



ATTENTION

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

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

Thank you for your patience.

**Petition to Determine Administration Expenses Allocable to Encumbered Property
 Prior to Satisfaction of Lien, and for Deposit of Purchase Money with Court in
 Satisfaction of Lien and Expenses [Prob. C. 10361.5, 10362]**

DOD: 11-23-06	TRO restraining Trustee's Sale and further Proceedings Regarding Premises at 4086 W. San Jose, Fresno, CA expires 1-17-13.	NEEDS/PROBLEMS/COMMENTS: Continued from 1-17-13, 3-21-13 Minute Order 1-17-13: The Court directs Mr. Knudson to submit a declaration specifically outlining what is happening in the other jurisdictions that would preclude further inventory and appraisals. Matter continued to 3/21/13. Mr. Knudson is directed to provide Mr. Lucich notice of the next hearing. The temporary restraining order restraining the trustee's sale is extended to 3/21/13. Continued to 3/21/13. Minute Order 3-21-13: Ms. Hubbell is appearing specially for Thomas Agawa. Joint request for continuance. Matter continued to 4-25-13. TRO remains in full force and effect and is extended to 4-25-13. Note: Points and Authorities in Support of Petition were filed 3-19-13 by Attorney Knudson. See file document for details. <hr/> Reviewed by: skc <hr/> Reviewed on: 4-19-13 <hr/> Updates: <hr/> Recommendation: File 2 - Petrogonas
Cont. from 011713, 032113	<p>Petitioner states one of the assets of the estate is real property located at 4086 W. San Jose in Fresno, originally appraised at \$275,000.00 at Decedent's date of death. Due to the decline in the real estate market, and based on Internet valuation website, Petitioner believes the house is valued at this time at approx. \$133,000.00.</p> <p>Decedent's spouse Maria Raquel Petrogonas ("Raquel") has continued to reside in the residence and on 8-24-10 was granted a probate homestead.</p> <p>At the date of death, the house was encumbered in the initial amount of \$91,751.00, with the mortgage payable at a rate of \$848.26/month. During the initial period of estate administration, the Administrator made payments from estate funds, and later, Raquel made payments to the Administrator for the mortgage. Raquel's sole source of income is Social Security Disability payments of only \$850/month.</p> <p>The property subsequently went into default. Anticipating funds from the sale of properties in Argentina and/or Greece, Petitioner advanced \$7,650 to cure the default on the loan. When the estate was unable to pay property taxes and/or insurance, the bank subsequently raised the monthly payment to more than \$1,600.00. Petitioner tried on numerous occasions to negotiate a loan modification with Bank of America, who steadfastly refused to consider it.</p> <p>The current arrearages are \$19,327.00 and the present balance due is \$47,565.64 (Exhibit C). A Trustee's (foreclosure) sale was set for 11-29-12.</p> <p>Petitioner states the estate has incurred substantial administrative expenses with respect to the administration of this property and brings this petition pursuant to Probate Code §10361.5 to determine the amount of expenses of administration reasonably associated with the administration of the encumbered property, and to determine the expenses of the sale payable from the sales proceeds.</p> <p>In the event the property is sold, whether at Trustee's sale or otherwise, the estate lacks assets to pay administration expenses and seeks an order determining same.</p>	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
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SEE PAGE 2

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Petitioner states the expenses of administration reasonably related to the administration of the encumbered property are \$46,167.18, computed at Exhibit E, which includes:

- Estimated statutory fees allocable to the property, based on the estimated current value;
- Extraordinary fees payable to Petitioner and his attorney for the sale of the property at a minimal rate pursuant to Local Rule 7.18;
- Filing fees;
- Additional attorney's fees incurred in bringing this petition, together with costs advanced; and
- Expenses paid for the care preservation and maintenance of said property during the course of administration, including mortgage payments, homeowner's insurance and property taxes.

No additional expenses of sale are requested at this time. If the property is ultimately sold pursuant to the power of sale under the deed of trust, said expenses will be borne by the Bank. However, if Petitioner is successful in negotiating a short sale or otherwise reaching accommodation with the lender, this petition will be amended accordingly.

Petitioner will incur additional charges in serving notice of hearing on this petition and may incur additional attorney's fees for appearing at the hearing(s) on this petition. Said additional fees will be presented in a supplement to this petition prior to the hearing date.

