1 Juanita G. Rivera (Estate) **Case No. 08CEPR00634**

Atty Fanucchi, Edward L. (for Olivia Rendon – Administrator – Petitioner)

(1) First and Final Account and Report of Personal Representative, (2) Petition for Settlement, for Allowance of Statutory Commissions and Extraordinary Fees, (3) Attorneys' Fees for Ordinary and Extraordinary Services, Costs and for (4) Final Distribution [Prob. C. 11640 & CRC 7.702-7.705]

DOD: 4-26-08

	Aff.Sub.Wit.	
✔	**Verified**	
✔	**Inventory**	
✔	**PTC**	
✔	**Not.Cred.**	
✔	**Notice of Hrg**	
✔	**Aff.Mail**	W/O
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✔	**Letters**	10-16-08
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✔	**9202**	
	Order	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✔	**FTB Notice**	

OLIVIA RENDON, Administrator with full IAEA with bond of $135,000.00, is Petitioner.

Account period: 4-26-08 through 1-26-12

Accounting: $98,995.41
Beginning POH: $95,000.00
Ending POH: $74,766.64

Administrator (Statutory): $3,679.82

Administrator (Extraordinary): $1,000.00
(sale of the residence, per local rule)

Attorney (Statutory): $3,679.82

Attorney (Extraordinary): $1,000.00
(sale of the residence, per local rule)

Costs: $834.50
(filing fees, certified letters, Probate Referee)

Petitioner requests distribution pursuant to intestate succession, including reimbursements to certain heirs for costs of administration advanced, and equalization for personal property (furniture, etc.) distributed, as follows:

Olivia Rendon: $22,424.38
(10% + costs + equalization)
Graciela Llamas: $5,329.03
(10% + equalization)
Ida Perez: $5,329.03
(10% + equalization)
Gabriel Albarran-Gurrusquita: $5,329.03
(10% + equalization)
Elida Rivera: $5,329.03
(10% + equalization)
Leticia Rodriquez: $4,953.88 (10%)
Federico Rivera: $453.83
(10% - closing costs)
Ruperto Rivera, Jr.: $5,404.00
(10% + costs advanced)
Aracelia Elizarraraz: $5,066.41
(10% + costs advanced)
Angelica Rivera: $4,953.88 (10%)

NEEDS/PROBLEMS/COMMENTS:

1. **Notice of Hearing filed 3-15-12 includes service on Graciela Llamas, who filed a Request for Special Notice on 10-2-08; however, a copy of the petition was not included.**

   Probate Code §1252 requires that a copy of the Petition be served with the Notice of Hearing at least 15 days prior to the hearing on the person named in the Request for Special Notice.

   Therefore, unless the Court dispenses with the notice, or notice is waived by Ms. Llamas, further service *including the petition* may be required.

2. **Examiner notes that Probate Code §§ 3610 and 3611(e) allow funds under $5,000.00 from a judgment belonging to a minor or person with a disability to be paid pursuant to §3400.**

   §3400 allows a parent to receive funds for a minor, but does not specifically refer to persons with a disability as mentioned in §3610.

   Petitioner states Angelica Rivera (disabled heir) is cared for by her sister, Ida Perez. Therefore, the Court may require clarification as to how Angelica's share is to be paid – i.e., directly to her, or to Ms. Perez.

3. **Need order.**

Reviewed by: skc
Reviewed on: 4-19-12
Updates:
Recommendation:
File 1 - Rivera

Dept. 303, 9:00 a.m., Thursday, April 26, 2012

2 Lorraine B. Gordy (CONS/PE) Case No. 10CEPR01084

Atty LeVan, Nancy J., sole practitioner (for Petitioner Pamela L. Gordy, Conservator)
Atty Knudson, David N., sole practitioner (Court-appointed for Conservatee)

(1) First Account and Report of Conservator, (2) Petition for Reimbursement of Expenses, (3) Petition for Allowance of Fees to Attorney for Conservator (Prob. 2620, 2623, 2640)

Age: 81 years		
DOB: 12/5/1930		
Cont. from		
	Aff.Sub.Wit	
✓	**Verified**	
✓	**Inventory**	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	W/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	011911
	Duties/S	
	Objections	
	Video Rcpt	
✓	**CI Report**	
✓	**2620**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

PAMELA L. GORDY, daughter and Conservator of the Person and Estate, is Petitioner.

