IAN KINSEY shall be paid to the trustee of the ANTHONY KINSEY SPECIAL NEEDS TRUST;
8. That any proceeds of the settlement award received by plaintiff's attorney before the hearing of this petition and deposited into the attorney's attorney/client trust account shall not be considered received by ANTHONY KINSEY for public benefit eligibility purposes;
9. That the assets of the trust are unavailable to the beneficiary and shall not constitute a resource for ANTHONY KINSEY's financial eligibility for Medi-Cal, SSI, regional center assistance, or any other program of public benefits;
10. That the trustee provide the Court with a biennial account and report beginning one year after the date of approval and every two years thereafter;
11. That the trustee is authorized to invest in mutual funds and in US government bonds with maturity dates later than five years;
12. That the Court approve and direct payment of \$6,340.00 to the attorney for services and \$899.50 for costs;
13. That such other and further orders be issued by the Court as it may deem just and proper.

SEE ADDITIONAL PAGES

## NEEDS/PROBLEMS/COMMENTS:

1. Need authority to go forward without substituted judgment to create the trust from the conservatorship estate.
2. Inventory and Appraisal filed 5-2-13 in the Conservatorship 12CEPR01097 indicates that a \$250,000.00 settlement was received by the conservatorship estate over six months ago. However, this petition indicates that settlement funds have not yet been received, but then also requests in the prayer that if funds were received by the attorney and held in trust, that those funds not be considered received.

Need clarification: If funds were previously received, accounting may be appropriate. If not, then it is unclear why I&A indicating receipt by the conservatorship estate was filed, and Petitioner may wish to consider filing clarification for that case.

Additional Note: If a conservatorship of the estate is in place when payment occurred, then Probate Code §3602(b) applies (see code, practice guide, etc.), and the funds are paid to the conservatorship estate. It appears that is what occurred, since an I&A was filed in the conservatorship estate indicating receipt of funds. Further, Page 15 of this calendar is a status of accounting, which must occur before any funds are distributed from the conservatorship estate, and further, because funds were paid to the conservatorship estate, it appears substituted judgment is the necessary step to create a SNT. Additionally, Examiner Notes that the petitioner is asking the Court to consider funds received and "held in trust" by the attorney not to be actually received. However, pursuant to the I&A filed in the conservatorship estate, the funds were received. Need authority for this request.

3. Need clarification regarding investment in funds with maturity dates later than five years with regard to availability of funds for the beneficiary's current special needs in addition to future needs, if necessary.
4. The Court may require clarification as to the anticipated uses for the special needs trust funds. Major purchases will require Court approval.

For example, it is the Court's understanding that Anthony current resides in a group home setting. However, the trust at Section 2.03 indicates a desire to live in a private residence. Does the trust anticipate purchasing real property?

5. Petitioner requests the Court waive bond and instead deposit funds to a blocked account. However, bond is required pursuant to Probate Code §2320(c)(4) and Cal. Rules of Court 7.207. Based on receipt of \$270,000.00, bond including cost of recovery should be \$297,000.00 pursuant to Probate Code §2320(c)(4) and Cal. Rules of Court.

Note: Section 12.04 "Banking Powers" does not indicate blocked account. The Court may require further language clarifying blocking and court authorization for withdrawal.

6. Need itemization for attorney fees and costs. Cal. Rules of Court 7.751, Local Rule 7.17.
7. Attorney requests costs including process server fees. This is considered by the Court to be a cost of doing business and not reimbursable. Local Rule 7.17.

SEE ADDITIONAL PAGES

## NEEDS/PROBLEMS/COMMENTS (Cont'd):

8. The trust at Section 2.05 supports the possible use of funds for the beneficiary's attendance at family activities such as reunions, vacations, or other family events. However, it also states: "*This also includes funds for family to visit Anthony Kinsey.*" The Court may require authority as to how travel expenses for non-beneficiaries can be included in a special needs trusts, and may strike this language.
9. The trust provides for the employment of an advocate for the benefit of Anthony Kinsey to provide advisement concerning his needs, rights, and entitlement to public benefits, and requests to establish a separate bank account for payments to the advocate. The Court may require clarification and language requiring blocking and Court approval of compensation for such advocate upon petition and itemization, and language requiring that this account be included in the biennial accounting for the SNT.
10. Many of the terms and language of the trust (for example at Section 12, 13) appear to be general terms for a typical family trust rather than for this special needs trust. The Court may require clarification or revision.
11. Need MC-355 Order to Deposit Funds into blocked account.
12. Need revised order based on the outcome of the hearing. Note that pursuant to Local Rules, the signature line should appear LAST (after the attachment of the trust).

