1 Tarek K. Alameldin (Estate) Case No. 06CEPR01226

Atty **Rindlisbacher, Curtis D. (for Naglaa K. Alameldin – Sister – Administrator)**
Atty **Shahbazian, Steven L. (for Roli Elsotari)**

Probate Status Hearing Re: Filing Account

DOD: 11/06/06		
Cont. from 100412, 113012, 020113, 040513, 060713, 080913, 090613, 110113, 010914, 041014, 081114, 100914, 120114, 011215, 030215, 040615		
	Aff.Sub.Wit.	
	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	X
	UCCJEA	
	Citation	
	FTB Notice	

NAGLAA K. ALAMELDIN, sister, was appointed Administrator with full IAEA and bond of $190,000.00 on **01/02/07**.

NAGLAA K. ALAMELDIN filed a **Status Report of Administration of Estate and Petition to Approve First Account** on 09/21/10.

The **Petition to Approve First Account** was continued several times and the Court denied the Petition with leave to Amend on 06/04/12.

Minute Order from hearing on 8/6/12 set this matter for status regarding filing the account.

In June of 2013 the attorney reported that the estate is waiting on funds totaling $69,425.63 from CA State Controller unclaimed property. In addition since there was a minor beneficiary a guardianship of the estate would be needed prior to distribution.

Former Status Report filed 8/11/14 states the estate received a check in the amount of $69,352.97 from the State Controller's office. Administrator states they are in the process of preparing a formal accounting and petition for final distribution in the next 45 days.

NEEDS/PROBLEMS/COMMENTS:

1. **Need Final Account and Petition for Final Distribution or current written status report** 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.

Reviewed by: skc
Reviewed on: 4/22/15
Updates:
Recommendation:
File 1 - Alameldin

Dept. 303, 9:00 a.m. Monday, April 27, 2015

2 Francisco Isaiah Mora (GUARD/P) Case No. 07CEPR00981

Atty **Vasquez, Emma (pro per – maternal great-grandmother/Guardian)**
Atty **Mora, Juan (pro per – father/Petitioner)**

Petition for Termination of Guardianship

Age: 8

Cont. from 092914, 033015

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

JUAN MORA, father, is Petitioner.

EMMA VASQUEZ, maternal great-grandmother, was appointed as guardian on 01/24/08. – *Personally served on 08/04/14*

Mother: **DANIELLE SOLIS** – *Personally served on 04/03/15*

Paternal grandparents: NOT LISTED
Maternal grandfather: DANIEL SOLIS – *Served by mail on 04/09/15*
Maternal grandmother: LAURA VASQUEZ – *Personally served on 04/03/15*

Petitioner states that he is a willing father capable of caring and raising his son. Petitioner states that he understands the current guardian's fears of never seeing Francisco if the guardianship is terminated, but Petitioner states that he is willing to negotiate a 50/50 visitation schedule with the guardian.

Objection to Termination of Guardianship filed 09/16/14 by Guardian, Emma Vasquez, states: Francisco has been in her care since birth. He has medical issues that require frequent doctor appointments and therapy. He also has school requirements. Guardian requests that the father's petition to terminate the guardianship be denied. Guardian states that she loves Francisco very much and has always provided for his care.

Court Investigator Jennifer Young filed a report on 09/18/14.

NEEDS/PROBLEMS/COMMENTS:

CONTINUED FROM 03/30/15

1. Need proof of service by mail at least 15 days before the hearing of *Notice of Hearing* with a copy of the *Petition for Termination of Guardianship* or Consent & Waiver of Notice or Declaration of Due Diligence for:
   a. Paternal grandparents
   Note: Proof of service filed 04/13/15 indicates that Juan M. Mora was served by mail on 04/09/15; however, it is unclear what relationship he has to the minor.

Reviewed by: JF
Reviewed on: 04/22/15
Updates:
Recommendation:
File 2 - Mora

3 Sherman Wayne Dozier (Estate) Case No. 08CEPR00017

Atty Knudson, David N. (for Petitioner/Administrator Laura Dozier)

First Amended First Account and Report of Administrator, and Petition to set Aside Exempt Personal Property to Surviving Spouse

DOD: 9/18/2007		
Cont. from 121113, 020314, 022414, 032414, 042114, 051914, 063014, 090314		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	W/
	Aff.Pub.	
✓	**Sp.Ntc.**	W/
	Pers.Serv.	
	Conf. Screen	
✓	**Letters**	2/4/08
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

LAURA DOZIER, surviving spouse/Administrator, is petitioner.

Account period: 2/4/2008 – 9/30/2013

Accounting - **$650,755.95**
Beginning POH- **$650,750.00**
Ending POH - **$338,000.00**

Petitioner states 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

- 2005 KTM Motorcycle

Petitioner alleges prior to his death, the decedent had given the motorcycle to Petitioner's son, Chris Johnson. Although the motorcycle had been given to Chris, title remained in the name of the decedent. Petitioner requests the court set aside the motorcycle to Petitioner (and Petitioner will confirm transfer to her son, Chris). In the alternative, Petitioner requests that the court confirm the gift of the motorcycle made prior to the decedent's death.

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.

Please see additional page

NEEDS/PROBLEMS/COMMENTS:

Continued from 10/29/14. As of 4/21/15 no new documents have been filed.

1. Petition states the real property on South Cornelia was a single family residence, having been acquired by the decedent prior to his marriage (in April of 2006) to petitioner. Following the decedent's death, Petitioner continued to reside in the home with her sons, and over the next fifteen months paid the mortgage, taxes and insurance on the property. Petitioner was unable to continue to make the payments and as a result the home was foreclosed upon. Petitioner is requesting reimbursement of $25,050.00 for paying the mortgage from her personal funds. The petitioner and her sons received a benefit from living in the estate property. It appears that the payments towards the mortgage should be considered rents for living in the estate's real property and therefore not reimbursed. - See declaration filed 10/27/14

Please see additional page

Reviewed by: KT
Reviewed on: 4/22/15
Updates:
Recommendation:
File 3 – Dozier

Dept. 303, 9:00 a.m. Monday, April 27, 2015

3 Sherman Wayne Dozier (Estate) Case No. 08CEPR00017

Petitioner prays for an order:

1. That the First Amended 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 Court confirm reimbursement to petitioner of costs and expenses in the amount of $17,480.00, and that petitioner is owed a balance of $35,758.09;
4. That the exempt personal property described in the petition be set aside to the surviving spouse or alternatively that the gift of the exempt property to Chris Johnson prior to the decedent's death be ratified, and confirmed;
5. That the administration of the estate continue.

NEEDS/PROBLEMS/COMMENTS (cont.):

2. Petition does not indicate whether or not the residence was marketed for sale during the 15 months Petitioner and her sons resided there after the decedent's death. Probate Code §9600 states the personal representative shall manage the estate to the extent that ordinary care and diligence require that the power be exercised. It appears that ordinary care would include marketing the property for sale rather than letting the property be foreclosed upon. Need more information regarding this property. Was there any attempt to sell the property? - See declaration filed 10/27/14

Declaration filed on 10/27/14 states the residence on North Cornelia was appraised at $285,000 at the date of death. However, at the time it had two mortgages against it – one for $250,338.60 and a second mortgage in the approximate amount of $33,400.00. Decedent died just prior to the downturn in the market. Mrs. Dozier made the payments on the loans ($1,370.00 and $300.00 respectively) for 15 months. Mrs. Dozier tried to communicate with the bank after they began foreclosure proceedings, but they were unwilling to speak with her as administrator – nor were they willing to consider any loan modifications. The property was foreclosed on in October 2009. Public records indicate it sold for $90,000.00.

Attorney Knudson states he considered filing for a probate homestead on behalf of his client, but that would have required Mrs. Dozier to take the property subject to the liens against it. It was determined that there was no benefit to her in requesting a probate homestead due to the encumbrances against the property.

Attorney Knudson states the Examiner questions whether or not Mrs. Dozier's request for reimbursement should be offset by the fair rental value of the property. Mr. Knudson states he is informed that the rental property was then not in excess of $1,000 a month. Even with an offset for rental value, the administrator has made additional payments in trying to preserve the estate asset in the amount of $10,500 over and above the rental value, ash should receive credit for that amount of expenses paid.

3 Sherman Wayne Dozier (Estate) Case No. 08CEPR00017

Declaration filed on 10/27/14 (continued): With respect to the creditor's claim. Mr. Knudson is in negotiations with Fresno County Federal Credit Union, and will soon be filing a motion to set aside the default.

Mrs. Dozier has been advancing funds for the payment on taxes on the Madera County real property; it is not presently listed for sale because there does not seem to be any current market. While it has been used by third parties for grazing cattle, recent thefts of cattle in the area have curtailed its use, and it is not presently producing income.

Note: If the petition is granted the court will set a status hearing for the filing of the petition for final distribution on **Wednesday, September 16, 2015 at 9:00 a.m. in Dept. 303.**

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.

4 In Re the Trust of Elaine A Mclain (Trust) Case No. 11CEPR00028

Atty Panzak, Gordon G. (for Jeff Dale – Successor Trustee – Petitioner)

Atty Freed, William J. (for Debbie Duehning, Guardian ad Litem for George McLain, IV)

Trustee/Respondent's Motion to Dismiss, and Points and Authorities in Support, and Declaration in Support

DOD: 5-21-08		
Cont from 033015		
	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	x
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

JEFF DALE, Successor Trustee, is Petitioner.