Account period: 1/19/2011 – 2/29/2012

Accounting	-	**$289,238.86**
Beginning POH	-	**$130,300.00**
Ending POH	-	**$97,919.61** *(all cash)*
Conservator	-	**waives**
Conservator Costs *(per itemization; please see Note below;)*	-	**$10,726.98**
Attorney *(no itemization; less than per Local Rule 7.16 for establishment of conservatorship and first account;)*	-	**$2,000.00**
Bond	-	**$121,060.00** *(sufficient)*

Petitioner requests the Court approve and allow reimbursement to her of the expenses she extended to the Conservatee in the amount of **$10,726.98**. Petitioner states she felt many of the meals at the care facility were insufficient in quality and freshness and she supplemented the Conservatee's meals with additional food to keep Conservatee's nutrition at a healthy level. *(Note: Total amount requested includes three payments to Conservatee's residential care facility of $3,079.00 for December 2010, and $2,800.00 for January and February 2011; cost of supplemental food totals ~$444.42.)*

Petitioner prays for an Order:

1. Approving, allowing and settling the First Account;
2. Authorizing Petitioner to reimburse herself **$10,726.98** for expenses advanced to the Conservatee;
3. Authorizing Petitioner to pay **$2,000.00** for attorney fees.

Court Investigator Jennifer Young's *Report* was filed on 2/1/2012.

NEEDS/PROBLEMS/COMMENTS:

Note: Other than a deposit of $118,042.24 listed in *Schedule A, Receipts*, the *First Account* does not include any information regarding the sale of the Conservatee's residence done pursuant to Probate Code § 2590 powers, which sale based upon Court records was confirmed by the Court per the *Order Confirming Sale of Real Property* signed on 3/28/2011. Significant actions such as this taken by the Conservator should be included in an accounting of a conservatorship estate, particularly the first account, to ensure the account accurately reflects the acts and transactions of the Conservator that occurred during the account period.

Reviewed by: LEG
Reviewed on: 4/19/12
Updates:
Recommendation:
File 2 - Gordy

Dept. 303, 9:00 a.m., Thursday, April 26, 2012

3 **Gertrude K. Guinn (Estate)** **Case No. 11CEPR00325**

Atty **Hornburg, Thomas E. (of Visalia for Jarol F. Duerksen)**

(1) First and Final Report Current on Waiver of Account, for (2) Settlement Thereof, for Statutory Attorney Fees and Reimbursement of Costs, and for (3) Final Judgment of Distribution

DOD: 5/4/2010			
Cont. from 032912			
	Aff.Sub.Wit.		
✓	Verified		
✓	Inventory		
✓	PTC		
✓	Not.Cred.		
✓	Notice of Hrg	W/	
✓	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters	11/18/11	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
✓	FTB Notice		

JAROL F. DUERKSEN, Administrator, is petitioner.

Accounting is waived.

I & A - **$34,500.00**
POH - **$34,500.00**

Administrator - **waives**

Attorney - **$1,380.00**
(statutory, $330.00 has already been paid, leaving a balance of $1,050.00)

Costs - **$915.53**
(filing fees, publication)

Distribution, pursuant to intestate succession, is to:

Jarol F. Duerksen - ½ interest in decedent's 1/3 interest in real property located in Dinuba, California.

Rowena L. Jensen - ½ interest in decedent's 1/3 interest in real property located in Dinuba, California.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: KT
Reviewed on: 4/19/12
Updates:
Recommendation: SUBMITTED
File 3 - Guinn

Dept. 303, 9:00 a.m., Thursday, April 26, 2012

4 Wanda H. Bingham (CONS/PE) **Case No. 11CEPR00949**

Atty Roberts, David A. (Attorney for David J. St. Louis, Conservator)

Petition for Approval of Attorney's Fees (Prob. C. 2642)

	Aff.Sub.Wit.	
✔	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✔	**Notice of Hrg**	
✔	**Aff.Mail**	W
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✔	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

DAVID A. ROBERTS, attorney for David J. St. Louis, Conservator, is Petitioner.

Petitioner requests fees in connection with legal services rendered to the Acting Conservator and then Conservator David J. St. Louis, from 8-17-11 to 2-29-12.

Petitioner asks that he be paid from the conservatorship estate for attorney hours @ $300.00/hr and paralegal hours @ $100.00/hr **for a total of $1,380.00, plus costs in the sum of $958.50.**

Services are itemized by date and include telephone conferences with the Court Investigator, Attorney Deborah Boyett (Court-appointed counsel for Conservatee), Attorney William Keeler (representing Wells Fargo Bank), and numerous other individuals who received notice and either objected or requested further information. Costs include filing fees, service of citation, witness fees, certified letters, and photocopies).

NEEDS/PROBLEMS/COMMENTS:

1. **The Request for Special Notice filed 12-5-11 specifically requested that notice be sent to Wells Fargo Bank, N.A., Attn: Elina Pruzhinin *in addition to* their attorneys.**

   Notice of Hearing filed 4-2-12 only reflects service only on the attorney.

   The Court may require additional direct service pursuant to Probate Code §§ 125 and 1214, and Cal. Rules of Court 7.51.

