

(1) First and Final Account and Report of Administrator and (2) Petition for its Settlement, and (3) Distribution

DOD: 4/3/2002		PATRICK HARRINGTON , Executor, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued to 6/9/14 at the request of the petitioner.</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service of the Notice of Hearing on: <ol style="list-style-type: none"> a. Helen Harrington b. Mike Dickerson c. Mark Grieco d. Brian Brown 3. Account does not balance. Summary of account must comply with Probate Code §1061(10)(b). 4. Decedent's Will devises a 1994 Crown Victoria to Mike Dickerson. Inventory and appraisal filed on 10/28/02 lists a Crown Victoria (valued at \$8,500.00) Inventory and appraisal filed 12/17/03 and the petition lists a 1974 Crown Victoria (valued at \$700.00). Need clarification. 5. Inventory and appraisal filed on 10/28/02 lists the value of the 1997 Ford Thunderbird at \$10,500.00. Inventory and appraisal filed on 12/17/13 lists the value of the 1997 Ford Thunderbird at \$7,000.00. Need clarification. 6. Order distributes the cash on hand of \$108,797.90 to Patrick Harrington and Helen Harrington. Each distributee must be listed separately specifically listed the amount of cash each is to receive. Local Rule 7.6.1A – Need new order.
		Account period: 10/15/12 – 2/13/14	
Cont. from 032714		Accounting - ???	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$159,700.00	
<input checked="" type="checkbox"/>	Verified	Ending POH - ???	
<input checked="" type="checkbox"/>	Inventory	Executor - waives	
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	Distribution, pursuant to Decedent's Will, is to:	
<input type="checkbox"/>	Aff.Mail	Mike Dickerson – 1974 Ford Crown Victoria and its contents.	
<input type="checkbox"/>	Aff.Pub.	Mark Grieco – DVD player and candle holder with magnifying glass.	
<input type="checkbox"/>	Sp.Ntc.	Brian Brown – Dispatch counsel used for Red Cross and CAP dispatching.	
<input type="checkbox"/>	Pers.Serv.	Patrick Harrington and Helen Harrington – 1997 Ford Thunderbird and \$108,797.90.	
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters	12/17/02	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
Reviewed by: KT			
Reviewed on: 4/25/14			
Updates:			
Recommendation:			
File 1 - Harrington			

**Petition for Removal of Personal Representative and Suspension of Powers
Pending Hearing**

DOD: 2/6/04	MARTIN WADE CHANEY , Co-Administrator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont. from	MARTIN WAYDE CHANEY and RHONDA ANN CHANEY MALEWSKI were appointed co-administrators with full IAEA authority and without bond on 10/12/2004. Letters issued on 10/12/2004.	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory	Petitioner states Rhonda Malewski currently is, and has been, in the possession and control of the file documents of the estate that she obtained from the parties' former counsel. These documents are necessary for the preparation and filing of an inventory and appraisal.	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg		
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv.	W/ Cause for a citation to issue to Rhonda Malewski to appear before the court exists in that, despite petitioner's attorney's written requests for the estate file documents on 2/7/14, 3/314, and 3/11/14 and his verbal request on 2/26/14, Rhonda Malewski refuses and continues to refuse, to provide the estate file documents.	
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt	A citation to appear and an order suspending the powers of Rhonda Malewski is necessary because Rhonda Malewski is wrongfully neglecting the estate and is refusing to cooperate with Petitioner, thereby causing further delay in the administration and closure of the estate.	
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input checked="" type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
Please see additional page		Reviewed by: KT
		Reviewed on: 4/25/14
		Updates:
		Recommendation:
		File 2 – Chaney

Wherefore, petitioner prays for:

1. A Citation to issue to Rhonda Ann Chaney Malewski to show cause why her letters of administration should not be revoked and why she should not be removed as administrator of the estate.
2. An order suspending the powers of Rhonda Ann Chaney Malewski pending the hearing on the charges.
3. On order requiring Rhonda Ann Chaney Malewski to surrender all property and documents pertaining to the estate to Martin Wade Chaney pending the hearing on the charges.

Petition for Deferral of Filing Fee for Termination of Administration of an Insolvent Estate

DOD: 8/12/1999		<p>DORIS LEE ROGERS, Administrator, is petitioner.</p> <p>Petitioner is requesting a deferral of the filing fees for the Petition for Termination of Further Proceedings (please see page 3B).</p> <p>Petitioner states and inventory and appraisal was filed. The only asset of the estate was a single parcel of real property. A buyer for the real property was obtained and the Administrator was undergoing a court confirmation of the sale when a problem with the title surfaced. Unbeknownst to the Administrator and all but one of her siblings, it was determined that the decedent conveyed title to herself and one of her daughters as joint tenants. This fact was first raised by the title company.</p> <p>As a result of these findings, the probate estate does not own any assets to pay expenses of administration, attorney fees, creditor's claims, or court costs.</p> <p>Wherefore, Petitioner prays for and order of this Court that:</p> <ol style="list-style-type: none"> The filing fee for the Petition for Termination of Further Proceedings be deferred until such time as any assets may subsequently come into the estate. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Need Notice of Hearing. Need proof of service of the Notice of Hearing on all parties entitled to notice. Need proof of service of the Notice of Hearing on the Department of Health Services pursuant to the Request for Special Notice filed on 6/20/2005. Need Order 	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			<input checked="" type="checkbox"/>
<input type="checkbox"/>	Aff.Mail			<input checked="" type="checkbox"/>
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			<input checked="" type="checkbox"/>
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202 Order			<input checked="" type="checkbox"/>
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
Reviewed by: KT				
Reviewed on: 4/25/14				
Updates:				
Recommendation:				
File 3A – Ali				

Petition for the Termination of Further Proceedings and for Discharge and for Order

DOD: 8/12/1999		DORIS LEE ROGERS , Administrator, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 5. Need proof of service of the Notice of Hearing on the Department of Health Services pursuant to the Request for Special Notice filed on 6/20/2005.	
		Petitioner was appointed Administrator with bond set at \$112,000.00 on 3/22/04.		
Cont. from		Petitioner states and inventory and appraisal was filed. The only asset of the estate was a single parcel of real property. A buyer for the real property was obtained and the Administrator was undergoing a court confirmation of the sale when a problem with the title surfaced. Unbeknownst to the Administrator and all but one of her siblings, it was determined that the decedent conveyed title to herself and one of her daughters as joint tenants. This fact was first raised by the title company.		
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			W/O
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			As a result of these findings, the probate estate does not own any assets.
<input type="checkbox"/>	Conf. Screen			The State of California, Department of Health Services filed a claim in the amount of \$32,384.13. This claim remains unpaid.
<input type="checkbox"/>	Letters			Wherefore, Petitioner prays for and order of this Court: 2. For an Order terminating the probate proceedings; and 3. Discharging the personal representative.
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			Reviewed by: KT	
			Reviewed on: 4/25/14	
			Updates:	
			Recommendation:	
			File 3B – Ali	