Petitioner states: In 1996, **ELAYNE MCLAIN** created the **ELAINE A. MCLAIN TRUST of 1996.** (The trust preparer misspelled the Settlor's name.) The Trust was effective upon its creation and provided for **GEORGE MCLAIN, IV and MICHELE L. DALE** to be co-trustees. The trust was funded and duly administered by the Co-Trustees until 2007, when both co-trustees developed dementia. Under the terms of the trust, **JEFF DALE** (Petitioner) then became the sole successor trustee. Settlor Elayne McLain died 5-21-08, making the trust irrevocable.

During the tenure of **GEORGE MCLAIN, IV and MICHELE L. DALE**, the real estate placed into the trust was sold. A great portion of the sales of the realty were consumed in the care of Settlor Elayne McLain. The balance was placed into an investment account under the names of **ELAYNE MCLAIN and MICHELE DALE** as joint tenants.

In fall of 2008, the stock market collapsed and an emergency Order was obtained to allow funds to be withdrawn from the stock market, and approx. $214,000 was saved.

In 2011, **JEFF DALE** (Petitioner) filed a petition for instructions and was instructed by Judge Oliver to retain $107,000 in the trust, and pay $107,000 in settlement of an adverse claim.

In July 2010, **DEBBIE DUEHNING, as Guardian ad Litem for GEORGE MCLAIN, IV,**, who was then incapacitated, filed a petition for distribution in the Superior Court of San Diego, attempting to take control of the trust. She attempted to persuade the San Diego Court that it had proper venue by deceitfully stating that the trust was a new testamentary trust as opposed to an existing inter vivos trust administered in Fresno County since 1996.

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/ COMMENTS:

Continued from 3-30-15. The following issues remain:

SEE ADDITIONAL PAGES

Note: On 3-30-15, Debbie Duehning, GAL for beneficiary George McLain, IV, filed a Motion for Leave to Amend Petition along with Points and Authorities and a Declaration in support, which motion is set for hearing on 5-14-15.

Reviewed by:	skc
Reviewed on:	4-22-15
Updates:	
Recommendation:	
File 4 – Mclain	

Petitioner states (Continued): Objections were filed by Trustee Jeff Dale (Petitioner) and eventually the fraudulent action in San Diego County was dismissed. The attorney used by Duehning, James H. Pasto, was subsequently disbarred.

Litigation was filed by Duehning in Fresno County Superior Court in seriatum and the litigation has been on hold since January 23, 2012.

In July 2011, a First Accounting was filed and served on Duehning. During the various hearings in front of Judge Oliver, Mr. Pasto, on behalf of his clients:

a. Waived time for filing responsive pleadings to the last two petitions;
b. Agreed to settle he litigation by agreeing to take 50% of the approximately $130,000 estate, less adjustments for creditor claims, costs and fees incurred to date;
c. Agreed to place George McLain, IV, in a formal conservatorship in San Diego County;
d. Agreed not to attack the trust administration before July 2007, which is when Mr. Dale's tenure as trustee began.

*[**Examiner's Note**: No accounting was ever filed with the Court. Minute Order 3-30-15 clarifies that the accounting was informal and provided in discovery.]*

Attorney Pasto failed to appear at two separate hearings, and the Court took the matter off calendar. Attorney Laurie Barber was retained by Duehning in July 2012, and a new attorney, William Freed, was retained by Duehning in August 2014.

Petitioner states despite an offer in settlement to allow a stipulated dismissal of all four petitions and for each side to absorb its fees and costs, and for immediate distribution of the trust, no actions have been taken by Attorney Freed.

As recently as February 2, 2015, Attorney Panzak reconveyed the offer to Attorney Freed's automated telephone system.

Trustee Jeff Dale is left with no alternative but to request a motion for dismissal and the other remedies sought. Petitioner states the trust is ready for distribution upon the Court's order of dismissal.

Please see petition for points and authorities and further argument.

The Trustee/Respondent (Petitioner herein) prays that the Court order as follows:

1. **That all 4 petitions filed by the Petitioner (Duehning) be dismissed;**
2. **That the Respondent be allowed Court fees and costs;**
3. **That the Respondent be awarded Attorney Fees as Costs;**
4. **That the Court make any further order it deems Fair and Just.**

Debbie Duehning, Conservator for George McLain, IV, filed a Response and Opposition to Trustee's Motion to Dismiss on 3-9-15.

SEE ADDITIONAL PAGES

Objector states: Petitioner has labeled this filing a "motion to dismiss;" however, he has improperly included allegations more commonly used in petitions. Due to the strange format, Objector will first respond to the "statement facts," as if responding to a petition, will then bring argument, which will be in the form most traditionally associated with motion practice.

Objector states (in summary): Both Michele Dale and George McLain, IV, showed signs of diminished capacity since the late 1990s, and neither were capable of managing their financial affairs by the late 1990s. Jeff Dale began handling all financial matters for the trust in 1995.

Objector has never received paperwork regarding the sale of the various real properties that were half owned by the trust. Elaine McLain lived with Objector from 1991 until her death, and Objector received minimal financial assistance from Jeff Dale or the trust to care for her needs. Based on the value of the trust assets, as best known to Objector, the amount of money provided by Jeff Dale accounted for only a small fraction of what the trust should have received from the sales. There has been no accounting for these actions.

Objector has been unable to find an order indicated that Jeff Dale was instructed to "pay $107,000 in settlement of an adverse claim." Instead, Objector found instructions that *both* $107,000 accounts were to remain in the trust. Objector contends and alleges in her proposed amended petition that Jeff Dale was never instructed to pay an adverse claim and improperly spent and removed $107,000 from the trust in violation of court orders.

Jeff Dale mischaracterizes the July 2010 San Diego petition. Duehning did not seek to "take control of the trust." She sought distributions that Jeff Dale failed to make for the previous two years before filing the petition, and sought to remove him as trustee because of his continued and complete failure to look out for the interests of George or Michele. She attempt to argue that San Diego was proper venue because Elaine McClain had lived there before, during, and after the trust was executed. She denies that she acted deceitfully. The matter was not fraudulently brought and no finding of fraudulent activity was ever argued and no assertion was before the San Diego Court. Attorney Pasto did not inform Duehning of his problems with the bar before, during, or after his disbarment.

After Duehning's petition, Jeff Dale initiated trust related proceedings in early 2011. Duehnin's action was necessitated because Jeff Dale failed to make any distribution from the trust although it had been nearly three years since Ms. McLain's death.

Objector denies that the litigation has been "on hold" since 2012. This Court ordered Jeff Dale to distribute all trust funds owing to George on 3-20-12. He has never complied with this order. His failure to distribute funds greatly hindered progress of the prosecution of this matter. Had Jeff Dale distributed as ordered, the trust could have been closed, and all actions could be accounted for and subjected to the scrutiny of court proceedings.

SEE ADDITIONAL PAGES

Objector states (Continued): No settlement was ever entered into or executed. Mr. Pasto never had authority to settle litigation, and never entered into any settlement with Duehning's consent or knowledge. Any discussions Mr. Pasto had, if any, were in apparent pursuit of his personal settlement goals and do not actually constitute a settlement. Duehning never gave Pasto authority to settle the litigation or limit Dale's or anyone else's liability or complicity for their wrongful actions.

Objector denies that there was any offer of "immediate distribution" of George's rightful share, as ordered. Jeff Dale merely tried to have his inaction and wrongdoing absolved by settlement.

Jeff Dale's legal obligation is to follow the Court's March 2012 order and distribute the funds to George to which he is legally entitled. Had he done that, a settlement would probably have occurred by now. Jeff Dale is responsible for the delay.

See pleading for further details as to Objector's argument. Objector requests the Court dismiss the Motion to Dismiss and allow her to proceed to bring this matter to trial.

Petitioner Jeff Dale filed a Rebuttal on 3-24-15 that prays the Court grant the prayer as stated in the motion.

SEE ADDITIONAL PAGES

Page 5 – NEEDS/PROBLEMS/COMMENTS:

1. **Petitioner Jeff Dale requests that "all 4 petitions filed by the Petitioner (Duehning) be dismissed." However, Court records indicate that there are only two (2) petitions currently outstanding in this matter:**

   - Ms. Duehning's Petition for Order Compelling Trustee to Make Distribution to Trust Beneficiary; for Imposition of a Constructive Trust; and for an Accounting filed 4-6-11; and

   - Ms. Duehning's Petition to Review Reasonableness of Trustees Compensation, Reasonableness of Attorney's Fees and Costs; for an Accounting and for Removal of Trustee filed 8-25-11.

   Therefore, need clarification: What petitions, specifically, is Mr. Dale requesting be dismissed?

   Note: On 9-6-11, Ms. Duehning filed a motion to amend her petition filed 4-6-11; however, the motion does not appear to have been granted or denied, and no amended petition was filed.

   Note: Although the Court continued to include status conferences regarding Mr. Dale's Petition for Instructions filed 1-13-11, the Court's minute order of 4-11-11 reflects that that petition was granted, and an order was signed on 4-21-11. Therefore, it does not appear that this petition is technically outstanding.

   Update: Ms. Duehning, filed a Motion for Leave to Amend Petition along with Points and Authorities and a Declaration in support, which motion is set for hearing on 5-14-15.