2. **Petitioner's costs request includes $1.00 for photocopies. The Court considers photocopies to be a cost of doing business and not reimbursable (Local Rule 7.17.B.1.). The Court may reduce costs by $1.00 to $957.50.**

Reviewed by: skc
Reviewed on: 4-19-12
Updates:
Recommendation:
File 4 - Bingham

Dept. 303, 9:00 a.m., Thursday, April 26, 2012

Amended Petition for Approval of Attorneys' Fees [Prob. C. 2642]

	Aff.Sub.Wit.	
✔	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
✔	**Aff.Mail**	
✔	**Aff.Pub.**	W
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✔	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

DAVID A. ROBERTS, attorney for David J. St. Louis, Conservator, is Petitioner.

Petitioner requests fees in connection with legal services rendered to the Acting Conservator and then Conservator David J. St. Louis, from 8-17-11 to 3-21-12.

Petitioner asks that he be paid from the conservatorship estate for attorney hours @ $300.00/hr and paralegal hours @ $100.00/hr **for a total of $13,260.90, plus costs in the sum of $607.10.**

Services are itemized by date and include telephone conferences with the Court Investigator, Conservator, Attorney Curtis Rindlisbacher (Court-appointed counsel for Conservatee), Attorney William Keeler (representing Wells Fargo Bank), and numerous other individuals who received notice and either objected or requested further information. Petitioner also prepared expert witnesses and generally prepared for a scheduled trial on the issue of placement in a care facility vs. Mr. Bingham's own home, and attended several hearings. Costs include filing fees, service of citation, witness fees, certified letters, and photocopies).

NEEDS/PROBLEMS/COMMENTS:

3. **Petitioner's costs request includes $89.60 for photocopies. The Court considers photocopies to be a cost of doing business and not reimbursable (Local Rule 7.17.B.1.). The Court may reduce costs by $89.60 to $517.50.**

Reviewed by: skc
Reviewed on: 4-20-12
Updates:
Recommendation:
File 5B - Bingham

6 **In Re: Varni Family Trust dated 3-27-97 (Trust)** **Case No. 11CEPR01041**

Atty **Smith, Frederick W., Jr. (of Oakdale, CA, for Petitioner Dorothy Powell, by and through her agent, Craig Powell)**

(1) Petition Pursuant to Prob. C. §17200; (2) Request for Accounting; (3) Request for Suspension of Trustee Powers; (4) Request for Removal of Trustee; (5) Request for Appointment of Neutral Trustee; (6) Request for Reimbursement of Attorney's Fees and Costs [Prob. C. §17200]

Louis Varni
DOD: 2-25-10

Eva Varni
DOD: 9-18-05

Cont. from 020112, 030512

	Aff.Sub.Wit.	
✔	Verified	X
	Inventory	
	PTC	
	Not.Cred.	
✔	Notice of Hrg	
✔	Aff.Mail	W
	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	

DOROTHY POWELL, by and through her agent, **CRAIG POWELL**, is Petitioner. Petitioner is the sister of Eva Varni and a beneficiary of the **VARNI FAMILY TRUST created 3-27-97, amended and restated in its entirety on 2-21-03, and amended on 12-3-03**.

ALBERT PINASCO is the sole remaining successor trustee by the terms of the trust (he served as an initial co-trustee with the trustors, then as co-trustee with the surviving trustor, and now alone) and pursuant to the Notification by Trustee under Probate Code §16061.7 executed on 1-21-11 (attached). Mr. Pinasco is also a beneficiary and an officer of the Varni Corporation, which is owned by the trust.

Petitioner states Mr. Pinasco has failed to keep beneficiaries reasonably informed of the status of the administration of the trust and has failed to furnish the material information necessary to protect the beneficiaries' interests as required by Probate Code §§ 16060 and 16061.

After the death of the surviving trustor on 2-25-10, Petitioner did not receive any information regarding the trust for nearly 11 months. Petitioner contacted the trustee and requested a copy of the trust and asset information beginning in October 2010; however, the first formal information received was the notification to beneficiaries which was sent on 1-21-11 (almost one year after the death of the surviving trustor.

Petitioner also requested information regarding the assets of the trust, an accounting, and requested to meet with the trustee regarding trust administration.

In response, Petitioner was provided with a one-page document listing the principal assets of the trust as four parcels of real estate and 100% of the shares in the Varni Corporation. No asset valuations or accounting was provided.

SEE PAGE 2

NEEDS/PROBLEMS/COMMENTS:

CONTINUED TO 5-31-12
Per Stipulation and Order filed 4-23-12

Continued from 2-1-12, 3-5-12, 3-15-12.

Note: On 1-26-12, the Probate Clerks' Office received a telephone call from an attorney associated with the trust (not Frederick W. Smith, Jr.), who stated that this *Petitioner, Dorothy Powell, has died*, and requested to continue the matter. The clerk informed the caller that only the Petitioner's attorney could receive a continuance by phone.