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

- Friday 6-13-14 for filing of bond or receipt for blocked account
- Friday 6-26-15 for filing of the first account

Petition to Determine Validity of Purported Trust Amendment; for an Order Directing Respondent to Return Real and Personal Property; for Double Damages; for Damages for Elder Abuse; for Breach of Fiduciary Duty; for Removal of Trustee; and to Impose Constructive Trust

Richard Dale Fairless DOD: 2-26-13	<b>HEATHER GARRISON, NICOLE ESQUEDA, O.D., and JOSHUA DEAN</b> are Petitioners.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  Continued from 3-3-14 (per attorney request)  The following issues remain:  1. It appears this matter should be filed in the civil court and not in this probate court as a trust action, as Petitioners have included causes of action including elder abuse and request findings of undue influence and award including punitive and exemplary damages pursuant to Civil Code §3294.  Probate Code §17200 states a trust petition can be filed concerning the internal affairs of a trust or to determine the existence of a trust. This does not include provisions for elder abuse. The allegations in the pleadings are primarily brought under the Welfare and Institutions Code concerning elder abuse.  <u>If this matter goes forward here, see following pages for technical issues.</u>  Reviewed by: skc Reviewed on: 4-16-14 Updates: Recommendation: File 11 – Fairless-Taylor
	Petitioners are the grandchildren of Decedent <b>RICHARD DALE FAIRLESS</b> (children of his daughter Lee Ann Dean, DOD: 8-27-12) and beneficiaries under the <b>FAIRLESS-TAYLOR REVOCABLE LIVING TRUST OF 2006</b> created by Decedent, a divorced man, and <b>DONNA L. TAYLOR</b> , his longtime live-in girlfriend.	
	Petitioners state the 2006 Trust provides that certain real and personal property of the trust estate is the separate property of Decedent and provides that on the death of the surviving settlor, Decedent's separate property shall be distributed in equal shares to his children Lee Ann Dean and Dawn Miller aka Dawn Fitzpatrick. Lee Ann is also the named successor trustee. Lee Ann predeceased the Decedent on 8-27-12; therefore, pursuant to Section 4.07(A)(1) of the 2006 Trust, her children (Petitioners) replace her as remainder beneficiaries, along with Dawn Miller) of the Decedent's separate property.	
Cont. from 030314	About 7-21-11, the settlors purportedly executed an amendment disinheriting the Decedent's children as beneficiaries and instead providing for distribution of Decedent's separate property among Respondent's children: Jenny Renfro, Jeanette Taylor, and Michael Taylor, or their issue. The purported amendment names Michael Taylor as successor trustee. The purported amendment states that because Decedent's children "have not contacted him for several years, they shall be stricken from being beneficiaries of [the] Trust and stricken from taking anything from his estate on his death."	
Aff.Sub.Wit.	Petitioners request the Court rescind and nullify the purported amendment on the following grounds:	
✓ Verified	<b>SEE ADDITIONAL PAGES</b>	
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	X	
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