2. **As noted by Objector, although filed as a motion, Mr. Dale's request appears to require review as a petition under Probate Code §17200. As such, it should state the names and addresses of each person entitled to notice pursuant to Probate Code §17201. The Court may require a declaration containing this information. (Note to Judge: Also, if this is a "petition" seeking relief under the Probate Code, the $435 filing fee would be due from both petitioner and respondent, instead of the $60 motion fee that was paid by Petitioner only.)**

3. **Petitioner states that he was instructed by Judge Oliver to retain $107,000 in the trust and to pay $107,000 in settlement of an adverse claim. As a matter of clarification, Examiner notes that the Court's Order of 4-21-11 authorizes transfer of $107,000 from the Michele Dale Conservatorship to the Elaine McLain Trust, only. There is no mention of payment of $107,000 in settlement of an adverse claim. Note: The minute order of 4-11-11 indicates that the matter would be continued to 6-6-11 in the even that there are issues that still need to be resolved. At a later hearing on 10-3-11, Mr. Panzak advised that $170,000 and $25,000 have been transferred into segregated accounts, and the Court ordered that the accounts remain frozen. However, these figures do not correspond to the figures in the Order signed 4-21-11 or the figures in this petition. The Court may require clarification.**

5 Richard Ebel Wiebe (Estate) Case No. 12CEPR00439

Atty **Simonian, Jeffrey D. (for Louis Wayne Wiebe – Executor – Petitioner)**

(1) First and Final Report of Executor of Status of Administration; (2) Waiver of Accounting; (3) and Petition for Allowance of Statutory and Extraordinary Executor's and Attorneys' Compensation; and (4) for Final Distribution

DOD: 4/4/12		
Cont from 041315		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	w
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✓	**Letters**	6/25/12
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

LOUIS WAYNE WIEBE, Executor with Full IAEA without bond, is Petitioner.

Need waivers of accounting.

I&A: $208,915.73
POH: $21,380.57 (cash)

Executor (Statutory): $7,178.31

Executor (Extraordinary): $2,000.00
(Per Local Rule 7.18, $1,000.00 for the sale of the real property and $1,000.00 for the sale of various personal property)

Attorney (Statutory): $7,178.31

Attorney (Extraordinary): $1,440.00 (for 4.8 attorney hours @ $300/hr for services in connection with the sale of the real property, per declaration)

Costs: $1,621.00 (filing fees, publication, certified copies, recording fees, appraisal)

Petitioner requests distribution after payment of the above expenses of administration pursuant to Probate Code §11420 to the creditors as follows:

1. $106,02 to Department Stores National Bank/Macy's/DCM
2. $1,322.44 to Wells Fargo Card Services
3. $169.76 to Kaiser Permanente
4. $799.73 to GM Mastercard

All other assets not now known or subsequently discovered should be liquidated and applied as follows:

First, pro rata to satisfaction of the creditors until paid in full;

Second, in equal shares in satisfaction of the pecuniary bequests in the will to the six grandchildren; and

Lastly, in equal shares, to the decedent's two children.

NEEDS/PROBLEMS/ COMMENTS:

<u>Minute Order 4/13/15</u>: Counsel will file a declaration.

<u>Note</u>: As of 4/22/15, some, but not all, of the waivers of accounting have been filed, but no declaration has been filed.

See Page 2.

Reviewed by:	skc
Reviewed on:	4/22/15
Updates:	
Recommendation:	
File 5 - Wiebe	

5 Richard Ebel Wiebe (Estate) Case No. 12CEPR00439

Page 2 – NEEDS/PROBLEMS/COMMENTS:

1. **Need waivers of accounting from remaining heirs:**
   - **Brittni Rempel**
   - **Natalie Baumann**
   - **Tiffany Friesen**

   Note: Although accounting may be waived by heirs, a creditor may petition for account pursuant to Probate Code §10954(c)(2).

2. **Four Creditor's Claims have been filed in this estate as follows:**
   - **Wells Fargo Card Services – Claim for $4,673.95 filed 6/5/12 (plus Request for Special Notice)**
   - **DCM Services (Macy's) – Claim for $374.68 filed 6/12/12**
   - **Bank of America, NA – Claim for $139,417.31 filed 7/20/12 (withdrawn 2/26/15)**
   - **EECU – Claim for $4,198.84 filed 11/29/12 (secured by vehicle)**

   This petition also states additional debts have been allowed as claims, including:
   - **CitiMortgage $5,166.56 (secured by real property)**
   - **Kaiser Permanente $600.00**
   - **GM Mastercard $2,826.51**

   Petitioner states the secured claims totaling $148,782.71 have been satisfied, and the unsecured claims totaling $8,475.14 are currently outstanding and should now be paid.

   ***However*, no Allowance or Rejection of Creditor's Claim (DE-174) has been filed for any of the claims pursuant to Probate Code §9250(a), which includes proof of service of the allowance or rejection on the creditors, and allows 90 Days for action on rejected claims.**

   Need Allowance or Rejection of Creditor's Claim for each filed claim, unless withdrawn.

3. **Also re Creditor's Claims: Proposed distribution includes pro rata payments to some creditors that did not formally file claims pursuant to Probate Code §9100, but which the Executor appears to have elected to treat as claims pursuant to Probate Code §9154. *However, §9154 provides for such treatment and payment only if the estate is solvent*.**

   ***Here, the estate is insolvent*, and Petitioner proposes to include payment in pro rata shares to Kaiser Permanente and to GM Mastercard, neither of which filed their claims, to the apparent detriment of the creditors that did timely file claims pursuant to the Probate Code.**

   Therefore, it appears the distribution should be made in proportionate shares to DCM and to Wells Fargo only.

6 David Corrales, Jr. & Isaiah Corrales (GUARD/P) Case No. 12CEPR00939

Pro Per **Molina, Rosa H. (Pro Per Petitioner, Co-Guardian)**

Petition for Appointment of Temporary Guardian of the Person

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	X
	Objections	
	Video Receipt	
✓	**CI Report**	
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
✓	**UCCJEA**	
	Citation	
	FTB Notice	

GENERAL HEARING SET FOR 6/16/2015

ROSA H. MOLINA, paternal grandmother, is Petitioner.

Father: **DAVID FERNANDO CORRALES**; *personally served 4/18/2015.*

Mother: **ANGELICA MICHELLE ALEGRIA**; *Declaration of Due Diligence filed 4/22/2015.*

Paternal Grandfather: Camillo Corrales
Maternal Grandfather: Amadeo Alegria; *sent notice by mail 4/20/2015.*
Maternal Grandmother: Linda Perez; *Deceased.*

~Please see Petition for details~

NEEDS/PROBLEMS/COMMENTS:

Note: *Petition for Termination* filed on 6/30/2014 by Co-Guardians **JEANNETTE ESTRADA** and **ALEXANDER ESTRADA**, paternal aunt and uncle, (initially appointed on 12/13/2012) was granted on 9/2/2014 *[Judge Oliver]*, and the Court ordered a CPS referral per *Minute Order* of 9/2/2014.

1. Need proof of personal service of the *Notice of Hearing* with a copy of the *Petition for Appointment of Temporary Guardian*, or *Consent to Appointment and Waiver of Notice*, or a *Declaration of Due Diligence*, for:
   - Angelica M. Alegria, mother, *if Court does not find due diligence*.
2. Need *Duties of Guardian* form signed by Petitioner to be filed with the Court.

Reviewed by: LEG
Reviewed on: 4/22/15
Updates: 4/23/15
Recommendation:
File 16 - Corrales

Dept. 303, 9:00 a.m. Monday, April 27, 2015

7A Amayah Garza, Genaro Montes, III, and Ayden Garza (GUARD/P)

Case No. 13CEPR00558

Atty Huitron, Claudia (Pro Per – Maternal Grandmother – Guardian of Amayah and Genaro)
Atty Garza, Priscilla (Pro Per – Mother)

Status Re: Evaluation of the Minor

COnt from 033015		
	Aff.Sub.Wit.	
	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

CLAUDIA HUITRON, Maternal Grandmother, was appointed Guardian of minors Amayah (4) and Genaro (2) on 10-10-13, and filed a petition for guardianship of minor Ayden (6 months) on 12-10-14.

Mother: **PRISCILLA GARZA**
Father: **JACOB RODRIGUEZ**

On 2-2-15, the Court denied the petition for guardianship of Ayden and ordered Priscilla Garza to take Ayden to the Regional Center for evaluation within two weeks.

The Court set this status hearing regarding evaluation of the minor.

Confidential lab results were filed 3-24-14.

NEEDS/PROBLEMS/COMMENTS:

<u>Note</u>: This status hearing re: evaluation of minor pertains to minor Ayden (6 months) only.

<u>Note</u>: On 3-30-15, the Court ordered the mother to take the minor to CVRC for evaluation and bring a report back to court on 4-27-15. See Minute Order for additional vistiation orders made.

Reviewed by: skc
Reviewed on: 4-22-15
Updates:
Recommendation:
File 7A – Garza & Montes

7B Amayah Garza, Genaro Montes, III, and Ayden Garza (GUARD/P)

Case No. 13CEPR00558

Atty Huitron, Claudia (Pro Per – Maternal Grandmother – Guardian of Amayah and Genaro)
Atty Garza, Priscilla (Pro Per – Mother)

Status Re: Visitation

Cont from 033015		
	Aff.Sub.Wit.	
	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

CLAUDIA HUITRON, Maternal Grandmother, was appointed Guardian of minors Amayah and Genaro on 10-10-13.

PRISCILLA GARZA, Mother, filed a petition for termination of guardianship on 12-1-14.

