

Amended Petition for Termination of Proceedings Due to Lack of Assets and Discharge of the Personal Representative.

DOD: 1/12/1989	DOLORES TRUJILLO , Administrator, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR. Second Amended Petition filed and set for hearing on 6/9/16.</p> <ol style="list-style-type: none"> The petitioner was appointed in 1990 and there was no activity in the estate until it was set for a status hearing in August 2014. The court may inquire why this estate has languished so long and if the personal representative has breached her fiduciary duty to in managing and controlling the estate with ordinary care and diligence. Probate Code §9600. The petition does not state how the real property was managed for 25 years. Was it vacant? Was it rented out? Was it listed for sale prior to 2014? Need Order.
Cont. from	Petitioner states she and Mary Ellen Rodriguez were appointed as Administrators of the estate without any IAEA authority and bond of \$8,000.00.	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory	Bond filed on 1/17/1990.	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.	Co-Administrator Mary Ellen Rodriguez passed away on 6/6/1998.	
<input checked="" type="checkbox"/> Notice of Hrg	Petitioner states despite efforts to sell the property in the estate and pay delinquent taxes, the home is now under the control of the Fresno County Auditor Controller Treasurer Tax Collector and is scheduled for sale in March 2016.	
<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	The property was sold at auction to an unknown buyer for approximately \$22,000. The deed has not been recorded as of the date of filing, therefore Petitioner is unable to obtain a copy.	
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order	Petitioner states there are no other assets remaining that are subject to administration.	
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice	<p>Petitioner prays for an Order:</p> <ol style="list-style-type: none"> Terminating the proceedings due to lack of assets. Discharging the personal representative. 	
		<p>Reviewed by: KT</p> <p>Reviewed on: 4/27/16</p> <p>Updates: 4/29/16</p> <p>Recommendation:</p> <p>File 1- Rodriguez</p>

Age: 63	BARBARA CASTRO and JESSICA BURNETT, Daughters, are Co-Conservators of the Person. BARBARA CASTRO is sole Conservator of the Estate.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 040416	Letters issued on 1/19/07	<u>OFF CALENDAR.</u> <u>Fourth Account filed</u> <u>04/20/2016. Hearing set for</u> <u>06/01/2016.</u>
Aff.Sub.Wit.		
Verified	Bond in the amount of \$156,000.00 filed 12/30/2014.	Note: Status Hearing Re: Removal of Co-Conservators was continued to 04/07/2016.
Inventory		
PTC	Order Settling Third Account was filed 09/15/2014.	1. Need Fourth Account.
Not.Cred.		
Notice of Hrg	Minute Order of 12/01/2014 set this status hearing for the filing of the Fourth Account.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.	Status Report Regarding Failure to File Required Account and Report filed 03/30/2016 states the Account and Report is prepared and in the process of being finalized. It is anticipated that the Fourth Account Current and Report will be filed no later than Monday April 11, 2016.	
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: LV
Status Rpt		Reviewed on: 04/27/2016
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 2- Castro

Fourth Account and Report of Trustee and Petition for: 1) Allowance of Periodic Payment of Tutoring Fees; 2) Ratification of Trustee Fees; 3) Allowance of Periodic Payment of Trustee Fees; and 4) Attorney's Fees and Reimbursement of Costs Advanced

	COMERICA BANK & TRUST, N.A. , Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Account period: 2/1/15 – 2/22/16	
	Accounting: \$1,146,304.38	
	Beginning POH: \$1,031,787.04	
	Ending POH: \$1,028,392.53	
	(\$45,390.57 cash plus vehicle, securities)	
Cont. from	Trustee: \$7,796.21 (paid, on a monthly basis pursuant to Order entered 3/19/15; Petitioner requests ratification. Fee Schedule @ 0.65% of first \$1,000,000, etc. See Declaration at Exhibit F. Petitioner requests the Court continue to allow periodic payment during the next account period according to the same fee schedule.)	
<input type="checkbox"/> Aff.Sub.Wit.	Attorney: \$6,481.50 (requested, for 31.9 hours; or alternatively, \$5,744.00 , reduced by \$737.50 or 2½ hours, if this petition is approved with no appearance required. See Declaration at Exhibit H.)	
<input checked="" type="checkbox"/> Verified	Costs: \$311.09	
<input type="checkbox"/> Inventory	Caregiver: \$33,484.13 (paid, biweekly to beneficiary's mother pursuant to Order of 11/9/11.)	
<input type="checkbox"/> PTC	Investment Manager: \$11,708.93 (paid, to Morgan Stanley; Declaration at Exhibit D states Petitioner acts solely as a trustee and is not a money management or investment company. Petitioner utilizes the services of Morgan Stanley, which usually charges a nominal rate of 2.07% but because of its relationship with Petitioner, is charging 0.85% for assets owned by this trust.)	
<input type="checkbox"/> Not.Cred.	Tutoring: \$9,195.00 (paid, to Danielle Mullet for tutoring services rendered to the beneficiary due to her condition, recovery, and hospital stays, which has helped the beneficiary improve in her academics.)	
<input checked="" type="checkbox"/> Notice of Hrg	Vehicle: \$2,799.68 (paid, for car insurance premiums and reimbursement for registration costs.)	
<input checked="" type="checkbox"/> Aff.Mail	Recreational: \$800.00 (paid, to the beneficiary's mother for recreational activities to keep the beneficiary happy, busy, and mentally stimulated during her winter break, since the mother does not have the means to purchase the items listed on her own.)	
<input type="checkbox"/> Aff.Pub.	Reimbursement for household expenses: \$6,416.86 (paid, to the beneficiary's mother. During this account period, the family did not have the financial means to pay for various utility bills, school supplies, and purchase a washer and dryer for the beneficiary's clothing. As such, Petitioner was compelled to execute its fiduciary duties to provide the beneficiary with these basic necessities.)	
<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 checked="" type="checkbox"/> 2620(c)		
<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: skc
		Reviewed on: 4/27/16
		Updates:
		Recommendation:
		File 3- Whitmire