1. **Lack of Capacity:** Petitioners state in February 2011, approx. five months before Decedent signed the purported amendment, Lee Ann hosted a party for his 80<sup>th</sup> birthday. Petitioners observed at that time that he was confused and did not seem to understand that the party was to celebrate his birthday. In July 2011, the same month Decedent signed the purported amendment, Respondent informed Petitioner Joshua Dean that Decedent would not be present at Joshua's wedding because he would not understand the events and could not handle being at the wedding. Petitioners allege that at the time of execution of the purported amendment, Decedent did not have sufficient mental capacity to understand the nature of his actions, understand and recollect the nature of the situation of his property, or remember and understand his relations to his family members.
2. **Undue Influence:** Petitioners allege the purported amendment was executed as a direct result of undue influence exerted by Respondent over Decedent including: Respondent took control of Decedent's financial affairs for approx. five years before and up to his death. About August 2008, Decedent signed a durable power of attorney which purports to name Respondent as agent. Respondent was a fiduciary of Decedent at this time. During the last two years of his life, Respondent made misrepresentations to Decedent and otherwise manipulated him in his compromised mental state to convince him that his children had not contacted him for many years. Respondent took advantage of Decedent's diminished capacity and surreptitiously arranged for Decedent to sign the purported amendment under the false assertion that his children had not contacted him for several years. She actively procured the purported amendment as part of a pattern of conduct aimed at wrongfully gaining control of Decedent's separate property. Petitioners state they and their mother Lee Ann always enjoyed a close relationship with the decedent. Lee Ann lived in a house on Decedent's property, approx. 100 yards from Decedent's home, and visited frequently, using his pool almost daily in the summer. He likewise routinely used Lee Ann's shop, electricity, and utility vehicle for farming activities. The allegation that Decedent's children had not contacted him for several years is a falsehood concocted by Respondent to explain the change of disposition of his separate property and confers an undue benefit on Respondent and her children. Petitioner provides authority regarding the presumption of undue influence and state Petitioners have alleged sufficient facts to raise the resumption and shift burden of proof to Respondent.
3. **Fraud:** Petitioners allege that by engaging in the acts stated above, Respondent made fraudulent representations that she knew to be false to Decedent to induce him to sign the purported amendment. These acts were done maliciously, oppressively, and with the intent to defraud Decedent and the trust so that punitive and exemplary damages pursuant to Civil Code §3294 should be awarded. The purported amendment is invalid as it was procured by fraud.
4. **Probate Code §850:** Petitioners state the subject assets including real property, stock, and farm equipment were titled either in Decedent's name individually or in his name as trustee of the trust. Petitioners believe Respondent as trustee is in the process of selling Decedent's separate real property and intends to sell his stock, which he co-owned with his deceased brother. Petitioners believe Respondent sold farm equipment and scrap metal from the Caruthers property beginning in March 2013. Petitioners contend the assets should be returned to the Decedent's estate and/or trust as their respective interests appear, together with any other benefits received during Respondent's possession of such assets, plus interest. Petitioner are entitled to recover twice the value of the property taken pursuant to Probate Code §859.

**SEE ADDITIONAL PAGES**

5. **Elder Abuse under W&I Code §15610 et seq.** See petition for details. By wrongful acts, misrepresentations, and omissions set forth previously, Petitioners allege Respondent took, secreted, misappropriated or retained Decedent's separate property and did so to a wrongful use with intent to defraud, etc. Petitioners reference Code of Civil Procedure regarding attachment to be issued for damages and Civil Code §3345(b)(1) regarding the findings.
6. **Breach of fiduciary duty.** Petitioners state Decedent placed his trust in Respondent and relied on her advice and care. As a direct and proximate result, the Decedent and trust suffered damages. These acts were done with the intent to defraud so that punitive and exemplary damages pursuant to Civil Code should be awarded.
7. **Removal under Probate Code §15642.** Petitioners state the foregoing constitute breaches pursuant to Probate Code.
8. **Imposition of Constructive Trust.** Petitioners state Respondent holds title to all assets and income derived therefrom as constructive trustee for the benefit of the persons entitled to distribution of the trust.

**Petitioners pray for an order of this Court:**

1. Finding the purported amendment void due to the mental incapacity of Decedent;
2. Finding the purported amendment void due to the undue influence of Respondent;
3. Finding the purported amendment void due to the fraudulent acts of Respondent;
4. Declaring that Respondent holds the assets of the trust in constructive trust for the trustee of the trust;
5. For removal of Respondent as trustee and appointment of a new trustee per Section 7.01 of the trust;
6. For double damages pursuant to Probate Code §859;
7. For interest provided by law including but not limited to Civil Code §3291;
8. For attorneys' fees and costs pursuant to W&I Code §15610.30;
9. For punitive and exemplary damages against Respondent in a sum sufficient to punish and make an example of Respondent;
10. Declaring that Respondent forfeited her interest in any recovery of any damages and costs awarded under this action in the Decedent's separate property held as part of the trust estate and that her interest shall instead be distributed as though she predeceased execution of the trust without issue;
11. Awarding costs to petitioners; and
12. For such other orders as the Court may deem proper.