(1) First and Final Account and Report of Executor and (2) Petition for Allowance of Compensation to his Attorney and (3) Reimbursement to Executor for Funeral Expenses and (4) Closing of an Insolvent Estate

DOD: 10-29-08	BRIAN FRY , Executor with Full IAEA without bond, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>SEE ADDITIONAL PAGE</u></p>
Cont. from 021014, 031814	<p>Account period: 1-27-09 through 11-30-13</p> <p>Accounting: \$4,727.19 Beginning POH: \$4,727.19 Ending POH: \$4,727.19</p>	
<input type="checkbox"/> Aff.Sub.Wit.	Executor (Statutory): Waives	
<input checked="" type="checkbox"/> Verified	Executor: \$1,792.19 (Partial reimbursement for funeral costs)	
<input checked="" type="checkbox"/> Inventory	Attorney: \$2,500.00	
<input checked="" type="checkbox"/> PTC	Attorney LeVan states she expended 16 hours @ \$200/hr, which would be \$3,200.00; however, is willing to accept \$2,500.00 as total payment for her services to the estate.	
<input checked="" type="checkbox"/> Not.Cred.	Examiner's Note: Statutory fee based on the estate value pursuant to Probate Code §10800 would be \$189.09.	
<input checked="" type="checkbox"/> Notice of Hrg	Costs: \$435.00 (filing fee for this petition)	
<input checked="" type="checkbox"/> Aff.Mail w	Petitioner lists the five Creditor's Claims filed against the estate at Exhibit A.	
Aff.Pub.	Petitioner requests that:	
Sp.Ntc.	<ol style="list-style-type: none"> 1. Notice of Hearing of this account, report, and petition be given as required by law; 2. The Court make an order approving, allowing, and settling the account and report of the conservator [sic] in all respects as filed; 3. The Court authorize Petitioner to pay his attorney \$2,500.00 as compensation for her services during the period of this accounting; 4. The Court authorize partial reimbursement for funeral expenses to Petitioner in the amount of \$1,792.19; 5. The Court authorize the Petitioner to close this estate due to exhaustion of all assets; and 6. Any other orders that the Court considers proper. 	
Pers.Serv.		
Conf. Screen		
<input checked="" type="checkbox"/> Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
<input checked="" type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
<input checked="" type="checkbox"/> FTB Notice		
		<p>Reviewed by: skc</p> <p>Reviewed on: 4-25-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4 – Fry</p>

NEEDS/PROBLEMS/COMMENTS (Cont'd):

1. This accounting is incomplete and does not contain all applicable schedules and documentation required by Probate Code §§ 10900, 1060 et seq. If accounting is to be waived, need waiver from Craig Fry.
2. Petitioner lists the four (4) Creditor's Claims that were filed (totaling \$16,537.21), but does not state the action taken on the claims pursuant to Probate Code §10900. Therefore it does not appear that the estate is in a position to close.

Update: Allowances for all of the claims have now been filed and notice of hearing has been served on the creditors. However, Petitioner has still not addressed the claims pursuant to §10900.

3. I&A filed 12-24-08 indicated \$4,727.19 in cash in a checking account and an investment account ("American Century Investments") as of the decedent's date of death (10-29-08). Petitioner now states the POH at the end of this account period (11-30-13) is the same amount. If \$4,727.19 has been untouched (no receipts, no disbursements) in a checking account and an investment account for approx. five years, why wasn't interest earned? One of the duties of the personal representative is to maintain funds in interest-bearing accounts. See Duties and Liabilities signed by Petitioner and filed 12-24-08. Petitioner does not indicate any change in the form of the assets, therefore, it is unclear why no interest was earned.
4. Petitioner waives statutory compensation but requests reimbursement for \$1,792.19 in funeral costs. However, no documentation is provided. The Court may require clarification.
5. Attorney requests compensation of \$2,500.00, stating that this is less than what is owed for the work performed. However, the statutory fee pursuant to Probate Code §10800 based on the value of the estate (\$4,727.19) would be only \$189.09. The attorney does not provide itemization that would be required for extraordinary compensation, nor would the work performed be considered extraordinary. Further, this estate was opened in 2008 and is approx. four years delinquent in its closing.

Pursuant to Probate Code §12205, the Court may reduce the compensation of the personal representative or the attorney for the personal representative if the time taken for administration exceeds the time required by Probate Code §12200 (one year), the time taken was within the control of the personal representative or the attorney, and the delay was not in the best interest of the estate.

In this case, there does not appear to be any reason why administration was delayed, and as mentioned above, it does not appear that the estate funds were held in an interest-bearing account during this time, to the detriment of the creditors and the heirs.

Atty Hemb, Richard E., of Hemb Law Office (Movant)

Notice of Motion and Motion to be Relieved as Counsel

DOD: 9/16/2009		<p>RICHARD E. HEMB, Attorney of record for Personal Representative GLORIA REYES, is Movant.</p> <p>Movant requests under Code of Civil Procedure § 284(2) and CA Rule of Court 3.1362 an order permitting him to be relieved as attorney of record in this proceeding.</p> <p>Movant states in the accompanying declaration in support of the motion that he makes this motion to be relieved as counsel under Code of Civil Procedure § 284(2) instead of filing a consent under § 284(1) for the following reasons:</p> <ul style="list-style-type: none"> No inventory and appraisal was filed in this case because the personal representative GLORIA REYES never supplied requested information on estate assets; He provided Gloria Reyes instructions and request to take action by written communication and telephone calls from 2/10/2010 up to and including 2/2/2011; No response was ever received from the client; He learned that the real property in the estate was foreclosed by a lender; He is not aware of efforts to sell the real property to a third party, or if such a sale was possible to avoid foreclosure; On 1/2/2014, he received a call from ROBERT REYES, husband of Gloria Reyes, who confirmed that the property was lost via foreclosure; Mr. Reyes also indicated to Movant that Gloria Reyes, the court-appointed representative, died on 5/26/2012, and that Mr. Reyes informed Court staff of this fact by telephone call; Movant has been led to believe, and does in fact now believe, that the client is now deceased. <p>Declaration of Robert Reyes filed 1/17/2014 states:</p> <ul style="list-style-type: none"> He was married to Gloria Reyes; she was appointed Administrator by the Court on 2/10/2010; Gloria Reyes made a decision after exploring the alternatives that selling Decedent's real property on Dwight Way would fail to provide sufficient funds to pay off the encumbrance by Wells Fargo Reverse Mortgage and other selling costs; said real property was eventually taken by Wells Fargo Reverse Mortgage and was the only asset in the estate; Gloria Reyes passed away on 5/26/2012 (copy of death certificate attached) and was the same person who was appointed as personal representative of the estate. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Page 5B is <i>Petition for Deferral of Filing Fee for Termination of Administration of an Insolvent Estate.</i></p> <p>Page 5C is <i>Petition for Termination of Further Proceedings and for Discharge and for Order.</i></p> <p>Continued from 3/25/2014. Minute Order states no appearances.</p> <p>Note: If Court grants the instant motion to be relieved, no person will exist to close this no-asset estate, as the personal representative is deceased, and pursuant to the Notice of Motion Judicial Council form MC-051 itself: "the client will be solely responsible for the case."</p> <p>Reviewed by: LEG</p> <p>Reviewed on: 4/28/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5A – Juarez</p>
Cont. from 021114, 032514			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Atty Hemb, Richard E., of Hemb Law Office (Petitioner)