Petitioner requests the Court order that following the hearing and approval of this petition, any proceeds of sale be paid to the clerk of the court to be disbursed as provided in Probate Code § 10362 as follows:

- First in payment of costs of administration attributable to this property;
- Second towards payment of the lien held by Bank of America, and thereafter
- To lenders with secured interests in the property, including Paul A. Dictos (\$7,650.00) and Atkinson, Andelson, Loya, Ruud and Romo (\$106,767.00)

Petitioner requests:

1. That the Court determine the amount of expenses of administration reasonably related to the administration of the encumbered property;
2. That the Court determine the expenses of sale of said property, if any there be;
3. That the Court order the proceeds from the sale to be paid to the Clerk of the Court to be disbursed as provided in Probate Code § 10362
4. For an order that upon such payment the lien on the property be discharged; and
5. For such further orders that the Court may deem proper.

Bank of America, N.A., Respondent/Secured Party filed:

- **Memorandum of Points & Authorities in Response to Petition to Determine Administrative Expenses Pursuant to Cal. Prob. Code §§ 10361.5, 10362**
Respondent requests the Court deny any order compelling Respondent to accept less than the entire amount due under its security interest and/or deny any order requiring a Reconveyance of its lien, and further deny Petitioner any fees and costs claimed to be related to the sale and administration of the property, particularly any fees and costs derived from proceeds from the sale of Respondent's secured property. See pleading for details.
- **Request for Judicial Notice in Support of its Response to Petition to Determine Administrative Expenses Pursuant to Cal. Evid. Code §§ 452(c), (g), 453 & Appendix of Exhibits**
12 exhibits provided. See pleading for details.

Age: 6	<p align="center"><u>NO TEMPORARY REQUESTED</u></p> <p>VERNON BEATY and LYNDA BEATY, paternal grandparents, are Petitioners.</p> <p>Father: JEREMY KEITH BEATY</p> <p>Mother: AMANDA MELL</p> <p>Maternal grandfather: DALE MELL Maternal grandmother: CYNTHIA MELL</p> <p>Sibling: JUSTIN PETERSON (5)</p> <p>Petitioners allege that the minor lived on and off with one or both parents from birth to age 5 due to both parents' incarcerations and drug use. The minor has lived with others step-grandparents, Petitioners, and other friends for period of up to 6-8 months while parents came and went. The minor has lived with Petitioners since September 2011 after being placed with them by CPS. To date, the parents have been unable to establish a safe and consistent environment for the minor.</p> <p>Court Investigator Jo Ann Morris filed a report on 04/17/13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i>. 2. Need proof of personal service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> <u>or</u> <i>Consent & Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for: <ul style="list-style-type: none"> - Jeremy Beaty (father) - Amanda Mell (mother) 3. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> <u>or</u> <i>Consent & Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for: <ul style="list-style-type: none"> - Dale Mell (maternal grandfather) - Cynthia Mell (maternal grandmother) 	
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.			
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<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input type="checkbox"/> Notice of Hrg			x
<input type="checkbox"/> Aff.Mail			x
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			x
<input checked="" type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input checked="" type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
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<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input checked="" type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
		Reviewed by: JF	
		Reviewed on: 04/19/13	
		Updates:	
		Recommendation:	
		File 8 – Mell	

DOD: 12-14-06	JOANNE MILLER , sister, was appointed Administrator without bond and Letters were issue on 07/17/07.	NEEDS/PROBLEMS/COMMENTS:
	Inventory & Appraisal - \$185,000.00 filed 07/09/07.	<u>Continued from 6-27-12, 8-31-12, 10-26-12, 1-25-13</u>
	The Court set a status hearing for 6/27/12 and notice was mailed to Joanne Miller and Attorney Philip Flanigan on 05/15/12.	Note: The Administrator, sister of the decedent, resides in Battleground, Washington.
Conf. from 062712, 083112, 102612, 012513	Declaration of Philip Flanigan and Status Report filed 10/25/12 states: the personal representative, Joanne Miller, is frail and has not been able deal with the sole asset of the estate, real property located at 638 N. Fisher in Fresno. The property is in very poor condition and has been vandalized. Despite the I&A reflecting estate assets of \$185,000.00, the property is presently worth very little and the only offer received for the property has been \$20,000.00. There is a mortgage from the City of Fresno in the amount of \$40,000.00 on the property. There is also a lien by the Department of Health against the estate. Thus there is no equity in the property and no desire on the part of the personal representative to continue spending money on probate proceedings. Mr. Flanigan states that he is currently attempting to elicit an offer to purchase the property and is in the process of negotiating the liens in order to allow the property to be sold, counsel to recoup some fees and costs and to allow the probate to close. If however, the liens cannot be negotiated then counsel will seek to withdraw from the matter and the City of Fresno can foreclose.	Note: There are two creditor's claims: - City of Fresno \$40,755.99 - DHS \$76,161.31
<input type="checkbox"/> Aff.Sub.Wit.		Note: The real property is a small residence located at 638 N. Fisher (First/Belmont) was appraised at \$185,000.00 as of the decedent's date of death 12-14-06.
<input type="checkbox"/> Verified		1. Need First Account and/or Petition for Final Distribution.
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg		
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input 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		
	The personal representative is the sole heir and there are no other claims superior to those of the city and state. Counsel requests a 90 day continuance to attempt to work out a resolution or to file a Petition to close the Probate proceedings.	Reviewed by: skc
	Declaration of Philip Flanigan filed 4-11-13 states after negotiating an agreement with the City on their lien on the property, the undersigned has a real estate agent attempting to elicit an offer. Multiple attempts to contact the administrator have been done via telephone messages, email, and regular mail, but there has been no response from Ms. Miller, and no purchasers interested in the property. The Personal Representative is the sole heir of the decedent and there are no other claims superior to those of the City and the State. Counsel respectfully requests continuance of an additional 120 days to file a petition to close the Probate after the property is sold.	Reviewed on: 4-19-13
		Updates:
		Recommendation:
		File 12 - Murchison