Petitioner prays for an Order of this Court:

1. Finding that notice of this petition has been given as required by law;
2. Finding that the allegations contained within the petition are true;
3. Finding that the property on hand at the end of the account period consists of \$45,390.57, a vehicle valued at \$44,970.75, and securities valued at \$938,031.21, total \$1,028,392.53.
4. Approving, allowing, and settling this Fourth Account, including each and every action and transaction therein, as filed;
5. The Court authorize and direct Petitioner to pay the beneficiary's tutor out of the trust estate periodic payments for tutoring services during the next accounting period;
6. The Court ratify the trustee's fees in the total sum of \$7,796.21 paid to Comerica Bank & Trust, N.A., during the Fourth Account Period;
7. The Court authorize and direct Petitioner to pay Comerica Bank & Trust, N.A., out of the trust estate periodic trustee's fees on a monthly basis during the next accounting period, pursuant to the fee schedule;
8. The Court authorize and direct Petitioner to pay to Gregory J. Lederman, Esq., out of the trust estate the total sum of \$6,481.50, or alternatively, \$5,744.00, for legal services rendered;
9. The Court authorize and direct Petitioner to pay \$311.09 for costs advanced on behalf of the trustee and trust estate; and
10. Any other and further orders as the Court deems just and proper.

Note: Costs totaling \$311.09 include courier fees of \$25.09 and telephonic appearance fees of \$86.00, which are considered by the Court to be a cost of doing business and not reimbursable pursuant to Local Rule 7.17. Therefore, Examiner has interlineated the proposed order to reduce the costs by \$111.09 for total reimbursable costs of \$200.00 only.

Note: The Court will set a status hearing as follows for the filing of the 5th Account:

- **Monday, April 24, 2017 if a one-year account is required, or**
- **Monday, April 23, 2018 if a two-year account is required, or**

Attorney Poochigian, Mark S. (for Petitioner Antonette Gutierrez, Successor Trustee)

Petition for Determination of Right to Surcharge Beneficiary's Interest, or in the Alternative, Enforce Money Judgment against Trust Beneficiary

DOD: 10/7/2005	ANTONETTE GUTIERREZ , daughter and Successor Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Continued from 1/11/2016. Minute Order states Mr. Poochigian requests an additional continuance due to the bankruptcy action.
		Note for background: Minute Order dated 11/9/2015 from the last hearing states Mr. Poochigian requests 60 days due to the Stay of Proceedings filed by Attorney Nunez on behalf of Raymond Renteria in U.S. Bankruptcy Court.
Cont. from 081015, 092115, 110915, 011116	Petitioner states:	Notes:
<input type="checkbox"/> Aff.Sub.Wit.	<ul style="list-style-type: none"> Settlor Erlinda Gutierrez created the ERLINDA GUTIERREZ TRUST by Declaration of Trust dated 6/21/2005 (copy attached as Exhibit A); Trust terms provide that Petitioner shall become sole trustee to fill the vacancy created by Settlor's death; Petitioner is the sole Successor Trustee of the Trust; Trust is the owner of an interest in real property on Pecan Avenue in Reedley; On 10/22/2007, RAYMOND RENTERIA [Settlor's brother], individually and as Guardian Ad Litem for RITA RENTERIA, filed an Ownership Action in Case 07CECG03513 alleging that they were the rightful owners of the property; Court concluded that the Renterias failed to establish their ownership; On 9/6/2012, the Court also entered in the Ownership Action a \$86,229.95 money judgment in favor of the Trust and against Renteria in favor of Petitioner, individually, and as Trustee of the Trust, and as Executor of the <i>Estate of Erlinda Gutierrez</i> in Case 06CEPR00207 (copy of judgment attached as Exhibit C; Court of Appeal upheld Trial Court decision); Accordingly, the Trust is the rightful owner of the property, and Petitioner, individually, as Trustee of the Trust, and as Executor of the Estate, is a judgment creditor of Renteria; 	<ul style="list-style-type: none"> Notice of Stay of Proceedings filed by Attorney Nunez on 8/6/2015 shows this matter is automatically stayed with regard to RAYMOND RENTERIA caused by filing in U.S. Bankruptcy Court on 7/24/2015. Order Settling Second and Final Account, etc., filed 11/12/2015 in the <i>Erlinda Gutierrez Estate</i>, Case #06CEPR00207, distributes the \$86,229.95 money judgment against RAYMOND RENTERIA to the estate heirs in their respective percentages.
<input checked="" type="checkbox"/> Verified		The following issue from the last hearing remains:
<input type="checkbox"/> Inventory		1. Need proposed order pursuant to Local Rule 7.1.1(F) which provides a proposed order shall be submitted with all pleadings that request relief.
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		Reviewed by: LEG
<input checked="" type="checkbox"/> Notice of Hrg		Reviewed on: 4/26/16
<input checked="" type="checkbox"/> Aff.Mail W /		Updates: 4/29/16
<input type="checkbox"/> Aff.Pub.		Recommendation:
<input type="checkbox"/> Sp.Ntc.		File 4 – Gutierrez
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order X		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
	~Please see additional page~	

