



## ATTENTION

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

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

Thank you for your patience.



**Petition of Trustee for Approval of First Account Current, for Approval of Trustees' Fees and for Authorization to Compensate Counsel for the Trustee**

		<b>PERINE &amp; DICKENS PROFESSIONAL FIDUCIARIES,</b>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 4/23/12. Minute order states Mr. Barron advises the Court that he recently received objections and requests a continuance.</b></p> <p><b>1. Attorney costs include copy, postage and fax charges totaling \$31.10. Pursuant to Local Rule 7.17B the above costs are considered by the court to be a part of the cost of doing business and are not reimbursable.</b></p>
		Trustee, is petitioner.	
		Account period: 4/1/11 – 1/31/12	
<b>Cont. from 042312</b>		Accounting - <b>\$228,402.70</b>	
<input checked="" type="checkbox"/>	Aff.Sub.Wit.	Beginning POH- <b>\$0</b>	
<input checked="" type="checkbox"/>	Verified	Ending POH - <b>\$161,984.16</b>	
	Inventory	Attorney - <b>\$3,814.10</b> (per itemization and declaration, 20.4 hour @	
	PTC	Trustees - <b>\$10,854.00</b> (Trustees are allowed to pay themselves for services rendered at \$120 per hour not to exceed \$1,500.00 per month. Trustees have received \$10,680.00 therefore have an outstanding balance due of \$174.00)	
	Not.Cred.	Current bond is \$270,091.70. <b>Petitioner request bond be reduced to \$200,000.</b>	
<input checked="" type="checkbox"/>	Notice of Hrg	<b>Petitioner prays for an Order:</b>	
<input checked="" type="checkbox"/>	Aff.Mail	1. Settling Trustee's First Account and allowing, confirming and approving all acts and transactions set forth herein;	
	Aff.Pub.	2. Approving fees received by the Trustees through 1/31/12 and authorizing the additional sum of \$174.00;	
	Sp.Ntc.	3. Reducing the bond to \$200,000.00;	
	Pers.Serv.	4. Authorizing Trustees to pay their attorneys the sum of \$3,814.00 for attorney fees and costs.	
	Conf. Screen	<i>Please see additional page</i>	
	Letters		
	Duties/Supp		
<input checked="" type="checkbox"/>	Objections		
	Video Receipt		
	CI Report		
	9202		
<input checked="" type="checkbox"/>	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

<b>Reviewed by: KT</b>
<b>Reviewed on: 4/25/12</b>
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 2 - Diaz</b>

**Objections to Petition of Trustee for Approval of First Account filed by Janie Jimenez on 4/20/12.** Objector states she is the sister of Josephine Diaz, beneficiary. The beneficiary has lived in Objector's home for more than 15 year and Objector is her full-time caretaker. The beneficiary requires 24 hour care and supervision and requires a wheel chair for mobility.

As indicated in the accounting the Trustee was authorized and instructed by the Court to expend up to \$71,436.07 of Trust funds to modify the master bathroom, install new flooring, construct wheelchair ramps in the Jimenez home and construct a storage shed in order to accommodate the Beneficiary's wheelchair and other equipment for her special needs.

The Accounting reports payments to Dan's construction in the amount of \$33,796.00 for improvements made to the home through January 31, 2012. Ms. Jimenez believes that significant additional payments have also been made after the accounting period based on statements by the Trustee to her that there is only \$5,000 left for the construction project. Ms. Jimenez has asked the Trustee to provide her with all of the contracts, bills and any paperwork in connection with the work being done on her home, but the Trustee has not yet provided any of this information to her. Ms. Jimenez believes that even the \$33,796 that has been paid to Dan's Construction is unreasonable. She estimates that the project is only about 20% complete. Moreover, the work completed was poorly done and with the cheapest building materials. As a result, several repairs are already required. Ms. Jimenez estimates that the construction work completed on her home thus far is only worth an estimated \$8,000 - \$10,000.

Ms. Jimenez believes the Trustee has been unhelpful in holding Dan's Construction accountable for completing the work it was hired to do. When Ms. Jimenez shared her concerns with the Trustee, one of the Trustees simply replied, "It is what it is."