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**NEEDS/PROBLEMS/COMMENTS (CONTINUED): If this matter goes forward here:**

2. Petitioner Joshua Dean did not verify the petition.
3. Petitioners state copies of the 2006 trust and 2011 purported amendment, as well as the 2008 durable power of attorney, are attached; however, there are no attachments. Need copies of attachments.
4. A copy of the petition, *including attachments*, is required to be served on persons entitled to notice (§851). Notice of Hearing indicates a copy of the petition was included in the service; however, if the attachments were missing, continuance for amended service may be necessary.  
Update: Notice and Acknowledgment of Receipt filed 3-4-14 indicates that a copy of the petition was received by Ronald Calhoun, Esq.; however, it is unknown who Mr. Calhoun represents, and this does not appear to indicate services on the persons entitled thereto directly.
5. Upon further review, including attachments, there may be additional issues.

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

<b>DOD: 01/01/2014</b>	<b>ERIC C. CURRY</b> , son is petitioner and requests appointment as Administrator without bond.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from</b>	All heirs waive bond and consent to petitioner being appointed to administer the estate	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>	Full IAEA – o.k.	
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>	Decedent died intestate	
<input type="checkbox"/> <b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Residence: Fresno Publication: The Business Journal	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	w/	
<input checked="" type="checkbox"/> <b>Aff.Pub.</b>	<b>Estimated value of the Estate:</b> Personal property - \$95,700.00 Real property - \$165,000.00 Less encumbrances (- \$196,500.00) <b>Total - \$64,200.00</b>	
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>	<b>Probate Referee: Steven Diebert</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>		
<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>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Note: If the petition is granted status hearings will be set as follows:</b>
		<ul style="list-style-type: none"> <li>• <b>Friday, 09/26/2014 at 9:00a.m. in Dept. 303</b> for the filing of the inventory and appraisal <u>and</u></li> <li>• <b>Friday, 06/26/2015 at 9:00a.m. in Dept. 303</b> for the filing of the first account and final distribution.</li> </ul>
		Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
		<b>Reviewed by:</b> LV
		<b>Reviewed on:</b> 04/16/2014
		<b>Updates:</b>
		<b>Recommendation:</b> Submitted
		<b>File 12 – Curry</b>

Atty Morales, Joe Anthony (pro per – paternal uncle/Petitioner)

Atty Hernandez, Linda C. (pro per – paternal aunt/Petitioner)

Atty Rios, Yolanda Chavez (pro per – paternal aunt)

Atty Butler, R. Frank (for Rita M. Day – maternal grandmother/Competing Petitioner)

Petition for Appointment of Temporary Guardianship of the Person

<b>Age:</b>		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><b><u>OFF CALENDAR</u></b></p> <p>Per Minute Order 4-16-14</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>	
		<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 4-16-14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 13 – Morales</b></p>