Father: **GENARO MONTES, JR.**

On 2-2-15, the Court denied the petition and ordered visitation for Priscilla Garza (mother) and Genaro Montes, Jr. (father of Amayah and Genaro) every Saturday from 12pm -2pm at Cuck E. Cheese, to be supervised by Cassandra Garza.

The Court set this status hearing regarding the visitation.

Anita Mosqueda, paternal grandmother of Amayah and Genaro, filed a declaration on 3-27-15. Ms. Mosqueda states she believes her grandkids would be in a wonderful, loving, and safe environment living with their parents and they always want to come home with them. She understands the situation, but wants to voice to the courts that she truly believes they should be at home with their parents. She feels that if not, the visits should be longer and at the house, possibly weekend visits.

NEEDS/PROBLEMS/COMMENTS:

<u>Note</u>: This status hearing re: visitation pertains to minors Amayah (4) and Genaro (2) only.

Reviewed by: skc
Reviewed on: 4-22-15
Updates:
Recommendation:
File 7B – Garza & Montes

7B

Dept. 303, 9:00 a.m. Monday, April 27, 2015

8 James C. Lyman (Det Succ) Case No. 13CEPR00576

Atty **Takao, Emily (for James C. Lyman, Jr., Troy Sean Lyman, & Victoria Darnell Gellner –Petitioners)**

Amended Petition to Determine Succession to Real Property

DOD: 01/13/2010		
Cont. from 030215, 040615		
	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	

JAMES C. LYMAN, JR., TROY SEAN LYMAN, and **VICTORIA DARNELL GELLNER,** children are petitioners.

40 days since DOD

No other proceedings

I&A - ?

Will dated: 07/16/2004 – devises all property to Dorothy L. Lyman (spouse). After Dorothy L. Lyman's death all property shall be divided between James C. Lyman, Jr., Troy Sean Lyman, and Victoria Darnell Gellner.

Petitioners request Court determination that decedent's 100% interest in real property located at 3298 N. Barcus, Fresno, California pass 1/3 to James C. Lyman, Jr., 1/3 to Troy Sean Lyman, and 1/3 to Victoria Darnell Gellner.

NEEDS/PROBLEMS/COMMENTS:

Minute Order of 04/06/2015: Counsel requests additional time to cure the defects.

The following issues still remain:

1. Need original will to be deposited with the Court pursuant to Probate Code §8200(a)(1).
2. Amended Inventory and Appraisal filed 01/22/2015 is deficient in the following areas:
   - Neither the Attorney nor the Probate Referee's signature appear on the Inventory and Appraisal.
   - Inventory and Appraisal does not contain appraisal value of the real property.

Note: The Inventory & Appraisal that was filed in accordance with the Petition to Determine Succession which was later dismissed by the Court contains white out over the appraised value of the property. It appears that the amount of the property was appraised at $155,000.00 before the amount was changed to $145,000.00 with no indication as to who made these changes. If the amount of the property is $155,000.00 then this summary proceeding would not be appropriate. Court may require documentation from Probate Referee as to value of assets.

3. Notice of Hearing does not contain the correct hearing date. The date provided on the Notice of Hearing is 03/03/2015.

Reviewed by: LV

Reviewed on: 04/23/2015

Updates:

Recommendation:

File 8 - Lyman

9 Julia M. Tubbs (Estate) Case No. 13CEPR01094

Attorney **Burnside, Leigh W. (for Petitioner Abraham Isaak Tubbs, Jr., Administrator, son)**
Objector **Tubbs, Jesse R. (Pro Per Objector, son)**

(1) Petition for Settlement of First and Final Account; (2) for Allowance of Compensation for Ordinary Services as Administrator, (3) for Reimbursement of Advanced Costs, and (4) for Allowance of Ordinary and Extraordinary Attorneys' Fees, and (5) for Final Distribution Subject to a Real Property Lien for Costs of Administration and Debts Owed by the Estate

DOD: 12/30/2011		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	W/
	Aff.Pub.	
✓	**Sp.Ntc.**	W/
	Pers.Serv.	
	Conf. Screen	
	Letters	013014
	Duties/S	
✓	**Objections**	W/ PO S
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

ABRAHAM ISAAK TUBBS, JR., son and Administrator, is Petitioner.

<u>Account period: 12/30/2011 – 12/31/2014</u>

Accounting - **$45,204.74**
Beginning POH - **$45,204.74**
Ending POH - **$45,204.74**
(real property and $204.74 cash)

Administrator - **$1,808.19**
(statutory)

Attorney - **$1,808.19**
(statutory)

Attorney XO - **$1,693.50**
(per Declaration filed 3/11/2015; for preparation of affidavit-death of joint tenant to clear title (1.10 paralegal hours totaling $148.50); collection of unclaimed property held by Controller's office @ .10 attorney hours and 7.40 paralegal hours totaling $1,050.00; attempts to sell property to satisfy claim of DOH @ .70 attorney hours and 1.80 paralegal hours totaling $495.00;)

Court Costs - **$870.00**
(filing fees; due upon distribution;)

Attorney Costs - **$667.61**
(recording fees, probate referee, publication, certified copies;)

***Response of JESSE R. TUBBS to [the Petition]; Objection to Proposed Settlement based on Lack of Equity by Abraham Isaak Tubbs, Jr. in Residence; and Proposed Settlement based on Payment of Court Filing Fee, Administrator Compensation, Attorney Fee, and Advanced Costs* was filed on 4/17/2015.**

***Declaration of Leigh Burnside in Response to JESSE R. TUBBS' (1) Response to [the Petition], etc.; (2) Objection to Proposed Settlement based on Lack of Equity by Abraham Isaak Tubbs, Jr. in Residence; and (3) Proposed Settlement based on Payment of Court Filing Fee, Administrator Compensation, Attorney Fee, and Advanced Costs* was filed on 4/23/2015.**

NEEDS/PROBLEMS/ COMMENTS:

1. Pursuant to Local Rule 7.12.4, the Court will not order distribution of real property in undivided interests without the written consent of all distributees. Need signed consent to distribution of the real property in undivided interests from distributee **JESSE ROGER TUBBS**.

Reviewed by: LEG
Reviewed on: 4/22/15
Updates: 4/24/15
Recommendation
File 9 - Tubbs

10 Wesley Logan (Estate) Case No. 14CEPR00655

Atty **Kruthers, Heather (for Public Administrator)**
Atty **Boyajian, Thomas M. (for Fremon Graves – Former Special Administrator)**
Status Hearing

DOD: 4-28-89		
Cont from 121714, 020215, 0333015		
	Aff.Sub.Wit.	
	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

FREMON GRAVES, Son-in-law, was appointed as Special Administrator on 8-27-14 with authorization to obtain a settlement check from the Black Farmers' Discrimination Litigation Claims Administrator and deposit same into a blocked account.

Mr. Graves was removed at the status hearing on 2-2-15 and the **FRESNO COUNTY PUBLIC ADMINISTRATOR** was appointed Special Administrator.

File History: Mr. Graves' petition for appointment as Special Administrator filed 7-24-14 stated he is the husband of 50 years of Rachel L. Graves, the decedent's only daughter, who suffers from dementia, and immediate appointment was necessary to obtain settlement proceeds from certain litigation. Examiner Notes regarding the petition indicated numerous issues regarding the petition.

The Order Appointing Special Administrator entered 8-28-14 authorized Mr. Graves to obtain the check and deposit the funds into a blocked account only.

Pursuant to Mr. Graves' representation to the Court on 2-2-15, the funds have been reduced to approx. $37,000.00 and are in an account at Union Bank. The Court ordered the Public Administrator to take control of the funds and authorized up to $2,000.00 for payment of necessary expenditures on Mrs. Graves' behalf.

Status report filed 3-27-15 states it was previously understood that the funds had been reduced from $50,000 to approx. $37,000. Mr. Graves confirmed his understanding of the order; however, reported that he needed $2,000 for upcoming bills. The Deputy PA immediately went to the bank. He was advised that the account had been opened in October 2014 with a deposit of $50,000; however, during October and November 2014, approx. $49,000 was spent. The bank needed clearance from their legal dept. before they would allow withdrawal or provide statements. On 3-12-15, the account had $989.19 in it, which is now in the PA trust account.

NEEDS/PROBLEMS/ COMMENTS:

<u>Minute Order 4-27-15</u>: The Court orders Fremon Graves to be personally present in Court on 4-27-15 to explain, among other things, the $49,000.00 that was spent by him.

1. **Need status of special administration. The Court may require accounting pursuant to Probate Code §8546.**

Reviewed by: skc	
Reviewed on: 4-22-15	
Updates:	
Recommendation:	
File 10 – Logan	

11 Cruz Jasmine Subia & Isaac Santos Subia (GUARD/P) Case No. 14CEPR00698

Petitioner: Virginia Alvarado (pro per)

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

			GENERAL HEARING 6/15/15
			VIRGINIA ALVARADO, maternal aunt, is petitioner.
			Please see petition for details.
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**		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

1. If the court does not dispense with notice to the father will need proof of personal service of the Notice of Hearing along with a copy of the temporary petition.

Reviewed by: KT

Reviewed on: 4/22/15

Updates:

Recommendation:

File 11 - Subia

Dept. 303, 9:00 a.m. Monday, April 27, 2015

12 Virginia Howard Revocable Trust 3/29/05 (Trust) Case No. 14CEPR00732

Atty Upton, Andrea M. (for Petitioner Holly Foley)
Atty Kruthers, Heather (for Public Administrator)

Petition to Compel Account

DOD: 10-3-12		
Cont. from 092914, 102714, 012615		
	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	

HOLLY FOLEY, Beneficiary, is Petitioner.