Therefore, this matter remains on calendar, subject to the following issues:

1. **The Petition is brought by Dorothy Powell, by and through her agent, Craig Powell, who signed the verification. However, the Petition does not explain the circumstances of the agency or the relationship between Dorothy Powell and Craig Powell.**

   Craig Powell has not been appointed as a guardian ad litem by the Court in this proceeding pursuant to Probate Code §1003.

   Additionally, the Court has been informed that Petitioner Dorothy Powell has died.

   Therefore, based on all of these issues, need clarification and authority for CRAIG POWELL to bring this petition, and verify it, on behalf of DOROTHY POWELL.

   If the parties wish to pursue this matter, the Court may require amendment.

SEE PAGE 3

Reviewed by: skc

Reviewed on: 3-6-12

Updates: 4-23-12

Recommendation:

File 6 - Varni

SUMMARY (Continued):

Petitioner did not receive any detailed information until a beneficiaries' meeting on 8-6-11, to which she was forbidden to bring representation of any kind. At the meeting, a PowerPoint presentation included a list of the properties owned and a balance sheet for Varni Corporation (*not the trust*). This information was provided 18 months after the death of the surviving trustor and still no accounting was provided.

Petitioner states the trustee has not provided an accounting pursuant to Probate Code §16062, which requires account at termination or at least annually. A letter from the trustee's counsel dated 1-27-11 stated an accounting would be forthcoming, but the only information Petitioner received is the list and balance sheet noted above and provided at the beneficiaries' meeting. These documents do not conform to the requirements for the contents of an accounting (Probate Code §16063), including receipts and disbursements, assets and liabilities, trustee's compensation, and compensation of any agents hired.

In addition, Petitioner is informed and believes the trustee purchased a residence and adjacent vacant lot in Tahoma, California for $865,000.00, and spent $27,778.92 for additional improvements to the property, presumably an investment for the trust. The balance sheet provided to beneficiaries shows the property has expenses of $62,198.76 for the period 6/2010-5/2011, yet this property has not generated any income. The purchase was made in December 2009, two months before the death of Louis Varni, at which Mr. Pinasco was a co-trustee. Mr. Varni was supposedly the beneficiary of this purchase; however, at that time, he was in poor health and advanced in age and it was highly unlikely that he would have ever visited or used the property. Petitioner speculates that Mr. Pinasco has used it himself since it has not been rented to third parties.

A trustee has a duty to manage assets as a prudent investor would, exercise reasonable care, skill and caution per Probate Code §16047(a), and also has a duty to make the trust property productive. The purchase and subsequent management of the Tahoma Property is a violation of the trustee's duty, since approximately one million dollars from the trust was spent on it, but it has not been rented out or generated any income. This money could have been available to distribute to beneficiaries of the trust.

Petitioner states the trustee has only made one small distribution to the beneficiaries at the meeting.
He has not provided a list of assets or proposed distribution schedule. Specifically, he has failed to make the distributions of tangible personal property in violation of the specific trustee's duties.

Petitioner further states that the trustee has a conflict of interest in that he is trustee, beneficiary, and an officer of Varni Corporation, which is owned by the trust. Trustees are subject to removal whenever it appears that their private interests conflict with their trust duties, and when it appears that trust property has been appropriated to their own use. *See* Moore v. Bowes (1937) 8 C.2d 162, 165; Estate of Vokal (1953) 121 C.A.2d 252, 258. Petitioner states that because he "is wearing multiple hats" it is difficult for him to act in the best interest of all trust beneficiaries.

Petitioner states the trustee should be removed from office, his powers suspended, and an independent successor trustee appointed because:

- He does not keep the beneficiaries informed regarding the administration of the trust;
- He has not provided an accounting for the trust;
- He has mismanaged assets of the trust; and
- He has not distributed the assets of the trust.

Petitioner also requests that the Court order trustee's compensation and/or share of the assets be charged for Petitioner's attorney's fees and costs for bringing this Petition.

Petitioner requests an Order:

- **That Mr. Pinasco provide an accounting of the assets in the trust and the subtrusts created thereunder;**
- **That Mr. Pinasco be removed as trustee;**
- **That Justice Steven M. Vartabedian be appointed as the neutral successor trustee;**
- **That Mr. Pinasco surrender all assets of the trust and subtrusts created thereunder to the Court-appointed neutral successor trustee;**
- **That Mr. Pinasco's compensation/distributive share of the trust be charged and credited to Petitioner for the costs and attorney's fees for bringing this Petition; and**
- **Any such additional order as the Court deems proper.**

SEE PAGE 3

NEEDS/PROBLEMS/COMMENTS (Continued):

2. **Petitioner provides a list of parties entitled to notice pursuant to Probate Code §17201; however, there appear to be a number of beneficiaries who are not included.**

   The Court may require clarification and notice pursuant to Probate Code §17201 and Cal. Rule of Court 7.51 (including minors).