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

<b>DOD: 06/03/2003</b>	<b>DALE ALLEN CRUTCHFIELD</b> , son, was appointed Executor with full IAEA without bond on 08/26/2003.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need <b>First Account or Petition for Final Distribution</b> or <b>current written status report</b> pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
	Letters issued on 08/26/2003.	
	Inventory and Appraisal was filed on 02/03/2004 shows an estate valued at \$309,517.57 consisting of real property.	
<b>Cont. from 011014, 031014</b>	Notice of Status Hearing was mailed to John Garland and Dale Allen Crutchfield on 11/07/2013.	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	<b>Former Status Report filed 03/06/2014</b> states on 01/07/2014 Counsel met with the Executor and Ernest Crutchfield regarding the Probate Status Hearing. The Executor advised counsel that he has not lived at the decedent's residence since May 2008 and that he did not receive the Notice of Status Hearing. When counsel asked the Executor if he received counsels previous letters regarding the estate, the Executor acknowledged receipt of counsel's letters prior to May 2008 and stated that he had "no good reason" for failing to respond. The Executor advised counsel that he was "overwhelmed" with the responsibilities of managing the family business, Crutchfield Pest Control, during a very difficult business financial climate and the additional responsibilities of the Executor of his mother's estate. Both the Executor and Ernest advised counsel that business has improved somewhat, and the Executor, with the assistance of Ernest is now prepared to close their mother's estate. The Executor advised counsel that he believes he has most of the estate records stored in his garage and will attempt to locate same prior to the Status Hearing and advise counsel of the results of the search. Both Dale Allen Crutchfield and Ernest Douglas Crutchfield were present with Counsel at the probate hearing on 01/10/2014. The Executor advised counsel that he had not located the estate records as of that date.	
<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>Continued on the next page</b>		
		<b>Reviewed by:</b> LV <b>Reviewed on:</b> 04/16/2014 <b>Updates:</b> <b>Recommendation:</b> <b>File 14 – Crutchfield</b>

On 01/10/2014 the Court continued the Probate Status Hearing to 03/10/2014. Since 01/10/2014 the Executor has searched his garage and his business premises for the estate records and has been successful in locating some of the records, but not all of them. The Executor advised counsel that he delivered some of the estate records, including the estate bank records, to his brother Ernest Crutchfield approximately five years ago. Ernest Crutchfield acknowledges that he received some estate records from the Executor several years ago, but he has not been able to locate same to date. As of this date, both the Executor and Ernest Crutchfield have advised counsel that they are continuing to search for additional estate records. Counsel will provide the Court with an update on the results of the search for estate records by the Executor and Ernest Crutchfield at 03/10/2014 Probate Status Hearing.

Counsel has reviewed the estate records the Executor has located to date, and it is clear that additional documents must be located and reviewed in order to determine what actions must be taken to settle the estate and bring it to a conclusion. The previously prepared Petition for Final Distribution on Waiver of Accounting can be updated after counsel receives and reviews the necessary estate records. If the necessary records are located prior to, or soon after 03/10/2014 Status Hearing, said petition should be completed and filed within approximately 6 weeks.

Atty Whelan, Brian D., of Whelan Law Group (for Ian Kinsey, as Conservator of the Estate)  
 Atty Flanigan, Philip M., sole practitioner (for Ian Kinsey, as Conservator of the Person)

Status Hearing Re: Filing of Increased Bond; and Filing of the First Account

		IAN KINSEY, brother, was appointed Conservator of the <b>Estate</b> on 1/29/2013 with bond set at <b>\$15,000.00</b> .	<b>NEEDS/PROBLEMS/COMMENTS:</b> <b>Continued from 3-21-14</b>  1. <i>Proof of Bond</i> of <b>\$15,000.00</b> filed on 2/6/2013 is <b>insufficient</b> for this Conservatorship Estate, as required under Probate Code § § 2320 and CA Rule of Court 7.207. Probate Code § <b>2320.1</b> provides that when the Conservator has knowledge of facts from which the Conservator knows or should know that the bond posted is less than the amount required under section 2320, the Conservator <b>and</b> the Attorney shall make an ex parte application for an order increasing the bond to the amount required under section 2320.  Accordingly, Probate Code § 2320 requires that the Conservator file proof of additional bond in the sum of <b>\$260,000.00</b> , in order to bring total bond to <b>\$275,000.00</b> , the bond amount sufficient pursuant to Probate Code § 2320 and CA Rule of Court 7.207.  It is noted that the <i>Minute Order</i> dated <b>9/17/2013</b> from the <i>Status Hearing Re: Increase of Bond</i> that Mr. Flanigan informed the Court that Mr. [Ian] Kinsey <b>will not be able to get a bond</b> .  However, the duty remains upon Attorney Philip Flanigan and/or Attorney Brian Whelan as well as the Conservator to either comply with Probate Code § 2320.1 for increase in bond, or to request an alternative protection such as placing Conservatee's funds into a blocked account.  <p style="text-align: center;">~Please see additional page~</p>
Cont. from 032114		IAN KINSEY, brother, was appointed Conservator of the <b>Person</b> on 9/17/2013 ( <i>Letters of Conservatorship of the Person</i> issued on 9/25/2013.)	
	Aff.Sub.Wit.		
	Verified		
✓	Inventory		
	Increased Bond	X	
	Accounting	X	
	Notice of Hrg	X	
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.	X	
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	<b>Proof of Bond in the sum of \$15,000.00 was filed 2/6/2013</b> , and <i>Letters of Conservatorship of the Estate</i> issued on <b>2/28/2013</b> .  <b>Final Inventory and Appraisal filed 5/2/2013</b> shows an estate consisting of all cash in the sum of <b>\$250,000.00</b> .  <b>Pursuant to Probate Code § 2620(a), first account was due on 2/28/2014</b> .  <b>Minute Order dated 1/29/2013</b> from the hearing on the petition for appointment of Conservator of the Estate set the matter for Status Hearing on 3/21/2014 for filing of the first account of the conservatorship.	
	Aff. Posting		
	Status Rpt	X	
	UCCJEA		
	Citation		
	FTB Notice		
			<b>Reviewed by:</b> LEG/skc <b>Reviewed on:</b> 4-16-14 <b>Updates:</b> <b>Recommendation:</b> <b>File 15 – Kinsey</b>