Petitioner states the trust was created 3-29-05 by Virginia Howard as Settlor and Trustee and amended and restated in its entirety on 7-4-11, and amended again on 8-12-11. Petitioner is informed and believes that **VICTORIA HOWARD** is currently the sole trustee, **VAUGHN HOWARD** having resigned on or about 6-23-14.

Petitioner states Virginia Howard died 10-3-12. Petitioner alleges the value of the trust at her death was over $600,000.00.

On 5-16-14, Petitioner, through counsel, made a written request for an account of the trust. On 5-28-14, following the sale of certain real property owned by the trust, Petitioner again requested a full and complete account of the remaining assets. Petitioner is entitled to receive an account per Probate Code §16062.

On or about 4-15-13, Petitioner received an inventory of trust assets from the trustee's former legal counsel, but has not received anything since that date. More than 60 days have elapsed since Petitioner's written request for a full account; therefore, this petition is appropriate under Probate Code §17200(b) and Petitioner requests an order of this Court instructing the trustee to deliver an account of the transactions of the trust to Petitioner.

NEEDS/PROBLEMS/COMMENTS:

Note: On 10-27-14: The Court removed Victoria Howard as the trustee and appointed the Public Administrator as the successor trustee.

Continued from 9-29-14, 10-27-14, 1-26-15. The following issues remain noted for reference:

1. **Petitioner states Fresno County is the proper venue pursuant to Probate Code §17005 (a)(1) (principal place of administration); however, the current trustee, Victoria Howard, resides in *Red Oak, Iowa*, and the most recent former trustee, Vaughn Haward, resides in *Omaha, Nebraska*. Need clarification as to how Fresno County, CA, is the proper venue for this petition.**
2. **Petitioner provides the names and addresses of the beneficiaries, but does not state if these are all of the people *entitled to notice* pursuant to Probate Code §17201. Need clarification.**
3. **Petitioner mentions receipt of an inventory from the "Trustee's *former* legal counsel." Pursuant to Probate Code §1214, if the trustee is currently represented, notice is required to be served on the attorney, and Probate Code §17203 requires 30 days' notice.**

   The Court may require clarification as to how Petitioner knows that the trustee is no longer represented by the attorney who provided the inventory, and may require continuance for notice to the attorney for the trustee, if any.

   Note: The trust and amendments were prepared by Attorney Gilbert B. Fleming of Fresno, CA. Is this the attorney that served the inventory? If so, is this the basis for venue in Fresno?

SEE ADDITIONAL PAGES

Reviewed by: skc

Reviewed on: 4/22/15

Updates:

Recommendation:

File 12 - Howard

First Supplement to Petition to Compel Account filed 10-22-14 states Attorney Gilbert Fleming continued to assist the trustees until about January 2014. Thereafter, Mr. Fleming continued to principally administer the trust from Fresno County, where the decedent resided and where both trust accounts and real property were located.

Petitioner is informed and believes that the remaining assets consist of a very small amount of money in the trust account, the trustee having depleted the account while still residing in Fresno, and the trust's interest in an investment fund.

No petition to transfer administration has been filed pursuant to §17401 and Section 12.05 of the trust. Accordingly, administration continues to be Fresno County and venue is proper in Fresno County.

Though counsel for petitioner have repeatedly inquired as to whether the trustee has retained new counsel after Mr. Fleming withdrew in January 2014, Petitioner is informed and believes that the trustee has not, and remains unrepresented.

The following additional Examiner's Notes remain noted for reference:

Probate Code §17002 states:

17002. (a) The principal place of administration of the trust is the usual place where the day-to-day activity of the trust is carried on by the trustee or its representative who is primarily responsible for the administration of the trust.

(b) If the principal place of administration of the trust cannot be determined under subdivision (a), it shall be determined as follows:

(1) If the trust has a single trustee, the principal place of administration of the trust is the trustee's residence or usual place of business.

(2) If the trust has more than one trustee, the principal place of administration of the trust is the residence or usual place of business of any of the cotrustees as agreed upon by them or, if not, the residence or usual place of business of any of the cotrustees.

If Mr. Fleming withdrew as counsel for the trustees, how did administration of the trust continue in Fresno without him? Pursuant to Probate Code §17002, the principal place of administration follows the trustee.

§17400 applies to trusts that are already before the Court. That is not the case here, and the trust section referenced does not appear to require petition to the Court for transfer. The trust has never been before this Court.

If Mr. Fleming's former representation of the trustee is the basis for Fresno as venue, Mr. Fleming is entitled to Notice of Hearing on Mr. Fleming at least 30 days prior to the hearing pursuant to §17203 and §1214.

13 Demi Immanuell Fuentes (GUARD/P) **Case No. 15CEPR00012**

Atty Gutierrez, Annie (Pro Per – Petitioner – Paternal Great Grandmother)

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

Age: 1			**TEMPORARY EXPIRES 04/27/2015**	**NEEDS/PROBLEMS/COMMENTS:**
			Please see petition for details	**Minute Order of 03/23/2015: Laney Smith, mother, represents that she does not know the name of her father, and the Court dispenses with notice. Ms. Gutierrez is to have Rosemary Smith property served; Laney Smith provides contact information in open court for Rosemary Smith.**
Cont. from 032315				**Minute Order of 01/29/2015 (Judge Sanderson): Mr. Fuentes consents for the record. The Court orders that parental visits are to be supervised only. Petitioner requests visitation occur at a third-party agency.**
	Aff.Sub.Wit.			
✓	**Verified**			1. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: • Rosemary Smith (Maternal Grandmother) – Unless the Court dispenses with notice. **Note:** Declaration of Due Diligence filed 03/04/2015 states petitioner never met this person and the minor's mother does not know where her own mother resides. **Note:** A Notice of Hearing was filed 04/15/2015 which indicates that a message was sent to Rosemary Smith via Facebook, attached to the notice of hearing is the message. The Facebook message states that the petitioner is seeking guardianship and provides the date and time of the hearing. There is a response from Rosemary Smith stating if the child is being cared for then guardianship is in the best interest, she also states she has no intentions of interrupting the process.
	Inventory			
	PTC			
	Not.Cred.			
✓	**Notice of Hrg**			
✓	**Aff.Mail**	w/		
	Aff.Pub.			
	Sp.Ntc.			
✓	**Pers.Serv.**	w/		
✓	**Conf. Screen**			
✓	**Letters**			
✓	**Duties/Supp**			
	Objections			
	Video Receipt			
	CI Report	x		
	9202			
✓	**Order**			
	Aff. Posting			**Reviewed by:** LV
	Status Rpt			**Reviewed on:** 04/22/2015
✓	**UCCJEA**			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 13 - Fuentes**

Dept. 303, 9:00 a.m. Monday, April 27, 2015

14 **Gianna Corsaro, Katalina Corsaro, (GUARD/P)** **Case No. 15CEPR00031**

Santino Corsaro, & Luciano Corsaro

Atty **Corsaro, Lesley Ann (Pro Per – Petitioner – Paternal Grandmother)**

Atty **Corsaro, Alyssa N (Pro Per – Petitioner – Paternal Aunt)**

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

Gianna Age: 3			**NO TEMPORARY REQUESTED**	**NEEDS/PROBLEMS/COMMENTS:**
Katalina Age: 2				
Santino Age: 1			**Please see Petition for details**	**Minute Order of 03/23/2015:** Lesley Corsaro requests continuance. The court directs Ms. Corsaro to bring paper proof of the Family Law filing. Ka Vang, mother, is to provide copies of all drug test results from 09/24/2014 through 04/27/2015.
Luciano Age: 6 mos.				
Cont. from 032315				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
	Aff.Mail	n/a		
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.	w/		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			**Reviewed by:** LV
	Status Rpt			**Reviewed on:** 04/23/2015
✓	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 14 - Corsaro**

Dept. 303, 9:00 a.m. Monday, April 27, 2015

15 Jeffrey C. Lester (Spousal) **Case No. 15CEPR00141**

Atty Lester, Tyler H. (for Elizabeth S. Lester – Surviving Spouse – Petitioner)

Spousal or Domestic Partner Property Petition (Prob. C. 13650)

DOD:12-18-11		
Cont from 032315		
	Aff.Sub.Wit.	S/P
✓	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	

ELIZABETH S. LESTER, Surviving Spouse, is Petitioner.

No other proceedings

Decedent's Will dated 12-17-11 devises automobiles, jewelry, clothing and furniture to his wife, and the residue to the trustee(s) of the Jeffrey Charles Lester and Elizabeth Suzanne Lester Revocable Living Trust dated 12-17-11.

Note: Article 5, Section 5.01 (Nonprobate Transfers of Community Property) states:

> "If I predecease my wife *or* husband, I revoke any consent I have given during my lifetime to any nonprobate transfer on the death of nay person, to anyone other than my wife, or all or part of my community property interest in any asset described in California Probate Code Section 5000 (or any successor section), and instead I give to my wife my community property interest in any assets affected by this revocation of consent. Notwithstanding the preceding sentence, this revocation of consent shall be inapplicable to any community property included in any express trust of which I am the settlor or a cosettlor, which shall continue to be governed by the terms of the applicable trust instrument. It is my intention that my wife shall have full power to dispose of all community property assets to which this section of the will applies."

Petitioner requests Court confirmation that the 75% interest in the real property described at Attachment 7a (APN 313-420-17) owned by the decedent and Petitioner as community property passes to her as the surviving spouse.