Petition for Deferral of Filing Fee for Termination of Administration of an Insolvent Estate

DOD: 9/16/2009		<p>RICHARD E. HEMB, Attorney of record for deceased Personal Representative GLORIA REYES, is Petitioner.</p> <p>Petitioner states he petitions the Court for deferral of the applicable filing fee for the Petition for the Termination of Further Proceedings and for Discharge and Order; this Petition is authorized by <i>Minute Order</i> of this Court on February 11, 2014, and is based on the following:</p> <ul style="list-style-type: none"> Letters of Administration were granted on 2/10/2010; An Inventory and Appraisal was not filed with the Court; The only asset in the estate was a single parcel of real property; however, the property was foreclosed by Wells Fargo Reverse Mortgage since the value of the home was far less than the amount owing under the reverse mortgage; As a result of these findings, the probate estate of the Decedent does not own any assets to pay expenses of administration, attorney fees, creditor claims, or Court costs; Therefore, petitioner files this petition pursuant to Minute Order of this Court on 2/11/2014, to defer the filing fee for the Termination of Proceedings, to be paid to the Court if any assets subsequently come into the estate; By declaration of ROBERT REYES, spouse of GLORIA REYES, filed with the Court on 1/17/2014, [the Court is informed that] the Court-appointed Administrator of this estate passed away on 5/26/2012. <p>Petitioner prays for an order that the filing fee for the Petition for Termination of Further Proceedings and for Discharge of an Insolvent (Non-Asset) Estate be deferred until such time as any assets may subsequently come into the estate.</p>	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p>Note: No proposed order was submitted for the instant petition. Proposed order submitted for the <i>Petition for the Termination of Further Proceedings</i> includes a finding that the filing fee for terminating further proceedings is <u>waived</u>. It appears the proposed order is intended for both petitions. The proposed order has been interlineated to include the findings requested in the instant <i>Petition for Deferral of Filing Fee</i>, specifically stating that the filing fee for terminating proceedings is "deferred until such time as any assets may subsequently come into the estate."</p>
Cont. from			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
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	X		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: LEG</p> <p>Reviewed on: 4/28/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5B – Juarez</p>	

Atty Hemb, Richard E., of Hemb Law Office (Petitioner)

Petition for the Termination of Further Proceedings and for Discharge and for Order

DOD: 9/16/2009		<p>RICHARD E. HEMB, Attorney of record for deceased Personal Representative GLORIA REYES, is Petitioner.</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> Gloria Reyes was appointed by the Court as Administrator of the estate on 2/10/2010; It appears there is no property of any kind belonging to the estate and subject to administration; The Administrator died on 5/26/2012, as evidenced by a declaration of her spouse, ROBERT REYES, spouse of GLORIA REYES, filed with the Court on 1/17/2014; An Inventory and Appraisal was not filed with the Court; The only asset in the estate was a single parcel of real property; however, the property was foreclosed by Wells Fargo Reverse Mortgage since the value of the home was far less than the amount owing under the reverse mortgage; The property was foreclosed early in this case, and that process and procedure was finalized, which resulted in a complete and total loss of the real property; As a result of these findings, the probate estate of the Decedent did not own any assets; Therefore, at this time, no property of any kinds belongs to the estate as the real property was thought to be the only asset subject to administration, and it was conveyed prior to Decedent's death; It has been many years since the death of Decedent with no known creditors of the estate; Petitioner believes it is in the best interest of the estate that filing this Petition for Termination is the most efficient and appropriate manner in which to conclude this probate. <p>Petitioner prays for an Order terminating the probate proceedings, and for an Order discharging the Personal Representative.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Paragraph 7 of the proposed order states that notice to the Franchise Tax Board and the Department of Health Services was provided on 2/10/2010, which statements are not included in the verified <i>Petition for the Termination of Further Proceedings.</i></p>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail W/O		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: LEG</p> <p>Reviewed on: 4/28/14</p> <p>Updates:</p> <p>Recommendation: File 5C – Juarez</p>	

DOD: 4-17-13	KATINA SAPIEN LOZANO PAULEY , Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		<u>OFF CALENDAR</u>
	Account period: 9-19-11 through 12-16-13	Third Amended Account filed 4-24-14 is set for hearing on 5-29-14.
Cont. from 021014, 030414, 040114	Accounting: \$ 102,960.95 Beginning POH: \$ 37,268.63 Ending POH: \$ 17,668.83 (\$15,668.83 cash plus \$2,000.00 personal property (household) items)	
<input type="checkbox"/> Aff.Sub.Wit.	Conservator: Waives	
<input checked="" type="checkbox"/> Verified	Attorney: \$7,295.00 (per declaration) (Note: \$8,874.83 has already been paid pursuant to court order 6-4-12.)	1. Petitioner requests distribution to herself as the sole beneficiary pursuant to the decedent's will via declaration under Probate Code §13100. However, the will devises the decedent's estate to the trust. Therefore, the trust is the successor in interest pursuant to Probate Code §13006(a). It does not appear that the estate can be distributed as prayed.
<input type="checkbox"/> Inventory	Petitioner prays for an order as follows:	
<input type="checkbox"/> PTC	1. Notice of Hearing of this account, report, and petition be given as required by law;	
<input type="checkbox"/> Not.Cred.	2. Settling and accepting this account and report;	
<input checked="" type="checkbox"/> Notice of Hrg	3. Authorizing payment of \$7,295.00 to Joanne Sanoian for her services to the petitioner and the conservatorship estate during this account period, and authorizing withdrawal of \$4,609.97 from Chase blocked account xxx5483 and \$2,685.03 from Chase account xxx6758 (total \$7,295.00) in certified funds payable to Joanne Sanoian;	
<input checked="" type="checkbox"/> Aff.Mail W	4. After payment of the above sums, the Court authorize and direct Katina Sapien Lozano Pauley, Conservator of the Estate, to close Chase Bank blocked account ending in #5483 and deposit the remaining balance into Chase Bank checking account #6758;	
<input type="checkbox"/> Aff.Pub.	5. The Court authorize and direct Katina Sapien Lozano Pauley to distribute the funds remaining in Joanne Sanoian's Client Trust Account into Chase Bank checking account #6758; and that on filing of proper receipts, Petitioner be discharged as conservator of the person and estate;	
<input type="checkbox"/> Sp.Ntc.	6. That surety on Petitioner's bond be discharged upon filing of an ex parte order for final discharge; and	
<input type="checkbox"/> Pers.Serv.	7. For such other orders as the Court deems proper.	
<input type="checkbox"/> Conf. Screen		Reviewed by: skc
<input type="checkbox"/> Letters		Reviewed on: 4-25-14
<input type="checkbox"/> Duties/Supp		Updates:
<input type="checkbox"/> Objections		Recommendation:
<input type="checkbox"/> Video Receipt		File 6 – Lozano
<input type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> 2620(c)		
<input type="checkbox"/> Order X		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