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution (Prob. C. 12200, et seq.)

DOD: 1-29-04	MARGARET GREEN was appointed Administrator with full IAEA with bond of \$10,000.00 on 5-25-04.	NEEDS/PROBLEMS/COMMENTS:
		<u>Minute Order 1-25-13: Ms. Green informs the Court that she still has the house. Matter continued to 4/25/13. The Court directs Ms. Green to meet with Court Examiner forthwith.</u>
	Inventory and Appraisal filed 10-21-04 reflected a total estate value of \$95,000.00 consisting of real property at 255 West Hawes Ave. in Fresno.	<u>As of 4-19-13, nothing further has been filed.</u>
Cont. from 113012, 012513	Notice of Proposed Action filed 4-1-05 indicated intent to sell for \$153,000.00 cash.	1. Need first account or petition for final distribution.
<input type="checkbox"/> Aff.Sub.Wit.	No further action occurred in this estate until 9-4-12 when Attorney C. Michael Farmer filed a Substitution of Attorney.	<u>Note: Administrator Margaret Green is the surviving spouse, and Decedent also had six children. At the time of appointment, five of the six children were adults and waived bond; however, the minor heir lacked capacity to waive bond. Therefore, the bond of \$10,000.00 was requested as that was the estimated share of the minor heir.</u>
<input type="checkbox"/> Verified	The Court then set this status hearing for failure to file a first account or petition for final distribution and sent notice to the Administrator at 255 West Hawes.	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg		
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: skc
		Reviewed on: 4-19-13
		Updates:
		Recommendation:
		File 13 - Green

Petition for Termination of Guardianship

Age: 2	DESTINY GONZALES , mother is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need <i>Notice of Hearing</i> . 2. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition to Terminate Guardianship or Consent & Waiver of Notice or Declaration of Due Diligence</i> for: - Stephen Solorzano (father) - Severiano Solorzano (paternal grandfather) - Ernest Gonzales (maternal grandfather) - Gloria Gonzales (maternal grandmother)
	ELVIA SOLORZANO paternal grandmother, was appointed Guardian of the Person on 06/06/12.	
	Father: STEPHEN SOLORZANO	
Cont. from	Paternal grandfather: SEVERIANO SOLORZANO	
<input type="checkbox"/> Aff.Sub.Wit.	Maternal grandfather: ERNEST GONZALES	
<input checked="" type="checkbox"/> Verified	Maternal grandmother: GLORIA GONZALES	
<input type="checkbox"/> Inventory	Petitioner states that she believes her son belongs with her. She states that she has her older son with her full time and that he misses his little brother. Petitioner alleges that the guardian is always leaving Ayden with various people to watch him sometimes for days at a time. Petitioner alleges that the guardian doesn't answer her calls regularly and lies to her about why she doesn't answer. Further, Petitioner alleges that the guardian often gets frustrated with Ayden.	
<input type="checkbox"/> PTC	Objection to Petition of Termination of Guardianship filed 04/10/13 by Elvia Solorzano, Guardian, states: she is concerned about Ayden's welfare if returned to his mother. The mother has stated that she works full time and goes to school. If this is the case, who will be caring for Ayden? Further, she states that she did not always answer the mother's phone calls because of the conflict that would occur when she called. Guardian states that her son does not live with her and she has no control over his behavior. Further, guardian states that stays home and provides full-time care for Ayden. Ms. Solorzano states that she wants Ayden to be well cared for and have a good education.	
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg		
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input checked="" 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 type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice	Court Investigator Jennifer Daniel filed a report on 04/18/13.	
	Reviewed by: JF	
	Reviewed on: 04/19/13	
	Updates:	
	Recommendation:	
	File 14 – Solozano	