Petitioner states, continued:

- *Order Determining Construction of Trust Instrument and Instructing Trustee* filed 9/19/2011 describes the nature of the interests of the parties with respect to the Reedley property under the terms of the Trust; the Court's order finds Renteria is the holder of a legal life estate in the property and is required to *[in brief sum, act as to the residence in a manner that a fee simple owner would normally act; not injure or harm the future interest holders; deliver to Antonette Gutierrez or her successors in interest possession of the residence upon termination of the life tenancy; keep the property in repair, pay taxes and other annual charges]*;
- Renteria presently occupies a portion of the residence located on the property and receives rent from leasing the remainder; Renteria has been derelict in his duties as holder of a life estate and has allowed the property to fall into a state of disrepair by failing to perform necessary repairs, neglecting to pay property taxes and insurance, and is therefore causing harm to the future interest held by the person designated to receive the remainder after Renteria's death;
- The Trust provides that the named beneficiaries' interests are not subject to voluntary or involuntary transfer;
- Apart from Renteria's life estate in the property, Petitioner believes he has no assets against which the judgment in favor of the Trust may be enforced, and that the value of Renteria's interest in the property is insufficient to satisfy the **[\$86,229.95]** money judgment entered against him.

Petitioner requests an Order that:

1. Petitioner, as Trustee of the Trust, is entitled to surcharge Renteria's remaining interest to (a) partially satisfy the money judgment entered in Case 07CECG03513, (b) pay for necessary repairs and maintenance on the property, and (c) pay all necessary expenses, including property taxes and insurance;
2. Petitioner is authorized and directed to take possession of the property, to lease the property for its reasonable rental value, collect all rents and profits received from the property, and apply the net income from all of the Trust property to the satisfaction of the **[\$86,229.95]** money judgment] until the judgment is satisfied in full, at which time all of the net income of the Trust shall be paid in convenient installments to Renteria; OR,
3. As an alternative to surcharge of the beneficiary's interest, the Trustee under Code of Civil Procedure § 709.010, shall lease the property for its reasonable rental value, and collect all rents and profits received therefrom and apply such funds to the satisfaction of the **[\$86,229.95]** money judgment]; or shall satisfy the judgment by such means as the Court in its discretion determines are proper, including imposition of a lien on or sale of the judgment debtor's interest, collection of trust income, and liquidation and transfer of trust property; and
4. Petitioner is awarded her attorneys' fees and costs.

Status Report of Petitioner ANTONETTE GUTIERREZ filed 4/29/2016 states:

- Petitioner filed her *Petition for Determination of Right to Surcharge Beneficiary's Interest, etc.*, on June 22, 2015; however, before the instant Petition could be heard, Raymond Renteria filed a petition for bankruptcy relief, staying the proceedings relative to the Petition;
- Petitioner will soon file in the United States Bankruptcy Court, Eastern District of California, her *Motion to Confirm Validity of Setoff Right*, requesting from that court an order confirming the existence of a valid right of setoff in favor of the **ERLINDA GUTIERREZ TRUST**, surviving the discharge entered in favor of Raymond Renteria in the United States Bankruptcy Court on or about October 21, 2015, and seeking confirmation of the Trustee's right, notwithstanding the discharge injunction (which does not, under applicable bankruptcy law, negate a valid setoff), to take such steps in state court as are necessary to effectuate such setoff to its full extent.
- The Motion is expected to be heard on **6/1/2016**; the instant *Petition* should not proceed until the United States Bankruptcy Court rules on the Motion;
- Petitioner requests that the hearing on the instant *Petition* be continued for **90 days** to allow the United States Bankruptcy Court to rule on the Motion.

Dept. 303, 9:00 a.m. Monday, May 2, 2016

Attorney Heather H. Kruthers (for Public Guardian)

First and Final Account and report of Conservator; Petition for Allowance of Compensation to Conservator and Her Attorney; and Distribution

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;">OFF CALENDAR</p> <p><i>First and Final Account and report of Conservator; Petition for Allowance of Compensation to Conservator and Her Attorney; and Distribution filed 4/7/2016 is set for 5/19/2016.</i></p>
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		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LEG
		Reviewed on: 4/27/16
		Updates:
		Recommendation:
		File 5- Smith

Petition for Appointment of Guardian of the Person

		<u>TEMPORARY DENIED</u>	NEEDS/PROBLEMS/COMMENTS:
		KATHLEEN V. KANALEY , paternal grandmother, is petitioner.	Objector: 1. Objections are not verified.
		Objection to Guardianship by Kattie Marie Bacud, mother, filed 3/15/2016.	
Cont. from		Supplemental declaration filed 3/28/2016 by Petitioner Kathleen Kanaley.	
<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 checked="" type="checkbox"/>	Pers.Serv.	w/	
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input checked="" type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Declaration filed 4/19/2016 by Katie Bacud.	
		Reply to objections filed 4/22/16 by Kathleen Kanaley.	
		Supplemental declaration filed 4/22/16 by Kathleen Kanaley.	
		Court Investigator report filed 4/22/16.	
		DSS report filed 4/26/2016.	
		<i>See petition for details.</i>	
			Reviewed by: SEF
			Reviewed on: 4/28/16
			Updates:
			Recommendation:
			File 6- Kanaley

Petitioner

Delgadillo, Yoana Alvarez (Pro Per – Mother – Petitioner)