Amended First and Final Account and Report of Executor; and Petition for Final Distribution, Allowance of Statutory Executor's Commissions, Statutory Attorney's Fees and Extraordinary Attorney's Fees

DOD: 05/27/12		JIM KOBZEFF , Executor, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need proof of service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Amended Petition</i> for Nick J. Nazaroff, pursuant to his request for special notice filed 02/19/13.
		Account period: 03/15/13 – 12/17/13	
		Accounting - \$192,093.42	
		Beginning POH - \$162,721.19	
		Ending POH - \$25,821.74	
Cont. from		Executor (statutory) - \$6,762.80	
<input type="checkbox"/>	Aff.Sub.Wit.	Attorney (statutory) - \$6,762.80	
<input checked="" type="checkbox"/>	Verified	Attorney x/o - \$2,655.00 (for 10 hours @ \$250/hr and 1 hr @ \$30/hr related to the sale of real property)	
<input checked="" type="checkbox"/>	Inventory	Costs - \$1,045.00 (Filing fees, publication, certified copies, title report)	
<input checked="" type="checkbox"/>	PTC	Closing - \$2,000.00	
<input checked="" type="checkbox"/>	Not.Cred.	Distribution, pursuant to decedent's will, is to:	
<input checked="" type="checkbox"/>	Notice of Hrg	Elaine J. Nazaroff - \$1099.35	
<input checked="" type="checkbox"/>	Aff.Mail w/	Jim Kobzeff - \$1099.35	
<input type="checkbox"/>	Aff.Pub.	Barbara Ann Morozof - \$1099.35	
<input type="checkbox"/>	Sp.Ntc.	Jo Ann Haproff - \$1099.35	
<input type="checkbox"/>	Pers.Serv.	Jeanette Papov - \$1099.35	
<input type="checkbox"/>	Conf. Screen	Sharon Popoff - \$1099.35	
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
			Reviewed by: JF
			Reviewed on: 04/28/14
			Updates:
			Recommendation:
			File 7 – Popoff

DOD: 3-21-13	<p>SAMUEL TOMPSON is Petitioner.</p> <p>PUBLIC ADMINISTRATOR was appointed as the personal representative of the estate pursuant to Probate Code §7660 on 4-12-13</p> <p>Petitioner states the decedent did not leave a spouse or child at the time of death. Pursuant to Probate Code §6402.5, the heirs of the decedent's predeceased husband are entitled to half of the community real property. The other half will be inherited by the decedent's heirs pursuant to §6402(d).</p> <p>Petitioner states the proceeds of the real property should be distributed as follows:</p> <p>One half to the intestate heirs of Edward Snelgrove – see petition for relationships:</p> <ul style="list-style-type: none"> • 1/6 each to Donald Pauley and Karen Snelgrove Jensen • 1/18 each to Gail Snelgrove McCurdy, Anne Snelgrove, and Roger Snelgrove McCurdy. <p>One half to the intestate heirs of the decedent – see petition for relationships:</p> <ul style="list-style-type: none"> • 1/22 each to Constance Candage Goehlert, John Candage, Nancy Conlon Sullivan, Elizabeth Raymond, Adrian Raymond, Margaret Raymond Braley, Rosann Raymond Ghen, and Samuel Tompson • 1/66 each to Tamara Candage, Holly Candage, and Courtney Candage • 1/88 each to Pamela Raymond, Nathaniel Raymond, Rebecca Raymond Gardiner, Amanda Raymond Mayock, Christopher Raymond, Joshua Raymond, Eli Tucker-Raymond, and Caleb Tucker-Raymond <p>Petitioner states the personal property of the estate will divide into 11 shares at the first cousin once removed generation as follows pursuant to §6402(d) – see petition for relationships:</p> <ul style="list-style-type: none"> • 1/11 each to Constance Candage Boehlert, John Candage, Nancy Conlon Sullivan, Elizabeth Raymond, Adrian Raymond, Margaret Raymond Braley, Rosann Raymond Ghen, and Samuel Tompson • 1/33 each to Tamara Candage, Holly Candage, and Courtney Candage • 1/44 each to Pamela Raymond, Nathaniel Raymond, Rebecca Raymond Gardiner, Amanda Raymond Mayock, Christopher Raymond, Joshua Raymond, Eli Tucker-Raymond, and Caleb Tucker-Raymond <p>See family chart and proofs of heirship attached to petition.</p> <p>Petitioner prays that the Court determine the heirship and entitlement to the estate and for such other relief as the Court may deem proper.</p>	NEEDS/ PROBLEMS/ COMMENTS:
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	W	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		<p>Reviewed by: skc</p> <p>Reviewed on: 4-25-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 8 – Snelgrove</p>

(1) Waiver of Accounting and Petition for Final Distribution and for (2) Allowance of Compensation