   The list of persons that may require notice may include:

   - Roberta (Jane) Pores (Eva Varni's sister)

   - Eva Varni's five grand-nieces and nephews

   - Kimala Hockey and her children

   - Dan Stetson and Jan Stetson (unknown relation to Eva Varni)

   - Kathy Pinasco and Sherry Pinasco (unknown relation to Eva Varni)

   - Lisa Pacheco (Louis Varni's sister)

   - Heirs of deceased heirs, as mentioned in the trust

   - "caregivers who served Eva Varni and Louis Varni during their lifetimes" pursuant to the 2-21-06 Amendment.

   Note: 30 days' notice is required. The Court may not shorten time for giving notice per Probate Code §17203(b).

3. **Petitioner requests appointment of Justice Steven M. Vartabedian as the neutral successor trustee; however, there is no indication that he is aware of or would agree to serve as successor trustee. He was not served with notice of this petition, and there is no signed consent or acceptance of trust provided.**

4. **Pursuant to Probate Code §15602, a person not named as a trustee in the trust instrument must provide a bond; however, Petitioner does not provide an estimate for bond purposes. The code states that the Court may not excuse the requirement except in compelling circumstances.**

7A Audrina Solis & Brandon Solis (GUARD/P) **Case No. 12CEPR00055**

Atty Cruz, Javier (pro per Petitioner/non-relative)
Atty Solis, Erica (pro per Objector/mother)

Petition for Appointment of Guardian of the Person (Prob. C. 1510) (as to Javier Cruz)

Age: 3 years DOB: 1/20/2009		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	W/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
✓	Conf. Screen	
✓	Letters	
✓	Duties/Supp	
	Objections	
	Video Receipt	
✓	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

TEMPORARY EXPIRES 4/26/2012

JAVIER CRUZ, non-relative, is petitioner.

Father: **GERALDO GUILPA** – *Notice dispensed with per minute order dated1/31/12.*

Mother: **ERICA SOLIS**- *Petitioner requests the court dispense with notice.*

Paternal grandparents: unknown
Maternal grandfather: Javier Solis – *Declaration of Due Diligence filed on 1/17/2012.*
Maternal grandmother: Maryanne Parks

Petitioner states the child's father is in prison serving a 95 year to life term, neither the father nor his family has ever been a part of the child's life. The mother of the child left the child in Petitioner's care when she was 3 months old. The mother is now threatening to remove the child from the proposed guardian. Mother is a known meth user and does not have a stable home.

Objections of mother, Erica Solis filed on 1/30/12 states she has no intention of giving up her parental rights or guardianship of Audrina.

Court Investigator JoAnn Morris' Report filed on 4/12/12.

NEEDS/PROBLEMS/COMMENTS:

This petition is as to AUDRINA only.

Reviewed by: KT
Reviewed on: 4/19/12
Updates:
Recommendation:
File 7A - Solis

Dept. 303, 9:00 a.m., Thursday, April 26, 2012

7B Audrina Solis & Brandon Solis (GUARD/P) Case No. 12CEPR00055

Atty Cruz, Javier (pro per Temporary Guardian of Audrina Solis)
Atty Parks, Jeffrey N (pro per Petitioner/maternal step-grandfather)
Atty Parks, MaryAnn (pro per Petitioner/maternal grandmother)

Petition for Appointment of Guardian of the Person (Prob. C. 1510) (as to Jeffrey Parks & Mary Parks)

Brandon age: 4 years
DOB: 8/31/2007

Audrina age: 3 years
DOB: 1/20/2009

Cont. from

	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	W/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
✓	Conf. Screen	
✓	Letters	
✓	Duties/Supp	
	Objections	
	Video Receipt	
✓	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

Temporary as to Brandon only 4/26/2012

MARY ANN PARKS, maternal grandmother, and **JEFFREY PARKS**, maternal step-grandfather, are petitioners.

JAVIER CRUZ is currently the temporary guardian of Audrina Solis. Letters expire 4/26/12. – *Personally served on 3/6/12.*

Brandon's father: **FERNANDO MORA** – *Declaration of Due Diligence filed on 3/9/12.*
Audrina's father: **GERALDO GUIBA**– *Notice dispensed with per minute order dated1/31/12.*

Mother: **ERICA RENEE SOLIS –** *consents and waives notice.*

Brandon's paternal grandfather: unknown
Audrina's paternal grandfather: unknown
Maternal grandfather: Javier Solis- *served on 3/7/12*

Petitioners state in April 2011, Audrina started staying with Javier Cruz and Violet Mittie, with an agreement between the mother and them. Violet died on 2/14/12. Since then Audrina has been living with two adult men, one being Javier the other being Matt, the son of Violet, who has a felony record. There is also a younger son of Violet's Chris, he is 17. This leaves Audrina with no motherly care at the age of 3.