Guardian

Soto, Leonarda (Pro Per – Paternal Grandmother – Guardian)

Probate Status Hearing RE: Visitation

	YOANA ALVAREZ DELGADILLO, Mother, filed a Petition for Termination of Guardianship on 8/24/15.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 1/25/16: Leonarda Soto is assisted by her daughter in the Spanish language. The Court admonishes Yoana Delgadillo regarding transporting the minor without a proper child restraint seat, and orders that the Guardian not allow visits if there is not a proper restraint seat in Ms. Delgadillo's vehicle. Ms. Delgadillo states she now has the proper seat. The Court also finds that the minor needs counseling; Ms. Delgadillo and the minor may attend sessions together, and if the counselor feels it is appropriate, the guardian can attend as well. Continued to 5/2/16.</p> <p>Note: The court ordered unsupervised visitation on 11/30/15 for Yoana Delgadillo every Saturday from 10am to 2pm. See minute order for details.</p> <p>Update: Yoana Delgadillo filed a declaration on 4/27/16.</p> <p>Reviewed by: skc</p> <p>Reviewed on: 4/27/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 7 - Soto</p>
	At the hearing on 10/26/15, visitation was ordered and the matter was continued to 11/2/15. See Minute Order of 10/26/15 for details.	
	On 11/2/15, the petition was denied, and the Court ordered that supervised visitation continue on Tuesdays from 4-6pm at an agreed-upon location in Huron and on Fridays from 4-6pm at the McDonald's in Coalinga. The Court ordered Ms. Soto (Guardian) not to bring her other grandchildren to the visit.	
	The Court set this status hearing regarding the visitation.	
Cont. from 113015, 012516		
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		

8 Jade Dylon Graff (CONS/PE)

Case No. 14CEPR00171

Petitioner Sovern, Sharon Kaye (Pro Per – Conservator - Maternal Grandmother)

First Account and Report of Sharon Sovern of the Person and Estate, Petition for Approval

Age: 20		SHARON KAYE SOVERN, Conservator, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need Amended Accounting based on but not limited to the following: <ul style="list-style-type: none"> • Petition does not comply with Probate Code §1060 et seq. • Summary of Account must be on the Mandatory Judicial Council Form, GC-400/GC-405. • Need Notice to all interested parties. 	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input checked="" type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			X
<input type="checkbox"/>	Aff.Mail			X
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			5/20/14
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input type="checkbox"/>	Order			X
<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: LV				
Reviewed on: 04/27/2016				
Updates:				
Recommendation:				
File 8- Graff				

Attorney: Anthony G. Celaya (for Petitioner Felix C. Magallanes)
 Attorney: Jeffrey B. Pape (for Margie Martinez and Monica Magalanes)

Third Restatement of First and Final Account, Report of Administrator,
 Petition for Statutory Fees and for Distribution of Intestate Estate

DOD: 11/5/13	FELIX C. MAGALLANES , Administrator, is petitioner.	NEEDS/PROBLEMS/COMMENTS: NEED Fourth Amended Account. – Examiner unable to review. Petition does not include any accounting schedules.
	Account period: 11/5/13 – 12/31/15	
Cont. from	Accounting - \$1,054,568.72	
Aff.Sub.Wit.	Beginning POH- \$1,053,414.13	
Verified	Ending POH - \$ 990,059.40	
Inventory	Administrator- \$25,585.43	
PTC	Administrator costs - ???	
Not.Cred.	Attorney - \$23,534.11	
Notice of Hrg	Proposed Distribution, pursuant to intestate succession, is to:	
Aff.Mail	Felix C. Magallanes – personal property Chevy, 1/3 of the stock, one parcel of real property and \$159,093.74.	
Aff.Pub.	Margie Martinez – 1/3 of the stock, Lincoln, one parcel of real property and \$129,593.74.	
Sp.Ntc.	Monica Magallanes Ibarra - 1/3 of the stock and \$190,093.74.	
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	Reviewed by: KT	
	Reviewed on: 4/28/16	
	Updates:	
	Recommendation:	
	File 9- Magallanes	

Petition for Final Distribution on Waiver of Account and for Allowance of Compensation for Ordinary Services

Age: 1/28/2015	STEPHEN M. BECK , executor with full IAEA without bond, is petitioner	NEEDS/PROBLEMS/COMMENTS:
	Accounting is waived	
	I&A - \$2,463,601.04	
Cont. from	POH - \$1,941,803.02 (\$943,927.02 is cash)	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	Executor - \$36,662.87 (statutory)	
<input checked="" type="checkbox"/> Inventory		
<input checked="" type="checkbox"/> PTC	Attorney - \$36,662.87 (statutory)	
<input checked="" type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Costs - none	
<input checked="" type="checkbox"/> Aff.Mail w/	Closing - \$4,000.00	
<input type="checkbox"/> Aff.Pub.	All beneficiaries have consented to the proposed distribution of the estate, including the distribution of real and personal property in undivided interests.	
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen	Distribution, pursuant to decedent's will and agreement of heirs, is to:	
<input checked="" type="checkbox"/> Letters 3/30/15	Janet Beck Hoover in trust for the benefit of Megan Hoover 233.33 AT&T stock 50% Pismo Beach property \$326,367.10 cash	
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report	Janet Beck Hoover 233.33 AT&T stock 50% Pismo Beach property \$326,367.10 cash	
<input checked="" type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting	Stephen M. Beck 233.33 AT&T stock 100% Big Creek property \$213,867.08 cash	
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input checked="" type="checkbox"/> FTB Notice		
		Reviewed by: SEF
		Reviewed on: 4/26/16
		Updates:
		Recommendation: SUBMITTED
		File 10- Beck