DOD: 04/18/2013		BRENT WISE , executor, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Accounting is waived.	<p>Note: Petitioner, Brent Wise, filed an Amended Waiver of Accounting and Petition for Final Distribution and for Allowance of Compensation, in case #08CEPR00176, the Estate of Janice Wise, however he has not been appointed as Successor Administrator in that case. The Estate of Jack Wise is not in a position to close until the Estate of Janice Wise has distributed. The Estate of Janice Wise is to be heard on 05/19/2014 at 9:00am.</p> <p>The following issues remain:</p> <ol style="list-style-type: none"> 1. Need Property on Hand Schedule pursuant to California Rules of Court 7.550 b(4). 2. Prayer of the Petition does not include a request for Attorney's Statutory Fees. 3. Petition does not include a Statement regarding Probate Code §216 and Probate Code §9202 re notice to the Director of the Victims Compensation. 4. Petition does not include a Statement regarding whether or not notice to the Franchise Tax Board was performed pursuant to Probate Code §9202(c)(1). 5. Local Rule 7.12.1 states a petition for distribution must list and describe in detail all property to be distributed. The description shall include cash on hand. Promissory notes must be described as secured or unsecured. If secured, the security interest must be described. The legal description and APN of all real property must be included. Description in the petition of any asset by reference to the inventory is not acceptable. 6. Need Order.
Cont. from 032514		1 & A - \$403,171.55	
<input type="checkbox"/>	Aff.Sub.Wit.	POH - ?	
<input checked="" type="checkbox"/>	Verified	Executor – Waives	
<input type="checkbox"/>	Inventory	Attorney - \$11,063.43	
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	n/a	
<input type="checkbox"/>	Aff.Mail	n/a	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters	10/08/2013	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
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<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice	x	
			Reviewed by: LV
			Reviewed on: 03/21/2014
			Updates:
			Recommendation:
			File 9 – Wise

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

Age: 7	<u>TEMPORARY DENIED ON 02/25/2014</u>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Page 10B is the competing Petition for Guardianship filed by Seraphino Lopez, maternal grandfather. Maternal grandfather, Seraphino Lopez was granted temporary guardianship on 02/25/2014.</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service fifteen (15) court 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: <ul style="list-style-type: none"> • Ryan Cole (Father) – Unless the Court dispenses with notice. • Seraphino Lopez (Maternal Grandfather/Temporary Guardian) 3. 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: <ul style="list-style-type: none"> • Paternal Grandparents (Not Listed)
	<p>SERENITY HOLDEN, maternal aunt, is petitioner.</p> <p>Father: RYAN COLE, Declaration of Due Diligence filed 02/11/2014</p> <p>Mother: SARAH COLE, Deceased</p> <p>Paternal Grandparents: Not Listed</p> <p>Maternal Grandfather: Seraphino Lopez Maternal Grandmother: Deceased</p> <p>Petitioner states: mother just died and father's absent and unable to care for the child. He has required supervised visits and restraining orders in the past and was last known to be homeless. Petitioner states that she can provide a very loving, stable and permanent home for the child.</p> <p>Court Investigator Julie Negrete's report filed 04/09/2014.</p>	
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Aff.Mail	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LV
		Reviewed on: 04/25/2014
		Updates:
		Recommendation:
		File 10A – Cole

10B Justin James Cole (GUARD/P)

Case No. 14CEPR00119

Atty Holden, Serenity (Pro Per – Maternal Aunt)

Atty Lopez, Amy L (for Seraphino Lopez – Petitioner -Maternal Grandfather)

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

Age: 7		<p style="text-align: center;"><u>TEMPORARY EXPIRES 04/29/2014</u></p> <p>SERAPHINO LOPEZ, maternal grandfather, is petitioner.</p> <p>Father: RYAN COLE, Consents and Waives Notice</p> <p>Mother: SARAH COLE, Deceased</p> <p>Paternal Grandfather: Daniel Cole, Consents and Waives Notice</p> <p>Paternal Grandmother: Carrie Cole, Consents and Waives Notice</p> <p>Maternal Grandmother: Deceased</p> <p>Petitioner states: the child has been residing with him and his wife since the passing of the child's mother on 02/09/2014. Since 2009 Justin has resided a ½ mile from petitioner's home, he has been very close with his grandson. Petitioner states that he will make sure that the child will have frequent and continuing contact with his father and extended family and shall remain in his current school. Petitioner states that the child is grieving for the loss of his mother and it is his belief that the child does not need a lot of changes in his life. Petitioner can provide for the child's daily needs. Prior to the mother's passing she expressed that her son reside with petitioner. Petitioner wants the child's life to remain as much the same as it was prior the mother's death.</p> <p>Court Investigator Julie Negrete's report filed 04/09/2014.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Letters.</p>	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input type="checkbox"/>	Aff.Mail			n/a
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input checked="" type="checkbox"/>	Pers.Serv.			
<input checked="" type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			x
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		<p>Reviewed by: LV</p> <p>Reviewed on: 04/25/2014</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 10B – Cole</p>		

10B

Petition to Establish Fact of Marriage

Richard Yegan	<p>MARCIA RENEE CREW is Petitioner.</p> <p>Petitioner states she and RICHARD YEGAN were married on 12-31-99 in Fresno, California, but there is no official record of the fact, date, and place of marriage. Richard Yegan passed away on 10-22-13. Therefore, Petitioner seeks a Court Order Establishing Fact of Marriage pursuant to Health and Safety Code §§ 103450-103490.</p> <p>Declaration in Support of Petition states the ceremony on 12-31-99 was performed by Sheriff's Dept. Chaplain Doug Lanier and witnessed by Catherine Rogers. Prior to his death, Richard created an estate plan naming his wife, Marcia Crew, as sole beneficiary of his estate (trust and will dated 8-20-13 attached). Because of the trust, no administration of his estate will be required. However, Petitioner needs to establish that they were legally married in order to obtain Social Security death benefits as Richard's Surviving Spouse.</p> <p>Declaration of Doug Lanier states on 12-31-99 he officiated the marriage of Richard Yegan and Marcia Crew.</p> <p>Declaration of Catherine Rogers states on 12-31-99, she witnessed the marriage of Richard Yegan and Marcia Crew.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 4-8-14, 4-15-14</p> <p>See additional page</p>
DOD: 10-22-13		
Cont. from 040814, 041514		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg		
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
	<p>Reviewed by: skc</p> <p>Reviewed on: 4-25-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11 – Yegan & Crew</p>	

Page 2

Prior Examiner Notes noted the following issue:

1. Petitioner does not state why there is no official record of the marriage. Was a valid marriage license obtained and recorded? If not, why not?

Health and Safety Code §103150 states: Each marriage that is performed shall be registered by the person performing the ceremony as provided by Chapter 2 (commencing with Section 420) of Part 3 of Division 3 of the Family Code.

Family Code §§ 420 et seq., states that before solemnizing a marriage, the officiant shall require the presentation of the marriage license, and that upon solemnizing the marriage, the officiant shall return the endorsed marriage license to the county recorder within 10 days after the ceremony.