NEEDS/PROBLEMS/COMMENTS:

Continued from 3-23-15

On 4-23-15, Attorney Lester filed a Declaration in Support of Spousal Petition.

On 4-24-15, Attorney Lester filed an Amended Declaration.

Note: Examiner was unable to determine how the declaration was different from the declaration filed the day prior, as aside from the title being "amended," it appears to be an exact photocopy.

SEE ADDITIONAL PAGES

Reviewed by:	skc
Reviewed on:	4-22-15
Updates:	4-23-15
Recommendation:	
File 15 - Lester	

15 Jeffrey C. Lester (Spousal) Case No. 15CEPR00141

Page 2 – NEEDS/PROBLEMS/COMMENTS: The following issues remain noted, with some modifications for clarification. Attorney Lester's declaration in response is summarized below for reference.

1. **The decedent's will devises the residue of his estate to the trustee(s) of the Jeffrey Charles Lester and Elizabeth Suzanne Lester Revocable Living Trust dated 12-17-11. Later, the "Concluding Provisions" of Article 5, Section 5. 01 indicate a possible alternative for community property to pass via nonprobate transfer; however, it appears to specifically exclude any community property included in a trust.**

   The Court may require further clarification as to how this property falls under Article 5, Section 5.01, including why this property is/was not included in the trust.

   Specifically, the trust attached to the Declarations filed 4-23-15 and 4-24-15 includes a list of real property assigned to the trust <u>by address only</u>. The subject property of this petition has never been identified by address, only by APN. Need clarification: Is this one of the properties listed? If this property was assigned to the trust, then it appears this petition may not be appropriate.

2. **The decedent's will is witnessed by only two witnesses: Petitioner Elizabeth S. Lester (Surviving Spouse and Petitioner herein), and her attorney, Tyler H. Lester. Pursuant to Probate Code §6112, unless there are at least two other subscribing witnesses to the will who are disinterested witnesses, a devise to a subscribing witness creates a presumption of undue influence affecting burden of proof. The Court may require clarification with reference to this section as to why the property should pass to Petitioner via this nonprobate transfer rather than to the trust pursuant to the Section 3.01 of the will.**

3. **The Court may require further notice to those of the decedent's children that do not live at the address where notice was sent. Per Attorney Lester's declaration, one is away at college and another lives in Fresno.**

4. **Petitioner requests that the entire 75% interest owned by the decedent and Petitioner as community property passes to her. *<u>Rather</u>*, it appears from the Declaration filed 4-23-15 that this summary proceeding can only pass the *<u>decedent's one-half community property interest in the 75% interest</u>*, as the other one-half community property interest belongs to Petitioner already.**

   <u>Note</u>: Petitioner did not check the box at #7b for confirmation of her own interest in the community property, but has included this confirmation in the proposed order.

<u>SEE ADDITIONAL PAGES</u>

Declaration of Tyler H. Lester in Support of Spousal Petition filed 4-23-15 states he is the nephew of the decedent. Attached is a copy of the Jeffery Charles Lester and Elizabeth Suzanne Lester Revocable Living Trust. Elizabeth Suzanne Lester is the trustee. When the decedent was diagnosed with late stage terminal cancer in November 2011, it was a shock to the family, and he was not given much time to live. The decedent contacted Tyler H. Lester to make plans to get his affairs in order to avoid probate. Tyler H. Lester and the decedent's accountant met with the decedent. Tyler H. Lester drafter a trust and a will at the decedent's instructions with the help of the accountant. All of his children are aware of his involvement and their father's wishes. None ore contesting the transfer of assets to Petitioner and all fully support Tyler H. Lester's efforts to do so. Tyler H. Lester states the address used for notice is all of the children's permanent address for purposes of mail, though only two still live at home. One is away at college and the other lives in Fresno. All are aware of these proceedings and none wish to contest the transfer. None of the property was able to be transferred into the trust prior to the decedent's passing given the short time frame and untimely passing.

Attached are deeds associated with the subject property. It is owned in part by Tyler H. Lester's grandmother's trust and in part by the decedent and Petitioner as community property. **Petitioner requests that the 75% interest owned as community property pass to her through this petition.**

Attached Deeds as follows:

- Individual Grant Deed recorded in 1983 (recording stamp is crossed out with an "X") that grants the subject property to: Jeffery C. Lester and Elizabeth S. Lester, husband and wife, as community property, as to an undivided 1/2 interest; Donald C. Lester and Bonna E. Lester, husband and wife, as community property, as to an undivided 1/2 interest.

- Grant Deed recorded in 1995 wherein Bonna E. Lester and Jeffrey C. Lester, Co-Trustees of The Donald C. Lester and Bonna E. Lester Family Trust, udt 3/4/87, grants to Bonna E. Lester, Trustee of the Bonna E. Lester Family Trust (Trust B) (a revocable living trust), udt 3/4/87 an undivided 1/4 interest being 1/2 of Grantor's entire interest, which is an undivided 1/2 interest.

- Gift Deed recorded in 2006 wherein Bonna E. Leter, trustee of The Bonna E. Lester Family Trust (Trust B) (a revocable living trust) udt 3/4/87 grants to Jeffery C. Lester and Elizabeth S. Leter, husband and wife, as community property, all of its right, title and interest (said interest being an undivided 25% interest) of the subject property.

16 Julian Tarin (GUARD/P) Case No. 15CEPR00176

Pro Per Petitioner **Tarin, Ruben (maternal grandfather)**

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

			NO TEMPORARY REQUESTED	**NEEDS/PROBLEMS/COMMENTS:**
			RUBEN TARIN, maternal grandfather, is Petitioner. Father: **FREDI GOMEZ**; *personally served 3/17/2015.* Mother: **ALIZA TARIN**; *personally served 3/15/2015; consents and waives notice.* Paternal grandfather: *Not listed; Declaration of Due Diligence filed 4/20/2015 lists* ***DARIN GOMEZ*** *as the paternal grandfather and states he is deceased.* Paternal grandmother: *Not listed* Maternal grandmother: *Not listed* ***~Please see Petition for details~*** **Court Investigator's *Report* was filed on 4/15/2015.**	1. *Child Information Attachment* filed on 2/19/2015 does not list the paternal grandparents and the maternal grandmother. These persons need to be served with notice of the hearing, or due diligence to serve notice by Petitioner will need to be shown on a declaration of due diligence filed by the Petitioner. 2. *Notice of Hearing* filed 4/20/2015 lists **ROSA PADILLA** as having been personally served on 3/17/2015. It is unclear from the *Petition* the relationship of this person to the child as her name is neither listed nor identified. 3. *Notice of Hearing* filed 4/20/2015 lists **ESMERALDA GARCIA** as having been personally served on 3/15/2015. It is unclear from the *Petition* the relationship of this person to the child as her name is neither listed nor identified. 4. *Declaration of Due Diligence* filed 4/20/2015 is blank at Item 1, which requires the name to be listed of the relative who cannot after diligence be served. It appears from page 2 that **MONICA ALMENDARIA** is intended as the person for which diligence was attempted. However, it is unclear from the *Petition* the relationship of this person to the child as her name is neither listed nor identified.
				Reviewed by: LEG
				Reviewed on: 4/23/15
				Updates:
				Recommendation:
				File 16 - Tarin
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**			
✓	**Clearances**			
✓	**Order**			
	Aff. Posting			
	Status Rpt			
✓	**UCCJEA**			
	Citation			
	FTB Notice			

Dept. 303, 9:00 a.m. Monday, April 27, 2015

17 Estefany Victoria Hernandez Navarro (GUARD/P) Case No. 15CEPR00183

Attorney Pulido, Reynaldo Carrillo (for Estefany V. Hernandez Navarro – minor/Petitioner)

Petition for Appointment of Guardian of the Person

Age: 17

Cont. from

	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	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

NO TEMPORARY IN PLACE

ESTEFANY VICTORIA HERNANDEZ NAVARRO, minor, is Petitioner, and requests that **MARIA CECILIA NAVARRO,** maternal aunt, be appointed as Guardian of the Person.

Father: **SANTOS HERNANDEZ** – *Declaration of Due Diligence filed 02/19/15*

Mother: **FRANCISCA NAVARRO ALVARADO** – *Declaration of Due Diligence filed 02/19/15*

Paternal grandparents: NOT LISTED

Maternal grandparents: NOT LISTED

Sibling: JOSUE HERNANDEZ NAVARRO

Petitioner states guardianship is necessary because the minor has been neglected by both parents. Petitioner is able and willing to provide a safe and stable living environment. Reunification with both parents would be detrimental to the minor and the child needs a guardian appointed to qualify for Special Immigrant Juvenile Status.

Court Investigator Jennifer Daniel filed a report on 04/17/15.