Report of Sale and Petition for Order Confirming Sale of Real Property

	<p>KENNETH KEARNS, Conservator with bond of \$95,416.00, is Petitioner.</p> <p>Sale price: \$155,000.00 Overbid: \$163,250.00 Reappraisal: \$155,000.00</p> <p>Property: 4551 N. Fruit, Fresno, 93705 Buyer: TGP Investments, LLC Broker: 5% or \$7,750 payable to 2.5% or \$3,875 each to Guarantee Real Estate and Goldleaf Real Estate.</p> <p>Petitioner states the property was listed commencing 11/11/15 and the current offer is the highest and only bid received.</p> <p>See petition re terms of sale.</p> <p>Petitioner states additional bond of \$140,000.00 will be needed.</p> <p>Declaration of Jeff Starbuck filed 4/15/16 states he is the agent associated with the listing brokerage. He previously filed a declaration in connection with the sale of the other property. The statements in that declaration regarding the substandard issues, poor maintenance and repairs, and structural problems of the properties are incorporated into this declaration. With regard to 4551 N. Fruit, the appraised value of \$200,000 was too high in light of the multiple physical problems which reduce its marketability and value. Issues include roof, wood rot, flooring and paint, windows and doors, fencing. The property had been listed for 110 days and the only formal offers received were from the current pending buyers, TGP Investments, which originally offered \$150,000. Conservator counteroffered \$180,000, and the buyer presented a "best" offer of \$155,000, which was accepted. No backup offers have been received. Mr. Starbuck feels the agreed sales price is reasonable and should be approved by this Court.</p>		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: On 3/16/16, the Court confirmed the sale of another property and ordered additional bond of \$165,000.00 (for a total bond of \$260,416.00); however, that additional bond has not yet been filed. See Page B.</p> <p>Note: The issue of appraisal value has been cured with the filing of a Reappraisal for Sale on 4/22/16.</p> <p>The following issue remains noted:</p> <ol style="list-style-type: none"> 1. Notice of Hearing was not sent to the Conservatee Jean Walters directly pursuant to Probate Code §1460(b)(2) and Cal. Rule of Court 7.51(c). <p>Note: Declaration filed 4/15/15 states the Conservatee's address is known, but is confidential. Because Mr. Kearns has already been given authority to sell the real property, it is requested that no additional notice be required to be given to the Conservatee and that the Court dispense with notice per §1460(e).</p> <p>Note: The Court will set a status hearing for the filing of the additional bond in the amount of \$140,000.00 (for a total bond of \$400,416.00) as follows:</p> <ul style="list-style-type: none"> Monday, June 13, 2016 <p>Note: The Public Guardian's Amended First and Final Account as Temporary Conservator was filed 4/19/16 and is set for 5/31/16.</p>
Cont. from 041816			
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			
		Reviewed by: skc	
		Reviewed on: 4/27/16	
		Updates:	
		Recommendation:	
		File 11A- Walters	

Attorney Shabazian, Steven L. (for Conservator Kenneth A. Kearns)

Status RE: Filing of Additional Bond

	KENNETH KEARNS is Conservator with current bond of \$95,416.00.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 4/18/16: Counsel represents that the property just closed escrow; he needs time to obtain the additional bond.</p> <p>1. Need additional bond of \$165,000.00 or written status report pursuant to Local Rule 7.5.</p> <p>Note: The Court's order of 3/16/16 increased total bond by \$165,000.00 to \$260,416.00. If the petition at Page A is granted confirming sale of another property, further additional bond of \$140,000.00 will be ordered for a total bond of \$400,416.00. See Page A.</p> <p>Note: Report of Sale for the last property located at 4532 N. Delno was filed 4/26/16 and is set for hearing on 6/7/16.</p>
	On 3/16/16, the Court confirmed the sale of real property located at 4552 N. Delno in Fresno and ordered additional bond of \$165,000.00.	
Cont. from 041816		
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		
		Reviewed by: skc
		Reviewed on: 4/27/16
		Updates:
		Recommendation:
		File 11B- Walters

**First and Final Report of Executor on Waiver of Account and
 Petition for Final Distribution**

DOD: 9/16/15	ANTOINE HOMSI , executor with full IAEA without bond, is petitioner	NEEDS/PROBLEMS/COMMENTS:
	Accounting is waived	
	I&A - \$240,000.00	
Cont. from	POH - \$240,000.00	
<input type="checkbox"/> Aff.Sub.Wit.	(no cash)	
<input checked="" type="checkbox"/> Verified	Executor - waived	
<input checked="" type="checkbox"/> Inventory	Attorney - \$3,900.00	
<input checked="" type="checkbox"/> PTC	(less than statutory – to be paid outside of this Probate)	
<input checked="" type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Distribution, pursuant to decedent's will, is to Antoine E. Homsí in its entirety:	
<input checked="" type="checkbox"/> Aff.Mail W/	100% real property located at 3054 Barstow, Fresno CA	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters 11/18/15		
<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: SEF
		Reviewed on: 4/26/2016
		Updates:
		Recommendation: SUBMITTED
		File 12- Kalebjian