Court Investigator JoAnn Morris' Report filed on 4/12/12.

NEEDS/PROBLEMS/COMMENTS:

1. **Fee Waivers of both petitioners were denied on 2/27/12. Filing fee of $225.00 is now due.**

Reviewed by: KT
Reviewed on: 4/19/12
Updates:
Recommendation:
File 7B - Solis

Dept. 303, 9:00 a.m., Thursday, April 26, 2012

8 **Mary L. Cuellar (Det Succ)** **Case No. 12CEPR00253**

Atty **O'Malley, David T (for Petitioners)**

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

DOD: 12/20/08		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
✓	Inventory	
✓	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	W/O
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

TONY L. CUELLAR, RACHEL CUELLAR, ELIZABETH SALDATE, MARYLOU LUNA and DORA F. GREGG, children of the decedent, are petitioner.

40 days since DOD.

No other proceedings.

I & A - **$100,000.00**

Petitioners request Court determination that Decedent's 100% interest in real property pass to them in equal shares pursuant to intestate succession.

NEEDS/PROBLEMS/COMMENTS:

1. **Need date of death of deceased spouse pursuant to Local Rule 7.1.1D.**

Reviewed by: KT
Reviewed on: 4/19/12
Updates:
Recommendation:
File 8 - Cuellar

Dept. 303, 9:00 a.m., Thursday, April 26, 2012

9 **Gloria Rascon Acuna (Estate)** **Case No. 10CEPR00892**

Atty **Acuna, Robert Jr., (pro per, Administrator)**

Atty **Acuna, Desiree (pro per, Administrator)**

Order to Show Cause

DOD: 7/13/10	**ROBERT ACUNA, JR.** and **DESIREE ACUNA,** were appointed as Co-Administrators without bond on 02/18/11 and Letters were issued on 05/26/11. Inventory and Appraisal was due on 9/26/11. On 3/22/12 the Court signed an order granting attorney Mara Erlach's Motion to be Relieved as Counsel. At the hearing the Court set this Order to Show Cause hearing and Ordered both Robert Acuna, Jr. and Desiree Acuna to be present. Order to Show Cause and Minute Order were mailed to both Robert Acuna, Jr. and Desiree Acuna on 3/23/12.	**NEEDS/PROBLEMS/COMMENTS:** **Please see related case on page 10.**
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		**Reviewed by: KT**
Status Rpt		**Reviewed on: 4/19/12**
UCCJEA		**Updates:**
Citation		**Recommendation:**
FTB Notice		**File 9 - Acuna**

Dept. 303, 9:00 a.m., Thursday, April 26, 2012

10 **Robert Alfred Acuna, Sr (Estate)** **Case No. 10CEPR00893**

Atty **Acuna, Robert Jr., (pro per, Administrator)**

Atty **Acuna, Desiree (pro per, Administrator)**

Order to Show Cause

DOD: 7/13/10	**ROBERT ACUNA, JR.** and **DESIREE ACUNA,** were appointed as Co-Administrators without bond on 02/18/11 and Letters were issued on 05/26/11. Inventory and Appraisal was due on 9/26/11. On 3/22/12 the Court signed an order granting attorney Mara Erlach's Motion to be Relieved as Counsel. At the hearing the Court set this Order to Show Cause hearing and Ordered both Robert Acuna, Jr. and Desiree Acuna to be present. Order to Show Cause and Minute Order were mailed to both Robert Acuna, Jr. and Desiree Acuna on 3/23/12.	**NEEDS/PROBLEMS/COMMENTS:**
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		**Reviewed by: KT**
Status Rpt		**Reviewed on: 4/19/12**
UCCJEA		**Updates:**
Citation		**Recommendation:**
FTB Notice		**File 10 - Acuna**

Dept. 303, 9:00 a.m., Thursday, April 26, 2012

11 Donnie De'monty Marquise Maiden, Jr (GUARD/P) Case No. 11CEPR01109
Atty Williams, Phyllis Louise (pro per Petitioner/paternal grandmother)
Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 3 years DOB: 6/19/08		
Cont. from 022312		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	W/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	X
✓	Conf. Screen	
✓	Letters	
	Duties/Supp	X
	Objections	
	Video Receipt	
✓	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

Temporary Expires 4/26/12

PHYLLIS LOUISE WILLIAMS, paternal grandmother, is Petitioner.

Father: **DONNIE DE'MONTY MARQUISE MAIDEN** – *incarcerated in Phoenix, AZ – served by mail on 3/27/12.*

Mother: **FELICIA RAMIREZ** – *Court dispensed with notice by minute order dated 2/23/12.*

Paternal Grandfather: Donnie Maiden
Maternal Grandfather: Unknown
Maternal Grandmother: Unknown

Petitioner states the father had sole custody of the minor. Father is now incarcerated and is unable to care for the minor. Petitioner states she has been actively involved in the minor's life since birth. A guardianship is necessary so that the Petitioner can provide the minor with the proper care and support.