Natalie Ortega Age: 9	<p>TEMP DENIED 3-7-13</p> <p>IRENE and CUTBERTO JIMENEZ, paternal aunt and uncle, are Petitioners.</p> <p>Father (Natalie): ALFREDO ORTEGA - Declaration of Due Diligence filed 03/01/13</p> <p>Father (Vanity): RUSTY LEE SALDIVAR</p> <p>Mother: AMBER STICKLES - Declaration of Due Diligence filed 03/01/13 - Appeared at Temp Hearing 3-7-13</p> <p>Paternal grandfather (Natalie): NOT LISTED Paternal grandmother (Natalie): NOT LISTED</p> <p>Paternal grandparents (Vanity): Richard and Roasalinda Saldivar - Appeared at Temp Hearing 3-7-13</p> <p>Maternal grandparents: NOT LISTED</p> <p>Petitioners allege the girls currently live with their aunt and are being neglected. They are not being fed regularly, do not have enough clothing, or clothes that fit, are not taught good hygiene and are poorly supervised. Further, Petitioners allege the girls are threatened and physically abused by adults and teenagers who live in their home, and Natalie has runaway on at least 1 occasion. Petitioners allege that their medical needs are also being neglected.</p> <p>Court Investigator Samantha Henson filed a report on 4-18-13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Petitioners state that the girls are currently living with their aunt, Krystal Stickles. Krystal Stickles was personally served with Notice of Hearing on 03/01/13 per proof of service filed 03/01/13.</p> <p>Minute Order 3-7-13: Mother, Amber Stickles, informs the Court that she wants the children to stay with the grandparents. The petition is denied. The General Hearing remains set for 4/25/13. Mother provides contact information to the Court. Ms. Saldivar provides contact information. Petition denied.</p> <p>If this petition goes forward:</p> <ol style="list-style-type: none"> 1. Need proof of service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 on: <ul style="list-style-type: none"> - Alfredo Ortega - Rusty Lee Saldivar - Amber Stickles - Natalie's paternal grandparents - Richard Saldivar
Vanity Saldivar Age: 10		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
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<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> Clearances		
<input type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
	<p>Reviewed by: skc</p> <p>Reviewed on: 4-19-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 16 – Ortega & Saldivar</p>	

		NEEDS/PROBLEMS/COMMENTS: <p style="text-align: center;"><u>CONFIDENTIAL</u></p>
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Citation		
FTB Notice		
		Reviewed by:
		Reviewed on:
		Updates:
		Recommendation:
		File 17 - Galindo

(1) First and Final Account and Report of Administrator and (2) Petition for Allowance of Ordinary and Extraordinary Commissions and Fees and for (3) Distribution [Prob. C. 9202, 10800, 10810, 10951, 11600, 11850(a)]

DOD: 11/17/06	PUBLIC ADMINISTRATOR , Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. It is unclear whether distribution is to be made to Anita Kolentus. It appears that the property on hand should have been divided between the 5 heirs, but instead appears to have been divided between only 4 heirs. Need clarification.
	Account period: 01/02/08 – 03/07/13	
Cont. from	Accounting - \$10,130.00	
<input type="checkbox"/> Aff.Sub.Wit.	Beginning POH - \$10,130.00	
<input checked="" type="checkbox"/> Verified	Ending POH - \$8,777.40	
<input checked="" type="checkbox"/> Inventory	Administrator (statutory) - \$405.20	
<input checked="" type="checkbox"/> PTC	Administrator x/o (per Local Rule) - \$1,000.00	
<input checked="" type="checkbox"/> Not.Cred.	Attorney (statutory) - \$405.20	
<input checked="" type="checkbox"/> Notice of Hrg	Bond Fee - \$126.65 (ok)	
<input checked="" type="checkbox"/> Aff.Mail	Costs - \$460.50 (filing fees, certified letters)	
Aff.Pub.	Distribution, pursuant to intestate succession, is to: Frances Leighton - \$1,594.97 Lee Amabisca - \$1,594.97 Lucy Medaris - \$1,594.97 Thomas Amabisca - \$1,597.97 Anita Kolentus - 1/4	
Sp.Ntc.		
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Aff. Posting	Reviewed by: JF	
Status Rpt	Reviewed on: 04/19/13	
UCCJEA	Updates:	
Citation	Recommendation:	
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