Probate Status Hearing RE: Filing of the Inventory and Appraisal

DOD: 4/6/2015	VIRGINIA RINGS-COUCH , was appointed Administrator with full IAEA without bond on 12/7/15.	NEEDS/PROBLEMS/COMMENTS:
	Letters issued 12/7/15.	
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.	Minute order dated 12/7/15 set this status hearing re: the filing of the inventory and appraisal.	
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory	X	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.	Status report filed 4/28/16 states the sole asset of the estate are the rights of the decedent as a plaintiff in a Multi-District Litigation on behalf of similarly situated plaintiffs who alleged they were damaged by the pharmaceutical drug Zorelto based on a complaint filed in Federal Court in the State of Louisiana.	
<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.	The Multi-District Litigation is at a point where certain bellwether cases will go to trial in early 2017. When the bellwether cases are completed and damages, if any determined, a settlement value would be subject of all other cases involved in the Multi-District Litigation. Consequently, the best estimate of the law firm handling the litigation on behalf of the plaintiffs (including the decedent) is that settlement discussions following the completion of the bellwether cases will not be resolved until early 2018. Consequently, no inventory and appraisal would be able to be filed until the Court approves settlement and distribution to the Administrator.	
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input checked="" type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation	Request is made that a status report concerning the I&A be continued to the status hearing on filing of the first and final account and report of 2/6/2017 or a date agreeable to the Court.	
<input type="checkbox"/> FTB Notice		
		Reviewed by: SEF
		Reviewed on: 4/27/16
		Updates: 4/28/16
		Recommendation:
		File 13- Zeno

14 James Martin Brouwer (Estate) Case No. 15CEPR01058

Attorney Wishon, A Emory, III (for Anne Deford – Administrator)

Probate Status Hearing RE: Filing of the Inventory and Appraisal

DOD: 06/24/2015	ANNE DEFORD , daughter, was appointed Administrator with full IAEA authority without bond on 12/07/2015.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Final Inventory and Appraisal 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.</p>
	Letters issued 12/08/2015.	
Cont. from	Inventory & Appraisal Partial No. 1 filed 03/08/2016 shows an estate valued at \$175,000.00.	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.	Minute Order of 12/07/2015 set this Status Hearing for the filing of the Inventory and Appraisal.	
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		
		Reviewed by: LV
		Reviewed on: 04/27/2016
		Updates:
		Recommendation:
		File 14- Brouwer

Petition for Appointment of Guardian of the Person

See petition for details.			<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Minute Order 3/21/16:</u> Matter continued to allow time for investigation.</p> <p>1. Need proof of <u>personal</u> service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing pursuant to Probate Code §1511 on: - Charisma Gonzales Tovar (Mother) (Service by mail on the mother is not sufficient per Probate Code §1511)</p>
Cont from. 032116			
	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		
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 4/27/16
			Updates:
			Recommendation:
			File 15- Gonzales-Tovar

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR.</u> <u>Receipt of Bond filed</u> <u>04/20/2016.</u></p>
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	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	
		Reviewed by: LV
		Reviewed on: 04/27/2016
		Updates:
		Recommendation:
		File 16- Knight

Petitioner Josefina Garcia (Pro Per, maternal grandmother)

Petition for Appointment of Guardian of the Person

		NO TEMPORARY REQUESTED	NEEDS/PROBLEMS/COMMENTS:
		<p>JOSEFINA GARCIA, maternal grandmother, is Petitioner.</p> <p style="text-align: center;">~Please see Petition for details~</p> <p>Court Investigator's Report was filed on 4/12/2016.</p>	
Cont. from			<ol style="list-style-type: none"> <u>If Court does not find due diligence per the Declaration filed on 4/26/2016</u>, need Notice of Hearing and proof of personal service of the Notice of Hearing with a copy of the Petition for Appointment of Guardian, or Consent to Appointment of Guardian and Waiver of Notice, for: <ul style="list-style-type: none"> Mayra Ruiz, mother. <u>If Court does not find due diligence per the Declaration filed on 4/26/2016</u>, need proof of service by mail of the Notice of Hearing with a copy of the Petition for Appointment of Guardian, or Consent to Appointment of Guardian and Waiver of Notice, for: <ul style="list-style-type: none"> Jesus Ruiz Duarte, maternal grandfather. Need proof of service by mail of the Notice of Hearing with a copy of the Petition for Appointment of Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or Declaration of Due Diligence, for: <ul style="list-style-type: none"> Manuel E. Loredo, sibling (if age 12 or over); Andrew Loredo, sibling (if age 12 or over); Angelus J. Garcia, sibling (if age 12 or over).
<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	X	
<input type="checkbox"/>	Aff.Mail	X	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	X	
<input checked="" type="checkbox"/>	Conf. Screen		
<input 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 checked="" type="checkbox"/>	Clearances		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: LEG
			Reviewed on: 4/27/16
			Updates:
			Recommendation:
			File 17- Garcia

18 Johnny Hernandez, JR, and Amina Hernandez (GUARD/P)

Case No. 16CEPR00219

Petitioner Romero, Patricia Gonzales Casel (Pro Per – Paternal Grandmother)

Petition for Appointment of Guardian of the Person

Amina Age: 4	<p><u>TEMPORARY EXPIRES 05/02/2016</u></p> <p>PATRICIA CASAL ROMERO paternal grandmother, is petitioner</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>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:</p> <ul style="list-style-type: none"> • Jose Hernandez (Paternal Grandfather) • Maternal Grandfather (Unknown) • Maternal Grandmother (Unknown) 	
Johnny Age: 6			
Cont. from			
Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
Inventory			
PTC			
Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
Aff.Mail			X
Aff.Pub.			
Sp.Ntc.			
<input checked="" type="checkbox"/> Pers.Serv.			w/
<input checked="" type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
Objections			
Video Receipt			
<input checked="" type="checkbox"/> CI Report			
9202			
<input checked="" type="checkbox"/> Order			
Aff. Posting			
Status Rpt			
<input checked="" type="checkbox"/> UCCJEA			
Citation			
FTB Notice			
Reviewed by: LV			
Reviewed on: 04/27/2016			
Updates:			
Recommendation:			
File 18- Hernandez			