Family Code §425 allows ~~up to one year~~ parties to obtain a license via declaration from the county clerk if the above procedure was not followed.

Neither the petition nor the officiant's declaration contain any information about why a license was not obtained and recorded at the time of the marriage.

If a valid license was not obtained, need authority for Court order establishing fact of marriage.

Petitioner filed a Declaration on 4-11-14 that states she and the decedent were married on 12-31-99 and the ceremony was officiated by the Sheriff's Department Chaplain Doug Lanier. Since that time until recently she believed they had completed all the necessary steps to become legally married in California. After the ceremony, they held themselves out as married to the public and they believed they were legally married. Upon applying for social security benefits following Richard's death, she became aware of the need for a marriage certificate and contacted Mr. Lanier for assistance and learned that they should have obtained an official certificate from the State of California at the time of the marriage. She does not recall him telling her that requirement at the time they were married, and all this time she believed they were validly married. On the day of the marriage, a certificate was signed (attached) by Mr. Lanier and additional witnesses. Petitioner believed this was her marriage certificate and only recently learned that it is only a ceremonial record of the event. Note that the date on that certificate is incorrectly listed as 12-31-00 – the marriage actually took place on 12-31-99, the last day of the millennium.

Petitioner is informed by her attorney that Family Code §425 provided a year to obtain license via declaration; however, they did not avail themselves of this procedure and it is no longer available.

H&S Code §103450 provides that a verified petition may be filed by any interested person with the clerk of the superior court in the county in which the person was domiciled at the date of death to judicially establish the fact and the time and place of a marriage that is not registered or for which a certified copy is not obtainable. Nothing in this section imposes a requirement that Petitioner had even attempted to obtain a marriage certificate previously. Indeed, this section states simply and clearly that where a marriage is not registered, the court may nonetheless enter an order establishing fact of marriage. Petitioner respectfully requests that the Court enter an order under H&S Code §103450 to establish the fact that Petitioner and the Decedent were married on 12-31-99.

Petition for Visitation

Age: 8 years		FELIPE BAUTISTA, father, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need <i>Notice of Hearing</i> and proof of service of the notice for: a. Maria Bautista, Guardian; b. Vanessa Nicole Noriega, mother; c. Victor Manuel Noriega, maternal grandfather; d. Kathy Ann Noriega, maternal grandmother.
		MARIA BAUTISTA , paternal grandmother, was appointed Guardian on 5/8/2006.	
Cont. from		Father: FELIPE E. BAUTISTA	
	Aff.Sub.Wit.	Mother: VANESSA NICOLE NORIEGA	
✓	Verified	Paternal grandfather: Antonio Bautista. <i>Deceased.</i>	
	Inventory	Maternal grandfather: Victor Manuel Noriega	
	PTC	Maternal Grandmother: Kathy Ann Noriega	
	Not.Cred.		
	Notice of Hrg	Petitioner states he does not know why his visitation was terminated. He states he was not properly served that is why he wasn't present in court at the last hearing.	
	Aff.Mail	Petitioner wants his visitation back, he states it is not fair to his son that he has to go through this. Petitioner wants his relationship back with his son.	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen	Notes for background:	
	Letters	<ul style="list-style-type: none"> Guardian MARIA BAUTISTA filed on 8/27 2013 a petition for modification of the 5/8/2012 visits, requesting that father's visits be supervised for the minor's own protection. Guardian stated the minor informed her that his father's wife hits him and mistreats him, and that his father hits him with the belt for no reason. The minor informed the Guardian that he is afraid to go to the father's house because his father and the wife argue all of the time, and the father does not comply with the Court order regarding no unsupervised visits around his wife. 	
	Duties/Supp	<ul style="list-style-type: none"> Previous Visitation Order pursuant to Minute Order dated 9/30/2013 from the hearing on the Guardian's petition for modification of the father's visits states in pertinent part: The Court finds that actual notice has been given to mother and father, and the paternal grandfather is deceased. The Court further finds that the terms of the previous order were violated and it is in the best interest of the child to terminate father's visits until further order of the Court. Father's visits are terminated. The Guardian is advised that she may authorize visits if deemed appropriate and safe for the child. 	
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Reviewed by: LV
 Reviewed on: 04/25/2014
 Updates:
 Recommendation:
 File 12 – Bautista

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

		TEMP EXPIRES 4-29-14	NEEDS/PROBLEMS/COMMENTS:
		LOIS GEORGINE FERRIS and HERMAN RAY FERRIS, Maternal Grandmother and Step-Grandfather, are Petitioners.	<p>1. Petitioner filed a Declaration of Due Diligence on 4-22-14 regarding the fathers of the minors. If diligence is not found for the father(s) and paternal grandparents, need notice per Probate Code §1511.</p> <p>2. Petitioner Herman Ray Ferris is the maternal step-grandfather of the minors; however, Petitioner does not provide the name of the maternal grandfather. Need clarification and notice per Probate Code §1511.</p>
	Aff.Sub.Wit.	Father (all minors): UNKNOWN - Declaration OF Due Diligence filed 4-22-14	
✓	Verified		
	Inventory		
	PTC	Mother: REBECCA DAWN FRENCH - Personally served 3-3-14	
	Not.Cred.		
✓	Notice of Hrg	Paternal grandparents (all minors): Unknown	
	Aff.Mail		
	Aff.Pub.	Maternal Grandfather: Not listed	
	Sp.Ntc.		
✓	Pers.Serv.	Petitioners state Dustin has been in in Petitioners' care since January 2013 and they have had Jocelyne and Divana since February 2014, when the mother was arrested. CPS placed the children with Petitioners and advised them to seek guardianship. Petitioners state the mother has extensive criminal and CPS history and the fathers are unknown. The minors have settled in with Petitioners and feel safe and secure in their home. Their teachers have noted huge differences since they have lived with Petitioners. Petitioner do not want the minors to be placed in the foster care system.	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report	Court Investigator Jennifer Daniel filed a report on 4-22-14.	
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 4-25-14
			Updates:
			Recommendation:
			File 13 – French

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

Age: 3 years		<p style="text-align: center;">THERE IS NO TEMPORARY. No temporary was requested.</p> <p>GLORIA COVARRUBIAS, paternal grandmother, is petitioner.</p> <p>Father: GILBERTO ZARATE – consents and waives notice.</p> <p>Mother: SONIA JIMENEZ – consents and waives notice.</p> <p>Paternal grandfather: not listed. Maternal grandparents: not listed.</p> <p>Petitioner states the parents are not in a position to care for the minor. The child has been solely in the care of the paternal grandmother since April 2013.</p> <p>Court Investigator Dina Calvillo's Report filed on 4/14/14.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Petition does not include the names and addresses of the paternal grandfather and the maternal grandparents. 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: <ol style="list-style-type: none"> Paternal grandfather Maternal grandparents
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: KT	
		Reviewed on: 4/28/14	
		Updates:	
		Recommendation:	
		File 14 – Jimenez	