**NEEDS/PROBLEMS/COMMENTS, continued:**

2. Pursuant to Probate Code § 2328, Conservator should be required to deposit the entirety of Conservatorship estate funds, or a portion of the funds taking into account the **\$15,000.00** posted bond, into a blocked account for the Conservatorship Estate, with no withdrawals except upon Court order. Probate Code § 2328 provides, in pertinent part, that if the Conservatorship Estate has property which has been deposited with a financial institution, the Court may order that the property shall not be withdrawn except on authorization of the Court, and may either (1) exclude the property deposited in determining the amount of required bond or reduce the amount of the bond to be required with respect to the property deposited to such an amount as the Court determines is reasonable; or (2) If a bond has already been furnished or fixed, reduce the amount of bond to such an amount as the Court determines is reasonable.
3. Attorney **PAUL PIMENTEL** formerly represented the Conservator Ian Kinsey for the petition for appointment of Conservator of the Estate. Mr. Pimentel no longer represents Ian Kinsey, per *Substitution of Attorney* filed 5/24/2013 by Attorney **BRIAN WHELAN**, showing that Mr. Whelan represents Ian Kinsey as Conservator of the Estate as of 5/22/2013.

Attorney **PHILIP FLANIGAN** represented Ian Kinsey for the petition for appointment of Conservator of the Person, and appears to remain as attorney for Ian Kinsey as Conservator of the Person, as well as in his petition for order establishing special needs trust (Page 10).

**Need clarification of the current attorney representation of the Conservator as to the Person and the Estate**, based upon the statement of Attorney Flanigan at the hearing on 9/17/2013 regarding Conservator's inability to obtain bond, which appears to show Attorney Flanigan as the attorney responsible for the Conservator of the Estate obtaining bond.

4. Need first account of the conservatorship estate, or a verified Status Report and proof of service of notice of this Status Hearing with a copy of the Status Report to all interested parties pursuant to Local Rule 7.5(B).
5. Need proof of service of notice of the Status Hearing with a copy of the verified Status Report to Attorney Paul Pimentel, pursuant to the *Request for Special Notice* filed 1/27/2014.

**Note:** It is unclear from the *Minute Order* of 9/17/2013 whether Attorney Flanigan was holding himself out as representing the Conservator Ian Kinsey for both his role as Conservator of the Person and the Estate, since the *Minute Order* shows Attorney Brian Whelan was also present at that hearing and made no statements regarding bond. If Attorney Whelan no longer represents Ian Kinsey as Conservator of the Estate, then Mr. Whelan should file a *Substitution of Attorney* demonstrating that to the Court.