Petitioner: Tina Sharp (pro per)

Petitioner: Johnny Sharp (pro per)

Petition to Establish Fact of Marriage

		<p>JOHNNY SHARP and TINA SHARP are petitioners.</p> <p>Petitioners request the court establish the fact, date, and place of their marriage.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Petitioners did not obtain a marriage license. A marriage license is required for a valid marriage in California. Family Code §300 et seq. Pursuant to Health & Safety Code §103450, the purpose of obtaining an order establishing fact of marriage is to obtain a certificate to replace one which was never registered or to obtain a certified copy of the registration when the original records were lost or destroyed. Thus, the procedure is designed to cure a failure to register the marriage, not the failure to obtain a license.</p> <p>2. Petition lists Tina under the name of Tina Sharp. Order lists her as Tina Marie Smith. The petition should include Tina under her maiden name at #2.</p>
Cont. from 032816			
<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 N/A		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.	<p>Petition states Johnny Sharp and Tina Sharp were married on August 30, 1980 in Ontario, San Bernardino County, California.</p> <p>There is no official record of the marriage.</p> <p>A certified copy of the original record cannot be obtained because the paperwork for the marriage license did not get filed.</p> <p>Declaration of Tina Sharp filed on 4/19/16.</p> <p>Petitioners request the court make an order determining that the marriage of Johnny Sharp and Tina Sharp did in fact occur on August 30, 1980 in Ontario, San Bernardino County, California.</p>	
<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: KT</p> <p>Reviewed on: 4/27/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 19- Sharp</p>	

Attorney Jeffrey A. Jaech (for Petitioner Jill Jones)

Petition for Orders Ordering Conveyance of Property, Imposing Damages under Probate Code Section 859, Finding Respondent Liable for Elder Abuse, and Imposing Constructive Trust

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED TO 6/9/2016 Per Attorney request</p>
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		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LEG
		Reviewed on: 4/27/16
		Updates:
		Recommendation:
		File 20- Jorja

Attorney Ryan M. Janisse (for Petitioner Jason Raulston, grandson)

Petition to Determine Succession to Real Property

DOD: 10/10/2009	JASON RAULSTON , grandson, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note Re Decedent's Original Will: Probate Code § 8200 requires the original Will of Decedent be lodged with the Court. <i>Supplement to Petition</i> filed 4/28/2016 states the original Will of Decedent has not been found despite diligent search through many boxes of papers which remained at the Decedent's property; Petitioner assisted Decedent before her death, and the family knew and understood that Petitioner would inherit her house; after Decedent's death, Petitioner moved to Michigan; Petitioner requests that in light of no objections being filed, the <i>Petition</i> be granted.</p> <p>Note: The <i>Petition</i>, in conjunction with the <i>Supplement to Petition</i> filed 4/28/2016, and the <i>Declaration of Suzanne Carroll in Support of Petition</i> filed 4/28/2016, is procedurally satisfactory; the matter is not recommended for pre-approval based upon the discretionary determination required by the Court as to the allegations regarding the lost Will of the Decedent, given that the Will forms the basis of the Petitioner's request for distribution of the property to him.</p> <p>Reviewed by: LEG</p> <p>Reviewed on: 4/27/16</p> <p>Updates: 4/28/16</p> <p>Recommendation:</p> <p>File 21- Raulston</p>
Cont. from	40 days since DOD.	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	No other proceedings.	
<input checked="" type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.	I & A - \$90,000.00	
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	W/ [Lost] Will dated 8/22/2007 devises the residue of the estate to the Petitioner.	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.	Petitioner requests Court determination that Decedent's 100% interest in real property located at 4429 E. Swift Ave., Fresno , passes to the Petitioner pursuant to Decedent's [Lost] Will.	
<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		

Petitioner Gretta Christa (Pro Per, daughter)

Petition for Appointment of Temporary Conservator

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED TO</p> <p>5/23/2016</p> <p>Per Petitioner request</p>
Cont. from		
<input type="checkbox"/>	Aff.Sub.Wit.	
<input 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 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: LEG
		Reviewed on: 4/27/16
		Updates:
		Recommendation:
		File 22- Petrossian

Petition for Appointment of Temporary Guardian of the Person

	TEMPORARY EXPIRES 5/2/16		NEEDS/PROBLEMS/COMMENTS:
	GENERAL HEARING 6/7/16		
	PATRICIA ASHER, maternal grandmother, is petitioner		<p>Continued from 4/18/16. Minute order states written objections to be filed and served no later than 4/25/16. Melissa Mendoza (Hughes) is served both petitions and a <i>Notice of Hearing</i> for 6/7/16 by Deputy Gleason in open court. Matter is continued for the remaining service issues.</p> <ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i>. 2. Need proof of personal service at least 5 court days before hearing of <i>Notice of Hearing</i> with copy of petition <u>or</u> consents and waivers of notice on: <ol style="list-style-type: none"> a. Thomas (minor) b. Precious (minor) 3. Petitioner requests to be excused from giving notice to both fathers of minors. If court does not excuse notice need proof of personal service at least 5 court days before hearing of <i>Notice of Hearing</i> with copy of petition <u>or</u> consents and waivers of notice for: <ol style="list-style-type: none"> a. Santiago Hernandez (father of Thomas) b. Manuel Pardo (father of Precious) 4. UCCJEA is incomplete. Need residence information for both minors from February 2011 through 2/29/16.
	See petition for details.		
	Cont. from 041816		
	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		
			Reviewed by: SEF
			Reviewed on: 4/26/2016
			Updates:
			Recommendation:
			File 23- Pardo