NEEDS/PROBLEMS/COMMENTS:

1. Need *Notice of Hearing*.
2. Need proof of service at least 15 days before the hearing of *Notice of Hearing* with a copy of the *Petition for Appointment of Guardian of the Person* or Consent & Waiver of Notice or Declaration of Due Diligence for:
   a. Santos Hernandez (father) – personal service required
   b. Francisca Navarro Alvarado (mother) – personal service required

   Note: Declarations of Due Diligence filed 02/19/15 state that the parents have not been seen or heard from since April 2014 and their current whereabouts are unknown
   c. Paternal grandparents – service by mail sufficient
   d. Maternal grandparents – service by mail sufficient
   e. Josue Hernandez Navarro (brother) – service by mail sufficient

Reviewed by: JF

Reviewed on: 04/22/15

Updates:

Recommendation:

File 17B - Navarro

Dept. 303, 9:00 a.m. Monday, April 27, 2015

18 **Willie Euline Meeks (Estate)** **Case No. 15CEPR00260**

Petitioner **Larsen, Hazel E. Olsen (Pro Per – Daughter – Petitioner)**
Petitioner **Wilhite, Curtis (Pro Per – Son – Petitioner)**

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

DOD: 5/10/08			**HAZEL E. OLSEN LARSEN** Daughter, and **CURTIS WILHITE**, Son, are Petitioners and request that **HAZEL E. OLSEN LARSEN** be appointed Executor with Full IAEA without bond. Full IAEA – ok Residence: Fresno Publication: Business Journal <u>Estimated value of estate:</u> Real property: $218,000.00 <u>Annual income from real property: $22,783.00</u> Total: $240,783.00 (Note: The Inventory and Appraisal was filed concurrently with the petition.) Probate Referee: Steven Diebert	**NEEDS/PROBLEMS/ COMMENTS:** ***<u>SEE PAGE 2</u>***
	Aff.Sub.Wit.	x		
✔	**Verified**			
	Inventory			
	PTC			
	Not.Cred.			
N/A	**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:** skc
	Status Rpt			**Reviewed on:** 4/22/15
	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 18 - Meeks**

Dept. 303, 9:00 a.m. Monday, April 27, 2015

NEEDS/PROBLEMS/COMMENTS:

1. **Need clarification and authority: It appears Petitioners are requesting that a document entitled "*Durable Power of Attorney for Management of Property and Personal Affairs*" dated 10/6/2000 be admitted to probate as the Decedent's will. However, pursuant to Probate Code §4152(a)(4), the authority of an attorney-in-fact under a power of attorney is terminated by the death of the principal. Further, this document does not appear to provide any direction for the disposition of assets after the Decedent's death.**

   Note: The POA contains a "Lawyer's Certificate" that indicates it was prepared by Attorney Brian Hamman of Gridley, CA. Petitioners may wish to contact the attorney to inquire whether additional estate documents were prepared for the Decedent at the same time as the POA.

2. **If the above-referenced POA is to be admitted to probate as a will, need original document pursuant to Probate Code §8200.**

3. **If the above-referenced POA is to be admitted to probate as a will, need Proof of Subscribing Witness (DE-131) pursuant to Probate Code §8220, as it is not self-proving. (Note that such Proof must include a verified statement that the decedent intended the document to be a will.)**

4. **Need clarification: The petition at #2 requests appointment of Ms. Larsen only; however, both petitioners signed the Duties and Liabilities of Personal Representative and submitted the Confidential Supplement. If Mr. Wilhite is requested to be a co-administrator with Ms. Larsen, the Court may require bond of $240,783.00, as he is a resident of Nampa, ID.**

5. **If Ms. Larsen is to be appointed alone, the Court may require Waiver of Bond (DE-142) signed by Mr. Wilhite.**

Note: If granted, the Court will set a status hearing for the filing of the first account or petition for final distribution for Monday, June 27, 2016. If the proper items have been filed, the status hearing may be taken off calendar. Otherwise, a written status report is required pursuant to Local Rule 7.5.
(No status hearing is set for the filing of the Inventory and Appraisal, since it was filed concurrently with this petition.)

19 **Myrna L. Parks, aka Myrna Louise Parks, Myrna Parks, Myrna Louise Bell, Myrna Bell (Estate)** **Case No. 15CEPR00261**

Attorney **Young, Brian D., of Oakland, and Yee, Robert B., of San Francisco, for Wendy M. Pelote – Daughter – Petitioner)**

Petition for Probate of Nondomiciliary Decedent's Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 4/15/14		
	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	

WENDY M. PELOTE, Daughter and named Executor without bond, is Petitioner.

Petitioner is a resident of California.

Full IAEA - ok

Will dated 11/10/06, which has been duly proved, allowed, and admitted to informal probate in the Superior Court of Arizona, Pima County, on 1/8/15.

Residence: Tucson, Pima County, AZ

The decedent owned interest in real property in Fresno County, CA.

Publication: Fresno Bee

Estimated value of estate:
Real property: $400,000.00
Annual income: $ 1,000.00
Total: $401,000.00

Probate Referee: Rick Smith

NEEDS/PROBLEMS/COMMENTS:

1. **The Fresno Bee publication used outdated language regarding notice to creditors. See Probate Code §8100 and Form DE-121, Notice of Petition to Administer Estate, which was updated 1/1/13. The Court may require amended publication.**

<u>Note</u>: If granted, the Court will set status hearings as follows:

- **Monday Sept. 21, 2015 for the filing of the Inventory and Appraisal**
- **Monday, June 27, 2016 for the filing of the first account or petition for final distribution**

If the proper items are on file prior to the status hearing dates pursuant to Local Rule 7.5., the status hearings may be taken off calendar.

Reviewed by: skc
Reviewed on: 4/22/15
Updates:
Recommendation:
File 19 - Parks

20 Daniel Zavala (Spousal) Case No. 15CEPR00262

Petitioner: Maria Lourdes Delgado Segura

Spousal or Domestic Partner Property Petition (Prob. C. 13650)

DOD: 4/15/2014			**MARIE LOURDES DELGADO SEGURA**, surviving spouse, is petitioner.
			No other proceedings
Cont. from			
	Aff.Sub.Wit.		Decedent died intestate or testate?
✓	**Verified**		
	Inventory		
	PTC		
	Not.Cred.		Petitioner states does not allege any facts for the court to determine the property either passes or belongs to the surviving spouse.
	Notice of Hrg	X	
	Aff.Mail	X	
	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		

NEEDS/PROBLEMS/COMMENTS:

1. Petition was filed using a Fee Waiver. Filing fees are considered to be costs of administration. Therefore, before the court signs an order allowing the property to be distributed the filing fee must be paid.
2. #1 of the petition does not include the petitioner's name.
3. #4c of the petition was not answered re: intestate or testate.
4. #5a(2) of the petition was not answered re: issue of a predeceased child.
5. #5b of the petition was not answered re: step or foster child.
6. #6 of the petition was not answered re: survived by parents, siblings or issue of deceased siblings.
7. Petition does not allege any facts for the court to determine that the property should pass to the surviving spouse. (Item #7 of the petition).
8. Need attachment 7a or 7b describing the property petitioner is requesting the court determine the property passes or belongs to the surviving spouse.
9. #9 of the petition is not completed.
10. Need attachment 11 listing the names and addresses of all persons interested in the trust who are entitled to notice.
11. Order is incomplete.

Reviewed by: KT

Reviewed on: 4/23/15

Updates:

Recommendation:

File 20 - Zavala

Dept. 303, 9:00 a.m. Monday, April 27, 2015

21 Florence L. Ohanian Living Trust Case No. 15CEPR00263

Attorney **Knudson, David N. (for Petitioners)**

Petition to Determine Assets of Trust [Probate Code §17200(b)]

DOD: 6/16/14		
	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	

CARLOTTA M. TAYLOR, CHARLES C. OHANIAN, SCOTT E. OHANIAN, and YVONNE R. SELLICK, Successor Co-Trustees, are Petitioners.

Petitioners state Florence L. Ohanian created the trust on 8/13/10 and under Article 1.01 of the trust, she assigned, transferred and delivered to herself as trustee the property described in Schedule A, as appended to the trust. Among the assets identified on Schedule A are two Wells Fargo accounts.

At her death on 6/16/14, the accounts stood in the name of Florence and her predeceased husband, who died 4/7/02. Following his death, the accounts became the sole property of Florence, who identified them as assets of her trust.

Petitioners pray for an order determining that the above-referenced accounts are assets of the Florence L. Ohanian Living Trust dated 8/13/10 subject to the control of the trustees.

Petitioners cite *Estate of Heggstad* and state that Florence's will, executed concurrently with her trust, is a "pour over will," which provides that upon her death, any assets are to be transferred to her living trust.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: skc

Reviewed on: 4/23/15

Updates:

Recommendation:

File 21 - Ohanian

Dept. 303, 9:00 a.m. Monday, April 27, 2015

22 Katherine Dickinson (Estate) Case No. 15CEPR00265

Atty Dowling, Michael P (for Ruth A. Shepherd & Margaret Skinner – Petitioners – Daughters)

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

DOD: 01/29/2015			NEEDS/PROBLEMS/COMMENTS:
			OFF CALENDAR. Amended Petition filed 03/25/2015. Hearing set for 05/11/2015.
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: lv
	Status Rpt		Reviewed on: 04/23/2015
	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 22 – Dickinson

23 Rose Mary Garcia (Det Succ) Case No. 15CEPR00266

Attorney Janisse, Ryan (for Kenneth Garcia – son/Petitioner)

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

DOD: 01/15/14		
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	

KENNETH GARCIA, son, is Petitioner.

40 days since DOD.

No other proceedings.

I & A - $60,000.00

Will dated 10/11/06

Petitioner requests Court determination that decedent's 100% interest in real property located at 3629 S. Harding Ave., Fresno pass to Patrick Garcia pursuant to decedent's will.