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

Age: 4	NO TEMPORARY REQUESTED	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal 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: <ul style="list-style-type: none"> • Salvador Cuevas Ortiz (Father) • Elizabeth Mata (Mother) 3. 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: <ul style="list-style-type: none"> • Reyes Cuevas Ramirez (Paternal Grandfather) • Rafaela Ortiz Molina (Paternal Grandmother) • Adrian Mata Huato (Maternal Grandfather) • Albertina Ramirez Gaona (Maternal Grandmother)
	MARIA GONZALEZ CUEVAS , paternal aunt is petitioner.	
Cont. from	Father: SALVADOR CUEVAS ORTIZ	
<input type="checkbox"/> Aff.Sub.Wit.	Mother: ELIZABETH MATA	
<input checked="" type="checkbox"/> Verified	Paternal Grandfather: Reyes Cuevas Ramirez	
<input type="checkbox"/> Inventory	Paternal Grandmother: Rafaela Ortiz Molina	
<input type="checkbox"/> PTC	Maternal Grandfather: Adrian Mata Huato	
<input type="checkbox"/> Not.Cred.	Maternal Grandmother: Albertina Ramirez Gaona	
<input type="checkbox"/> Notice of Hrg	Petitioner states she is the only living relative in this county that can care for the child. The mother is unable to care for or provide for the child financially because she is in Mexico. Mother fears for the child's safety due to violence in her hometown.	
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections	Court Investigator Samantha D. Henson's report filed 04/22/2014.	
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LV
		Reviewed on: 04/25/2014
		Updates:
		Recommendation:
		File 15 – Mata

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

		GENERAL HEARING 6-16-14	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Petitioner filed a declaration of due diligence stating that she does not know the father (has never met him). However, the declaration does not indicate any efforts to locate or serve him. The Court may require further diligence or notice pursuant to Probate Code §§ 2250(e), 1511.</p>
		NANCY M. CUEVAS , Maternal Aunt, is Petitioner.	
		Father: KENNETH HENSON - Declaration of Due Diligence filed 4-15-14	
		Mother: MARIA VASQUEZ - Personally served 4-15-14	
		Paternal Grandparents: Unknown Maternal Grandparents: Deceased	
		Siblings: Krystal Robledo, Sylvia Robledo, Maricela Vega, Cynthia Gaona, Anabeth Vasquez, Dominic Vasquez	
		Petitioner states the mother has given her the minor for six months or longer, they agreed she would be better off with Petitioner and her husband. The minor lived with them for two years, but then the mother got her act together and got the minor back. At this time, the mother is back on drugs, men and women coming and going from the house, the minor would be left alone with her 14-year old sister (who now lives with her father), or found out in the street alone. Petitioner requests temporary guardianship until the mother can prove that she is drug free, maybe some classes.	
		According to the UCCJEA, the minor has been with Petitioner since February 2014.	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	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		
			Reviewed by: skc
			Reviewed on: 4-25-14
			Updates:
			Recommendation:
			File 16 – Henson

Ex Parte Petition to Remove Gary Hamilton as Trustee and Appoint Interim Trustee
 Pending Final Hearing

DOD: 03/13/11	JAMIE STAR HAMILTON THOMAS , beneficiary, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		This matter to be heard at 10:00am
	Petitioner states:	CONTINUED FROM 04/22/14
Cont. from 042214	1. She is a beneficiary of the JAMES O. HAMILTON LIVING TRUST dated 04/16/03, as amended on 12/20/07 (the "Trust").	As of 04/28/14, nothing further has been filed.
<input type="checkbox"/> Aff.Sub.Wit.	2. The initial trustee of the Trust was James O. Hamilton. The nominated successor trustee was Gary Hamilton ("Gary"). Gary has been the acting successor trustee since James O. Hamilton's death on 03/13/11.	1. Need <i>Notice of Hearing</i> .
<input checked="" type="checkbox"/> Verified	3. The Trust provides that after the death of James O. Hamilton, the successor trustee should divide the trust assets into four shares for each of four beneficiaries: the Petitioner (Jamie Starr Hamilton Thomas), Joel Wade Hamilton ("Wade"), Cynthia Ann Thomas, and Richard Allen Thomas. The trustee shall make monthly payments of \$1,000.00 each to the four beneficiaries once that beneficiary reaches 60 years of age. If the assets of the Trust are not liquid, then the trustee must use his best efforts to liquidate the assets of the Trust to make these payments.	2. Need proof of personal service at least 5 days prior to the hearing (per Order on Ex Parte Petition) filed 04/14/14. Note: Proof of service filed 04/21/14 states that a copy of the Ex Parte Petition was personally served on Paul Pimentel, attorney for Gary Hamilton, on 04/17/14.
<input type="checkbox"/> Inventory	4. At the time James O. Hamilton passed away, the Petitioner was over 60 years of age. Accordingly, she was entitled to monthly payments of \$1,000.00 starting March 13, 2011. Despite the clear provisions of the Trust, Gary has not made a single payment to Petitioner from the assets of the Trust.	
<input type="checkbox"/> PTC	5. On 06/03/13, Petitioner filed a Verified Petition for (1) Removal of Trustee; (2) Accounting; (3) Surcharge; and (4) Approval of Attorney Fees (the "Petition"). The Petition asked the Court to remove Gary as trustee of the Trust and to appoint an independent third-party as trustee.	
<input type="checkbox"/> Not.Cred.	Continued on Page 2	
<input type="checkbox"/> Notice of Hrg		Note: The hearing on Petitioners Verified Petition for Removal of Trustee, Accounting, Surcharge, and Approval of Attorney Fees was continued for a settlement conference on 05/12/14 and set for an evidentiary hearing on 06/16/14.
<input checked="" type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		Reviewed by: JF
<input type="checkbox"/> Status Rpt		Reviewed on: 04/28/14
<input type="checkbox"/> UCCJEA		Updates:
<input type="checkbox"/> Citation		Recommendation:
<input type="checkbox"/> FTB Notice		File 1 – Hamilton