Court Investigator JoAnn Morris' Report filed on 4/11/12.

NEEDS/PROBLEMS/COMMENTS:

1. **Need proof of <u>personal</u> service of the *Notice of Hearing* along with a copy of *the Petition or Consent and Waiver of Notice* or *Declaration of Due Diligence* on:**
   a. **Donnie De'Monty Marquise Maiden (father)**

2. **Need proof of service of the *Notice of Hearing* along with a copy of the Petition or *Consent and Waiver of Notice* or *Declaration of Due Diligence* on:**
   a. **Maternal grandfather**
   b. **Maternal grandmother**

Reviewed by: KT
Reviewed on: 4/17/12
Updates: 4/23/12
Recommendation:
File 11 - Maiden

Dept. 303, 9:00 a.m., Thursday, April 26, 2012

12 Lisa Susan Miller (CONS/PE) **Case No. 0439065**

Atty **Miller, Ronald J (pro per Conservator)**

Status Hearing Re: Proof of Bond

Age:			NEEDS/PROBLEMS/COMMENTS:
			OFF CALENDAR. Bond filed on 4/6/12.
Cont. from			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		Reviewed by: KT
	Status Rpt		Reviewed on: 4/19/12
	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 12 – Miller

Dept. 303, 9:00 a.m., Thursday, April 26, 2012

13 Dallas James and Summer Soto (GUARD/P) Case No. 12CEPR00187

Atty Cook, Stephen (Pro Per – Maternal Grandfather – Petitioner)
Atty Cook, Elyse Marie (Pro Per – Maternal Grandmother – Petitioner)

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

Dallas Marie James
Age: 1
DOB: 2-5-11

Summer Sunshine Soto
Age: 4
DOB: 7-4-07

	Aff.Sub.Wit.	
✔	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	X
✔	**Conf. Screen**	
✔	**Letters**	
✔	**Duties/Supp**	
✔	**Objections**	
	Video Receipt	
✔	**CI Report**	
✔	**Clearances**	
✔	**Order**	
	Aff. Posting	
	Status Rpt	
✔	**UCCJEA**	
	Citation	
	FTB Notice	

NO TEMPORARY – DENIED 3-7-12

STEPHEN and ELYSE MARIE COOK, Maternal Grandparents, are Petitioners.

Father (Dallas): **WILLIAM "KIMO" JAMES**
- Present in Court on 3-7-12

Father (Summer): **STEVEN SOTO**
- Present in Court on 3-7-12

Mother: **JAMIE MICHELLE COOK**
- Present in Court on 3-7-12

Paternal Grandfather (Dallas): Not listed
Paternal Grandmother (Dallas): Not listed

Paternal Grandfather (Summer): Joel Soto
Paternal Grandmother (Summer): Carol Soto

Petitioners state Mother fled to their home on 12-7-11 with the children after being physically abused by "Kimo" (Dallas' father). While staying with Petitioners, Mother's other daughter, Chloe (age 9) visited on weekends, but Mother was preoccupied with fighting on the phone with Kimo. Petitioners state Mother had just started to reconnect with Chloe since Kimo won't allow her to have a relationship with her.

Mother obtained a restraining order against Kimo and custody of Dallas, but has now returned with the children to live with him. Petitioners called CPS and were advised to file for guardianship. Petitioners state the mother is not able to make sound decisions where the safety of Summer and Dallas is concerned while in this relationship with Kimo James. Petitioners fear for their physical and mental well-being. Petitioners attached a copy of the restraining order in Case #12CEFL00456. The UCCJEA indicates that the children have always lived with the mother.

Mother filed an Objection on 3-6-12 stating that all allegations are false and she was not served.

Court Investigator Samantha Henson filed a report on 4-19-12.

DSS Social Worker Cathy Flores filed a report on 4-20-12.

NEEDS/PROBLEMS/COMMENTS:

<u>Minute Order 3-7-12 (Temporary Hearing)</u>: Present: Petitioners, William James (Dallas' father), Steven Soto (Summer's father) and Jamie Cook (mother). Jamie Cook provides contact information. The Court denies the Petition. The general hearing remains set for 4-26-12.

<u>Note</u>: Court records indicate that the mother's DVTRO (restraining order) in 12CEFL00456 was terminated at her request at the hearing on 3-12-12.