NEEDS/PROBLEMS/COMMENTS:

1. The Will attached to the petition does not appear to be complete. It is missing pages 2 and 3. Need complete copy of the Will.
2. It does not appear that the original Will has been deposited with the Court. Need original Will.
3. The Will is not self-proving and Witness attestation is not dated, also there appears to be only 1 witness. Need Proof of Subscribing Witness. Although the will is not being admitted to probate, this summary proceeding does necessarily include a determination of validity. See Probate Code §13151 and commentary.
4. The Petition indicates that the decedent had a predeceased spouse (Mike V. Garcia). Need date of death of Mike V. Garcia pursuant to Local Rule 7.1.1D.

Reviewed by: JF

Reviewed on: 04/23/15

Updates:

Recommendation:

File 23 - Garcia

Dept. 303, 9:00 a.m. Monday, April 27, 2015

24 Emma Shizuko Kawano (Estate) Case No. 15CEPR00273

Petitioner: Darlene Tomiko Kawano (pro per)

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

DOD: 10/12/07		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	X
✓	**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	

DARLENE TOMIKO KAWANO, DAVID MASUMI KAWANO, INEZ SANAYA KAWANO and **MARVIN KINJI KAWANO** are petitioners and request appointment of **DARLENE TOMIKO KAWANO** as Administrator without bond.

All heirs waive bond.

Limited IAEA – o.k.

Decedent died intestate.

Residence: Fowler
Publication: Fresno Business Journal

Estimated value of the estate:

Annual Income	-	$ 9,000.00
Real property	-	$375,000.00
Total	**-**	**$384,000.00**

Probate Referee: Rick Smith

NEEDS/PROBLEMS/COMMENTS:

1. Need Notice of Petition to Administer Estate.
2. Need name and date of death of deceased spouse. Local Rule 7.1.1D.

Note: If the petition is granted, status hearings will be set as follows:

- **Wednesday, September 23, 2015** at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.
- **Wednesday, June 22, 2016** at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.

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.

Reviewed by: KT
Reviewed on: 4/23/15
Updates:
Recommendation:
File 24 - Kawano

Dept. 303, 9:00 a.m. Monday, April 27, 2015

25 Robert Andrew Yost, Jr. (GUARD/P) **Case No. 15CEPR00276**

Attorney: Mary Castro-Ayala (for Petitioner/paternal grandmother Karen Yost)
Mother: Yesinia Guzman (pro per)

Petition for Appointment of Temporary Guardian of the Person

			TEMPORARY EXPIRES 4/27/15
			GENERAL HEARING 5/19/15
			KAREN YOST, paternal grandmother, is petitioner.
Cont. from 033015			
	Aff.Sub.Wit.		**Please see petition for details.**
✓	Verified		
	Inventory		**Objections to Guardianship filed by mother, Yesenia Guzman, on 3/30/15**
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	W/	
✓	Conf. Screen		
	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:
Reviewed by: KT
Reviewed on: 4/22/15
Updates:
Recommendation:
File 25 – Yost

Dept. 303, 9:00 a.m. Monday, April 27, 2015

26 Alice L Avoledo (Det Succ) Case No. 15CEPR00292

Attorney **Hemb, Richard E. (for Darrell Avoledo – son/Petitioner)**

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

DOD: 12/24/14			**DARRELL AVOLEDO,** son, is Petitioner.
			40 days since DOD.
			No other proceedings.
Cont. from			
	Aff.Sub.Wit.		I & A - $130,000.00
✓	**Verified**		
✓	**Inventory**		Will dated 10/07/99 and Codicil dated 10/07/04
	PTC		
	Not.Cred.		Petitioner requests court determination that decedent's 100% interest in real property located at 2828 E. Indianapolis, Fresno pass to him pursuant to decedent's will.
✓	**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		

NEEDS/PROBLEMS/COMMENTS:

1. ~~Petition is missing attachment 14, which is to list the names, relationships to decedent, ages and residence mailing addresses of all heirs of the decedent (living or deceased). If an heir is deceased, need date of death pursuant to Local Rule 7.1.1D.~~

Reviewed by: JF

Reviewed on: 04/23/15

Updates:

Recommendation: SUBMITTED

File 26 - Avoledo

Dept. 303, 9:00 a.m. Monday, April 27, 2015

27 **Helen Putty (CONS/PE)** **Case No. 15CEPR00301**

Petitioner Villalva, Ted (Pro Per – Son – Petitioner)

Petitioner Janisse, Ryan (Court appointed attorney for Proposed Conservatee Helen Putty)

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

			See petition for details.
	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	x	
✔	CI Report		
	9202		
✔	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation	x	
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

Court Investigator advised rights on 4/9/15

Voting rights affected – need minute order

1. Petitioner checked the box for conservatorship of the person and estate, but #1b is blank as to who Petitioner is requesting be appointed as conservator of the estate. Need clarification.

2. The Court may require clarification regarding the request for conservatorship of the estate with reference to Local Rule 7.15.4, which states that when the only asset is public assistance benefits, the court does not require appointment of a conservator of the estate.

3. #1c is blank re bond. Based on the assets and income estimated at #3e, need bond of at least $16,500.00, which includes cost of recovery pursuant to Cal. Rule of Court 7.207 and Probate Code §2320(c).

SEE ADDITIONAL PAGES

Reviewed by: skc

Reviewed on: 4/23/15

Updates:

Recommendation:

File 27 - Putty

NEEDS/PROBLEMS/COMMENTS (Cont'd):

4. Petitioner checked the box at #1d requesting independent powers under Probate Code §2590. Need clarification pursuant to Local Rule 7.15.2. What powers specifically are requested?

5. Petitioner checked the box at #1e regarding additional orders regarding capacity under Probate Code §1873 or 1901. Need clarification.

6. Petitioner checked the box at #1f regarding additional powers and duties under Probate Code §§ 2351-2358. Need clarification.

7. Petitioner checked the box at #1g regarding medical consent powers, but the Capacity Declaration filed 3/23/15 attaches a typed letter from Petitioner only. Need Capacity Declaration signed by the proposed conservatee's doctor.

8. Petitioner checked the box at #1k for dementia powers under Probate Code §2356.5, but did not attach the Attachment Requesting Special Orders Regarding Dementia mandatory Judicial Council Form GC-303.

9. Petitioner checked the box at #1l requesting other orders. Need clarification.

10. Need Citation.

11. Need proof of personal service of Citation with a copy of the petition at least 15 days prior to the hearing on Proposed Conservatee Helen Putty pursuant to Probate Code §1824.

12. Need Notice of Hearing.

13. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing on all relatives pursuant to Probate Code §1822:
    - Kathy Villalva
    (Cathy Leavitt?)
    - Tammy Villalva
    - Joseph Villalva (not listed at #11)

14. Petitioner checked the box at #4b that the proposed Conservatee is receiving or is entitled to receive veterans benefits. If so, notice is required to the Office of Veterans Administration pursuant to Probate Code §1822(d).

15. Need video receipt pursuant to Local Rule 7.15.8.A.

Note: Upon further review, there may be additional issues. Petitioner may wish to seek legal advice going forward, as conservatorship of the estate requires fiduciary duties including inventory and appraisal and periodic accounting as described in the Duties of Conservator Form GC-348 (signed by the Petitioner and filed 3/23/15).

28 Sierrah Lee Loftis (GUARD/P) **Case No. 15CEPR00338**

Atty Hemb, Susan A. (for Benjamin and Rosemary Gallegos – maternal grandmother and step-grandfather)

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

Age: 6		
Cont. from 041315, 042015		
	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**	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
✓	**UCCJEA**	
	Citation	
	FTB Notice	

TEMPORARY EXPIRES 04/27/15
GENERAL HEARING: 06/03/15

ROSEMARY GALLEGOS and **BENJAMIN GALLEGOS,** maternal grandmother and step-grandfather, are Petitioners.

Father: **KENNETH LOFTIS** – *Served by mail on 04/02/15; Declaration of Due Diligence filed 04/15/15*

Mother: **SELINA RAMIREZ** – *Consent & Waiver of Notice filed 04/01/15*

Paternal grandfather: ARNOLD LOFTIS – *Served by mail on 04/02/15*

Paternal grandmother: DAISY LOFTIS – *Served by mail on 04/02/15*

Maternal grandfather: DECEASED

Siblings: MARCUS RAMIREZ

Petitioners state [see Petition for details].

Declaration of Susan A. Hemb, Attorney for Petitioners in Support if Petition for Appointment of Guardian filed 04/15/15 states: [see file for details].

Court Investigator Samantha Henson filed a report on 04/17/15.

Supplemental Declaration of Christine Jones in Support of Petition for Appointment of Guardianship filed 04/22/15 [see file for details].

NEEDS/PROBLEMS/COMMENTS:

CONTINUED FROM 04/20/15
Minute Order from 04/20/15 states: Mr. Loftis is personally served a copy of the filed declaration while this matter is trailed for him to review said declaration. Mr. Loftis is to file and serve his reponse by noon on 04/23/15. The Court orders that the minor be picked up from the Aunt's home by Mr. and Mrs. Gallegos today at 5:00pm. The minor and her belongings are to be made ready by that time.

1. Need proof of ***personal service*** at least 5 court days before the hearing of *Notice of Hearing* with a copy of the *Petition for Appointment of Temporary Guardian of the Person* or Consent & Waiver of Notice or Declaration of Due Diligence for Kenneth Loftis (father). **Note:** Proof of service filed 04/03/15 indicates that Mr. Loftis was served by mail on 04/02/15; however, service by mail is not sufficient.

Reviewed by: JF
Reviewed on: 04/23/15
Updates:
Recommendation:
File 28 - Loftis