17  
Atty  
Atty  
Atty

**Angelina Delgado and Kaylynn Lenard**  
Garcia, Rosario (Pro Per – Mother – Petitioner)  
Alvarez-Garcia, Maria (Pro Per – Maternal Grandmother – Guardian)  
Garcia, Alfredo (Pro Per – Maternal Grandfather – Guardian)

Case No. 11CEPR00559

**Petition for Visitation**

Angelina, age 6	<p><b>ROSARIO GARCIA</b>, Mother, is Petitioner.</p> <p><b>MARIA ALVAREZ-GARCIA and ALFREDO GARCIA</b>, Maternal Grandparents, were appointed guardians on 8-30-11 (<i>Personally served 10-15-13</i>)</p> <p>Father: <b>KEVIN LENARD</b></p> <p><b>Petitioner states</b> she would like to be able to see her kids three times a week or to have overnight weekend visits.</p> <p><b>Minute Order 11-19-13 (Judge Cardoza):</b> Parties are sworn at the direction of the Court. Parties are advised that the Court is not going to change visitation at this time. The Court orders that mother not have any visitation with the children. The Court further orders that mother not have any direct or indirect contact with the children. Mother is ordered to continue participating in Westcare and to bring proof of her drug testing from Probation to the next hearing. Continued to 3-19-14.</p> <p><b>Minute Order 3-19-14 (Judge Oliver):</b> The guardians object to the petition. Proof of mother's participation in several programs is shown to the court. The court investigator is ordered to contact all the parties. Mother is ordered to sign the necessary releases and waivers to allow the court investigator to obtain any and all information regarding her participation and treatment at Westcare. Visitation pending the next hearing is ordered as follows: mother shall be allowed to visit with the children in a supervised setting every week for two hours. Parties are ordered to participate in mediation today at 1:30 p.m. for the purpose of determining how, when, and where these visits will take place. Parties are ordered not to speak ill of one another around the children, or make any promises to them regarding this matter. The Court notes for the minute order that it spent 40 minutes addressing this matter. Continued to 4-21-14.</p> <p><b>A Probate Mediation Agreement was filed on 3-19-14 indicating visitation arrangements and a mediation check-in date of 4-14-14. (Note: Nothing further has been filed regarding mediation.)</b></p> <p><b>Court Investigator Julie Negrete filed a Supplemental Report on 4-15-14.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Continued from 11-19-13, 3-19-14</u></p>
Kaylynn, age 4		
Cont. from 111913, 031914		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input 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 type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
	<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 4-16-14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 17 – Delgado &amp; Lenard</b></p>	





**Page 2**

**Tammy Trejo, Mother, filed a Declaration on 4-7-14.** Ms. Trejo states she has received the petition for termination of the guardianship and would like the Court to please allow Elijah to return home with her. Ms. Trejo states over the past year she has had a lot of time to think and understand what is expected of her as a parent. She understands Elijah has been exhibiting questionable behavior and states this is a new thing that she has never experienced. She is willing to continue with his therapy and take him to his medical appointments. Ms. Trejo states that when Elijah was with her, he was always a good student, and she plans to be constantly involved in his school. Regarding visitation with the guardians, Ms. Trejo states she would like to let Elijah adjust first, but that she does not feel comfortable with Mr. Burks and Ms. Davis taking Elijah anywhere within the US. Ms. Trejo states she will not be leaving Elijah to act as a caregiver and is in the process of finding a job close to her residence and working on becoming an independent parent. She is still residing with friends, but there are not so many people living there now: just Ms. Trejo and a couple, and hopefully Elijah. Ms. Trejo states she has reliable transportation and is studying to take the test and get her driver license. Ms. Trejo hopes to have her son return home with her and will complete the custody paperwork that she started in August 2013.