Petitioner Danielle Cecilia Zarate Juarez (Pro Per, paternal grandmother)

Petitioner Henry, Juarez, Jr. (Pro Per, paternal grandfather)

Petition for Appointment of Temporary Guardian of the Person

	<u>General Hearing set for 6/20/2016</u>	NEEDS/PROBLEMS/COMMENTS:
	DANIELLE JUAREZ and HENRY JUAREZ, JR., paternal grandparents, are Petitioners.	1. Need <i>Notice of Hearing</i> .
	<i>~Please see Petition for details~</i>	2. Need proof of five (5) court days' notice by personal service of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Temporary Guardian</i> , or <i>Consent to Appointment of Guardian and Waiver of Notice</i> , or a <i>Declaration of Due Diligence</i> for:
Cont. from		<ul style="list-style-type: none"> • Frank Henry Juarez, father.
<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	X	
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.	X	
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input 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: LEG
		Reviewed on: 4/27/16
		Updates:
		Recommendation:
		File 24- Mendez

Attorney Jonathon L. Petty (for Petitioner Jessie Gomez, spouse)

Petition to Determine Succession to Real Property

DOD: 11/10/2006	JESSIE GOMEZ, spouse, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Ex Parte Order Shortening Time for the Hearing on the Petition to Determine Succession to Real Property filed 4/26/2015 finds the hearing on the instant Petition to Determine Succession is set for 5/2/2016, and that the Petitioner shall provide notice at least 5 days prior to hearing set on 5/2/2016 to all heirs of decedent pursuant to Probate Code § 13152(a)(7) and 13153, or signed waivers of such notice.</p> <p>~Please see additional page~</p>	
	40 days since DOD.		
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.	No other proceedings.		
<input checked="" type="checkbox"/> Verified			
<input checked="" type="checkbox"/> Inventory			
PTC	I & A - \$103,750.00		
Not.Cred.			
Notice of Hrg	<input checked="" type="checkbox"/>		
Aff.Mail	<input checked="" type="checkbox"/>		
Aff.Pub.			
Sp.Ntc.	Petitioner requests Court determination that Decedent's 1/4 interest in real property located at 7300 Olive Ave., Fresno, passes to the Petitioner pursuant to Decedent's Will.		
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
<input checked="" type="checkbox"/> Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			Reviewed by: LEG
			Reviewed on: 4/28/16
		Updates:	
		Recommendation:	
		File 25- Gomez	

NEEDS/PROBLEMS/COMMENTS, continued:

1. Declaration of Jessie Gomez in Support of Ex Parte Application for an Order Shortening Time filed 4/27/2016 includes as Exhibit B a document entitled "Waiver of Notice to Ex Parte Application to Shorten Time for Hearing to Determine Succession to Real Property," which is signed by the three heirs of Decedent's estate (Petitioner being the sole devisee of Decedent's Will). The document states the heirs understand that they have the right to receive notice under Probate Code § 1200 in regards to the hearing on the *Ex Parte Application to Shorten Time for Hearing to Determine Succession to Real and Personal Property*, and that they understand that by signing the waiver form, they give up their right to receive notice but choose to waive notice under Probate Code § 1204. This signed document waives notice of the ex parte application to shorten time, which was granted on 4/26/2016, for the three signatories: Petitioner **JESSIE GOMEZ, MANUEL GOMEZ, JR.**, and **SHEILA LYNN LAY**. However, this document does not appear to waive notice of hearing for the *Petition to Determine Succession*, which hearing was shortened to **5/2/2016**. Court may potentially deem the waivers of notice of the ex parte application are sufficient to demonstrate an intent of the heirs to waive notice of both the ex parte application to shorten time and the *Petition to Determine Succession*; or Court may require notice to the two heirs **MANUEL GOMEZ, JR.**, and **SHEILA LYNN LAY** of the 5/2/2016 hearing on the *Petition to Determine Succession* pursuant to Probate Code § 13152(a)(7) and 13153; or Court may allow signed waivers of such notice.
2. *Petition* does not but should contain Attachment 11 to the *Petition* specifying the legal description of the real property and its Assessor's Parcel Number (APN) pursuant to Probate Code § 13152(a)(3), as well as the percent of Decedent's interest in the property. (However, Item 13 of the *Petition* does contain the information that Decedent's interest in the real property is **1/4 interest**, and that Petitioner shall receive Decedent's **1/4 interest** pursuant to Decedent's Will. In addition, the proposed order does contain the **legal description and APN of the 1/4 interest** in the real property.)
3. Item 15 of the *Petition* does not but should list all persons named as executors in Decedent's Will. (However, Petitioner included a copy of Decedent's Will as an attachment to the *Petition* as required; Decedent's Will nominates the Petitioner **JESSIE GOMEZ** as executor without bond, and if she fails to act, Decedent's daughter, **SHEILA GOMEZ LAY** is nominated as alternate executor without bond.)