<u>If this matter goes forward, the following issues exist</u>:

1. **Need Notice of Hearing.**
2. **Need proof of personal service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 on:**
   - Jamie Cook (Mother)
   - William "Kimo" James (Dallas' father)
   - Steven Soto (Summer's father)

   (Although the parents were all present in Court on 3-7-12, they are still entitled to be served with Notice of Hearing and a copy of the Petition per Probate Code §1511.)
3. **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:**
   - Dallas' paternal grandfather and grandmother (names not provided)
   - Summer's paternal grandfather and grandmother (Joel and Carol Soto)

Reviewed by: skc

Reviewed on: 4-19-12

Updates:

Recommendation:

File 13 – James & Soto

14 Christopher Travis Mittie (GUARD/P) **Case No. 12CEPR00204**

Atty Cruz, Javier (pro per Petitioner)

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

Age: 17 years DOB: 11/6/1994		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	W/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
✓	Conf. Screen	
✓	Letters	
✓	Duties/Supp	
	Objections	
	Video Receipt	
✓	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

GENERAL HEARING 5/1/2012

JAVIER CRUZ, mom's long term boyfriend, is petitioner.

Father: **UNKNOWN**

Mother: **VIOLET LORRIANA MITTIE** – *deceased.*

Paternal grandparents: Unknown
Maternal grandfather: Unknown
Maternal grandmother: Wanda Nelms – *deceased.*
Sibling: Matthew Snarr – *consents and waives notice.*
Minor: Christopher Mittie – *consents and waives notice.*

Petitioner states the minor's mother recently passed away, his father is an unknown person not listed on the birth certificate. The child needs a guardian as he has no parents, is still in school and requires someone to take care of him.

Court Investigator Charlotte Bien's Report filed on 4/12/12.

NEEDS/PROBLEMS/COMMENTS:

Note: Related matter on page 7A. Petitioner, JAVIER CRUZ, is requesting to be appointed guardian of Audrina Solis (no relation to this minor).

Note: This matter was originally scheduled for 5/1/12. Minute Order dated 3/13/12 advanced the hearing to 4/26/12 to be heard with the related matter on page 7A. Notice of Hearing filed on 3/12/12 lists the hearing date as 5/1/12. The parties served were Brenda Mittie and Wilma Mittie. It is unclear how they are related to the minor.

Reviewed by: KT
Reviewed on: 4/19/12
Updates:
Recommendation:
File 14 - Mittie

Dept. 303, 9:00 a.m., Thursday, April 26, 2012

15 Hedy Borunda (Estate) **Case No. 12CEPR00268**

Atty Gonzalez, Rick (pro per Petitioner/son)

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

DOD: 5/12/10			**RICK GONZALEZ**, son, is petitioner and requests appointment as Administrator without bond.
Cont. from			Full IAEA – o.k.
	Aff.Sub.Wit.		
✓	Verified		Decedent died intestate.
	Inventory		
	PTC		Residence: Selma
	Not.Cred.		Publication: Selma Enterprise
	Notice of Hrg		
✓	Aff.Mail	W/	**Estimated value of the estate:**
✓	Aff.Pub.		Real property - $30,000.00
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters		**Probate Referee: STEVEN DIEBERT**
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

1. **Need date of death of deceased spouse pursuant to Local Rule 7.1.1D.**
2. **Need waivers of bond from Louis Gonzalez and John Miranda or bond set at $30,000.**

Reviewed by: KT

Reviewed on: 4/19/12

Updates:

Recommendation:

File 15 - Borunda

Dept. 303, 9:00 a.m., Thursday, April 26, 2012

16 Julianna Reed, Julian Reed and William Reed (GUARD/P)

Case No. 12CEPR00286

Atty Vasquez, Valerie (pro per Petitioner/maternal aunt)

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

Julianna age: 7 yrs DOB: 2/19/2005		
Julian age: 6 years DOB: 3/10/2006		
William age: 4 yrs DOB: 12/25/2007		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	X
✓	Conf. Screen	
✓	Letters	
✓	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	X
	Citation	
	FTB Notice	

GENERAL HEARING 5/30/2012

VALERIE VASQUEZ, maternal aunt, is petitioner.

Father: **JULIAN REED**

Mother: **STEPHANIE REED**

Paternal grandfather: unknown
Paternal grandmother: Grace Reed
Maternal grandfather: Joe Reed
Maternal grandmother: Lucy Furch

Petitioner states the children's parents are both incarcerated. The children need someone to be responsible for their educational and medical needs.

NEEDS/PROBLEMS/COMMENTS:

1. **Need *Notice of Hearing.***
2. **Need proof of <u>personal</u> service of the *Notice of Hearing* along with a copy of the *Temporary Petition* or *Consent and Waiver of Notice* or *Declaration of Due Diligence* on :**
   a. **Julian Reed (father)**
   b. **Stephanie Reed (mother)**
3. **Need child information attachment for Julian Reed and Julianna Reed.**
4. **Need UCCJEA**

Reviewed by: KT
Reviewed on: 4/20/12
Updates:
Recommendation:
File 16 - Reed

Dept. 303, 9:00 a.m., Thursday, April 26, 2012