**Court Investigator Jennifer Young filed a report on 4-16-14.**

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

Age: 15 years		<p style="text-align: center;"><b><u>THERE IS NO TEMPORARY.</u></b> <b><u>Temporary was denied on 3/3/14.</u></b></p> <p><b>TAMMY JEAN GAULT</b>, maternal grandmother, is petitioner.</p> <p><b>TRICIA PETERSON</b> was appointed guardian in San Mateo County. – personally served on 3/2/14.</p> <p>Father: <b>MATTHEW JOHN BURNHAM</b> – personally served on 3/27/14</p> <p>Mother: <b>BILLI JEAN STUART</b> – personally served on 4/2/14.</p> <p>Paternal grandfather: Unknown Paternal grandmother: Rosalie Burnham Maternal grandfather: Gary Stuart, Jr.</p> <p><b>Petitioner states</b> the stepmother has ended the guardianship. The father is in prison. The court previously denied the mother custody, visitation or any other contact with the minor due to substance abuse and mental health issues. The minor has asked the petitioner to be her guardian. Petitioner states she is willing and able to care for the minor.</p> <p><b>Objections to the Guardianship filed by mother, Billi Stuart, on 3/3/14 prior to the temporary hearing</b> states she is unable to attend the hearing due to a previous legal engagement. Ms. Stuart asks that the court continue the matter so that she may be heard.</p> <p><b>Court Investigator Charlotte Bien's Report and supplemental report filed on 4/1/14 and 4/14/14.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>There is no vacancy in the office of Guardian. Guardianship has been established in San Mateo County. Trisha Peterson (step-mother) is the current guardian.</b></p> <p><b>Note:</b> Court records from San Mateo County indicates that current guardian Trisha Peterson has filed a Petition to Terminate the Guardianship. Minute order from the hearing on 2/19/14 indicates the matter will be reconsidered based on the status of the grandmother's [Tammy Jean Gault] petition. The next hearing in San Mateo County is on 4/23/14.</p> <ol style="list-style-type: none"> <li>1. Need proof of service of the Notice of Hearing or consent and waive of notice or declaration of due diligence on:                     <ol style="list-style-type: none"> <li>a. Rosalie Burnham (paternal grandmother)</li> <li>b. Gary Stuart, Jr. (maternal grandfather)</li> <li>c. Paternal grandfather</li> </ol> </li> <li>2. Proof of personal service on minor McKenna Stuart-Burnham was served on 4/11/14, 10 days prior to the hearing and not the required 15 days prior to the hearing.</li> <li>3. Need Duties of Guardian</li> </ol>	
Cont. from				
	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			X
	Objections			
	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
		<p><b>Reviewed by:</b> KT</p> <p><b>Reviewed on:</b> 4/18/14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 20 – Stuart-Burnham</b></p>		

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

<b>DOD: 7/25/2003</b>	<b>SARAH WELD</b> is petitioner and requests appointment as Administrator With Will Annexed and without bond.		<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need Affidavit of Publication. Probate Code §8522.  <b>Note:</b> If the petition is granted, status hearings will be set as follows:  <ul style="list-style-type: none"> <li><b>Friday, August 15, 2014</b> at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.</li> <li><b>Friday, June 12, 2015</b> at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.</li> </ul> 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.
<b>Cont. from</b>	<b>GLENN M. KOTTCAMP</b> was appointed Executor on 3/9/2004. Mr. Kottcamp died on 12/22/13 leaving a vacancy in the office of Executor.		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>			
<input checked="" type="checkbox"/> <b>Verified</b>			
<input type="checkbox"/> <b>Inventory</b>	All heirs waive bond and nominate petitioner.		
<input type="checkbox"/> <b>PTC</b>			
<input type="checkbox"/> <b>Not.Cred.</b>			
<input type="checkbox"/> <b>Notice of Hrg</b>	Full IAEA - ??		
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	W/	Will dated: 10/15/2001 was previously admitted to probate on 3/9/2004.	
<input type="checkbox"/> <b>Aff.Pub.</b>			
<input type="checkbox"/> <b>Sp.Ntc.</b>	Residence: Fresno Publication: <b>NEED</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>			
<input type="checkbox"/> <b>Conf. Screen</b>	<b>Estimated value of the estate:</b>		
<input checked="" type="checkbox"/> <b>Letters</b>		Personal property - \$ 5,000.00 Real property - \$100,000.00 <b>Total - \$105,000.00</b>	
<input checked="" type="checkbox"/> <b>Duties/Supp</b>			
<input type="checkbox"/> <b>Objections</b>	<b>Probate Referee: Steven Diebert</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: KT</b>
			<b>Reviewed on: 4/17/14</b>
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 21 – Kottcamp</b>