6. Gary filed a response to the Petition (the "Objection") stating that he had provided a trust accounting in October 2012 (the "Purported 2012 Accounting"). The Purported 2012 Accounting is not an accounting, but rather a list of assets of the Trust. The list includes two "missing items", namely gold coins worth \$245,000.00 and \$28,000.00 in cash.
7. Gary further admitted that he had purchased 20 acres in Fresno County (the "Fresno Property") from James O. Hamilton and given the Trust a promissory note for \$297,000.00 related to the purchase. Gary also gave the Trust a second promissory note for \$100,000.00. However, Gary admits that he never made a single payment on either note and now claims that he transferred the Fresno Property back to the Trust in lieu of making payments on the \$297,000.00 note.
8. Gary subsequently prepared an accounting dated 12/12/13 (the "Purported 2013 Accounting").
9. The Purported 2013 Accounting shows that the Trust holds a promissory note given by Wade to the Trust in the amount of \$25,000.00. Notwithstanding the fact that Wade owes money to the Trust, the Trust paid Wade \$1,000.00 a month from December 2011 through June 2013. Gary has marked these payments as repayments on loans Wade allegedly gave to the Trust. Moreover, the Purported 2013 Accounting does not show that Wade ever made any payments on the \$25,000.00 note he owed to the Trust.
10. In other words, Wade owed \$25,000.00 to the Trust; Wade paid approximately \$17,000.00 to the Trust; and yet the Trust then paid out approximately \$17,000.00 to Wade in payments of \$1,000.00 a month – the exact amount that should have been paid to the Petitioner.
11. Gary has chosen to characterize the payments to Wade as "loan repayment" from December 2011 – June 2013. However, the final "loan" shown on the Purported 2013 Accounting was allegedly given by Wade to the Trust on 06/21/13 – after the Trust had already "reimbursed" Wade for the alleged loan.
12. Although Gary as trustee holds title to over 600 acres of land in Oklahoma, he has not sold that property and has only collected \$10,000.00 in rent related to that property. Moreover, Gary has allegedly deeded the Fresno Property back to the Trust, but is not paying rent on the property and the Trust has no rental income from it (assuming that the Fresno Property was properly transferred to the Trust).
13. The Purported 2013 Accounting shows an estimated value for the Fresno Property of \$160,000.00. In other words, the Trust previously held a note for \$297,000.00 from Gary, and now only holds a property worth \$160,000.00 after Gary unilaterally transferred the Fresno Property to the Trust – a loss of \$137,000.00 to the Trust. Gary has attempted to get out of a bad land deal for himself personally by transferring the Fresno Property to the Trust, to the detriment of the beneficiaries of the Trust.
14. The Purported 2013 Accounting also shows that Wade owes the Trust under a promissory note in the amount of \$25,000.00, and that Cynthia Barton owes the Trust under a promissory note in the amount of \$30,000.00. Moreover, the Purported 2013 Accounting further shows that neither Wade nor Cynthia have made any payments to the Trust on either of those notes.
15. "A violation by the trustee of any duty that the trustee owes the beneficiary is a breach of trust" (Probate Code § 16400). A trustee has a duty to administer the trust according to the trust instrument. "The trustee has a duty to administer the trust solely in the interest of the beneficiaries". (*Id.* § 16002(a).) **Note:** Further authority provided in *Petition*.
16. Gary has violated numerous duties as trustee. Gary has refused to pay to the Petitioner the \$1,000.00 a month distributive payments she is owed under the terms of the Trust. At the same time, he has made \$1,000.00 a month payments to another beneficiary, Wade. Moreover, Gary has made the payments to Wade under the guise of "loan repayments," when in fact Wade owes money to the Trust and Gary's own accounting shows that Wade is not making payments on his debt.
17. Furthermore, Gary has engaged in self-dealing, insofar as he unilaterally chose to exchange a note worth \$297,000.00 that he owed to the Trust for a property worth \$160,000.00, a loss of \$137,000.00 to the Trust in favor of Gary.
18. Even though he has been trustee since 2011, Gary still has not sold the Oklahoma property in order to make the required payments to the Petitioner. Nonetheless, he has flown Wade to Oklahoma at the expense of the Trust and has paid Wade for unspecified "natural gas research".
19. Moreover, even though Gary identified \$245,000.00 in gold coins and \$28,000.00 as missing cash, Gary does not appear to have taken any steps to recover those assets for the Trust. Yet he continues to list these "assets" as assets of the Trust.

Continued on Page 3

20. Petitioner has filed a formal petition to remove Gary as trustee, to which he has objected. An evidentiary hearing is set for June 2014. In the meantime, however, Gary is not paying the Petitioner the amounts she is owed under the Trust and he is looking the other way while Wade and Cynthia Barton fail to make payments on the debt they owe to the Trust. He is not maximizing the income to the Trust for the benefits of its beneficiaries and has failed to sell the Oklahoma land in order to fulfill his duties.
21. Accordingly, the Petitioner respectfully asks the Court remove Gary on an interim basis pending the final hearing on the removal petition, and to appoint a neutral third-party to administer the Trust while the parties litigate the removal issues and the accounting issues.
22. Petitioner has spoken to Bruce Bickel, who has stated that he is willing and able to serve as an independent trustee pending the evidentiary hearing and the Court's final decision on the Petition.

Petitioner prays for an Order:

1. Suspending Gary's powers to act as trustee of the Trust pending a final resolution of the Petition;
2. Appointing Bruce Bickel, or another independent fiduciary as decided by the Court, as special trustee to serve as trustee until final resolution of the Petition;
3. For attorney's fees and costs;
4. For any and all other orders that the Court deems proper and just.

First Supplement to Ex Parte Petition to Remove Gary Hamilton as Trustee and Appoint Interim Trustee Pending Final Hearing filed 04/21/14 states:

1. Exigent circumstances exist to appoint an interim trustee while the petition to remove Gary Hamilton as trustee is pending. Although the Court has set a settlement conference for 05/12 and a hearing on the petition for 06/16, those dates will be changed. Counsel for Gary Hamilton, Joanne Sanoian, passed away in March after the dates were set. New counsel Paul Pimentel has substituted in as counsel for Gary Hamilton as of late April. Counsel have conferred and a stipulation will be prepared to continue the trial dates for 120 days to allow Mr. Pimentel to adequately prepare for the hearing.
2. In addition, since the original filing of the petition, Gary Hamilton has prepared an accounting for the trust. The accounting shows that Gary has distributed \$17,000.00 to Wade, even though Wade owed the trust \$25,000.00; and at the same time, Gary has not distributed any funds to petitioner Jamie Thomas. Gary is favoring other beneficiaries over Jamie Thomas.
3. Because Gary is not fulfilling his monthly duties to distribute funds to Jaime Thomas and because this matter will not go to hearing until September at the earliest, exigent circumstances exist that require Gary to be removed pending a final hearing on the removal petition.
4. Consent of Bruce Bickel to act as interim successor trustee is attached.