**Wherefore, Janie Jimenez prays for an Order as follows:**

1. Directing the Trustee to file an Amended First Account and Petition to Settle the First Account to address the deficiencies set forth above.
2. Directing the Trustee to provide Ms. Jimenez with any and all paperwork related to the construction project, including, without limitation, contracts, bills, and any written communication with Dan's Construction.
3. Surcharging the Trustee for any breaches of fiduciary duty arising out of it conduct in connection with the construction project.
4. For attorney fees and costs.

**Declaration of Christopher Kennedy in Support of Petition of Trustee for Approval of First Account filed on 4/20/12 states** Josephine Diaz is totally disabled and lives in the home of her sister and brother-in-law. Because of her disability, Ms. Diaz is dependent on others to purchase all of her personal items for her. For reasons of economy, the practice used by the Trustee in this case has been to rely upon Mr. and Mrs. Jimenez to purchase Ms. Diaz's personal items and then to reimburse them. The check was issued to Ms. Jimenez to reimburse for miscellaneous purchases made. The single largest item was for massage therapy provided to Ms. Diaz by Consuela Valencia. Copies of receipts are attached.

<p>Joan Helen Johnson (Decedent) DOD: 3-1-09</p> <hr/> <p>Dewey E. Johnson (Surviving Spouse) DOD: 9-26-11</p> <hr/> <p>Aff.Sub.Wit.</p> <hr/> <p>Verified <input checked="" type="checkbox"/></p> <hr/> <p>Inventory</p> <hr/> <p>PTC</p> <hr/> <p>Not.Cred.</p> <hr/> <p>Notice of Hrg</p> <hr/> <p>Aff.Mail</p> <hr/> <p>Aff.Pub.</p> <hr/> <p>Sp.Ntc.</p> <hr/> <p>Pers.Serv.</p> <hr/> <p>Conf. Screen</p> <hr/> <p>Letters</p> <hr/> <p>Duties/Supp</p> <hr/> <p>Objections</p> <hr/> <p>Video Receipt</p> <hr/> <p>CI Report</p> <hr/> <p>9202</p> <hr/> <p>Order</p> <hr/> <p>Aff. Posting</p> <hr/> <p>Status Rpt</p> <hr/> <p>UCCJEA</p> <hr/> <p>Citation</p> <hr/> <p>FTB Notice</p>	<p><b>JENNIFER HUGHES and ELIZABETH CORDERO</b>, Daughters and personal representatives of <b>DEWEY E. JOHNSON</b>, Surviving Spouse, are Petitioners.</p> <p>No other proceedings.</p> <p><b>Petitioners request court confirmation that ½ interest in real properties, investment accounts, bank accounts, 2006 Lexus, personal property and furniture and furnishings belongs to DEWEY E. JOHNSON, and that ½ interest passes to him.</b></p> <p><b>Attorney St. Louis’ Memorandum of Points and Authorities filed 4-6-12 states:</b> Decedent’s will dated 12-17-1982 that was previously submitted in connection with the prior Spousal Property Petition was not the Decedent’s last will and the attorney did not realize until the hearing that it was an earlier will than was attached to the 850 Petition for the Surviving Spouse’s trust (Case #12CEPR00037).</p> <p>In Case #12CEPR00037 (Dewey E. Johnson Living Trust dated 4-15-11), Petitioners, as trustees, requested Court confirmation pursuant to Probate Code §850 that the entirety of the community property assets of the Decedent Joan Helen Johnson and the Surviving Spouse Dewey E. Johnson are subject to Surviving Spouse Dewey E. Johnson’s living trust. (<i>Examiner notes that trust was created after Decedent’s death</i>).</p> <p>Attorney St. Louis states the Court expressed reluctance to confirm Decedent Joan Helen Johnson’s community property interest in the assets to the trust due to the lack of jurisdiction. Attorney St. Louis also states the Court’s reluctance may have also been in part due to the discrepancy in the supporting documents provided.</p> <p>Attorney St. Louis states Petitioners are the sole heirs under the will of their mother Joan Helen Johnson, and under both the will and trust of their father, Dewey E. Johnson. The Court has the power to appoint the Petitioners Special Administrators/Personal Representatives of the estate of their late father, with the right to file the Petition, and to confirm that their father, Dewey E. Johnson succeeded to the community property interest of his late wife Joan in their community property. Petitioners filed an 850 Petition seeking confirmation of the intent of their late father to convey both his community property interest and the community property interest of his deceased wife to the trust. The court has Power to authorize and direct the petitioners as trustees of the trust to execute and deliver all documents necessary to establish such ownership in the trust.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p style="text-align: center;"><b><u>SEE PAGE 2</u></b></p> <hr/> <p><b>Reviewed by:</b> KT / skc</p> <hr/> <p><b>Reviewed on:</b> 4-25-12</p> <hr/> <p><b>Updates:</b></p> <hr/> <p><b>Recommendation:</b> File 3 - Johnson</p>
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## NEEDS/PROBLEMS/COMMENTS:

1. This Amended Petition filed 4-6-12 is not verified by the Petitioners pursuant to Probate Code §1021.

2. Need authority to proceed. It does not appear that Petitioners have standing to bring this Petition.

Examiner notes that under Probate Code §13650 (*a summary proceeding*) a Spousal Property Petition may be brought by a surviving spouse or a personal representative of the surviving spouse's estate.

Surviving Spouse DEWEY E. JOHNSON post-deceased the Decedent (DOD: 9-26-11). Petitioners state at #2b that they are the personal representatives of the surviving spouse's estate; however, they have not been appointed as personal representatives of his estate. Further, the Supplement to the original Petition filed 2-24-12 previously explained that Petitioners do not expect to file a petition for probate or obtain letters.

Attorney St. Louis' Memorandum of Points and Authorities suggests that the Court has authority to appoint Petitioners as special administrators of the estate in order to file this Spousal Property Petition. However, Petitioners did not file a Petition for Letters of Special Administration. A separate petition is required.

3. The Supplement to the original Petition filed 2-24-12 (*which also was not a verified document*) attached a copy of a will dated 12-17-1982 that confirmed to the surviving spouse his community property interest in their community property, but devised a portion of her interest in the community property to a testamentary trust. The Examiner Notes for the hearing on 2-28-12 pointed out that the petition could not be granted pursuant to this will, among other issues.

Attorney St. Louis' Memorandum of Points and Authorities now attaches the first page only of a file-stamped copy of a later will that was deposited with the Court, and provides a complete but unsigned copy of that will. Attorney St. Louis states the original deposited will that was deposited with the Court is signed, and also refers to a signed copy that was attached to a petition in another case (Case #12CEPR00037 Dewey E. Johnson Living Trust); however, does not provide a signed copy with this Amended Petition as required by Probate Code §13651(b).

If this petition goes forward, a copy of the signed will that is referenced must be provided for this case pursuant to Probate Code §13651(b).

*Note: It is a petitioner's responsibility to obtain a copy of the will that is referenced in the petition, even if it was previously deposited with the Court or filed in another case. The Court cannot do this search and copy work for the attorney unless requested, and for a fee, and even then, the petitioner must take the appropriate action to file the documentation in a file-able format in the appropriate case.*

4. This Amended Petition requests Court confirmation that Surviving Spouse Dewey E. Johnson's ½ community property interest in the assets belongs to him (or his estate) at #7b; however, pursuant to Court order on 2-28-12 in Case #12CEPR00037, Surviving Spouse Dewey E. Johnson's community property interest in these assets have already been confirmed as assets of the Dewey E. Johnson Living Trust dated 4-15-11.

Therefore, the Court cannot make the order requested at #7b. (*Examiner notes, however, that no order was submitted for signature after that hearing.*)

Note: The Examiner Notes from the 2-28-12 hearing (provided on the left side of the file for your reference) did not reference jurisdiction as described by the attorney in the Memorandum of Points and Authorities. The Examiner Notes simply pointed out the deficiencies in the petition of petitioners' standing, verification issue, and the fact that the attached will did not support the petitioners' request.

**4 Charles Robert Fitzgerald aka Robert Fitzgerald aka Charles R. Fitzgerald  
aka Charles Fitzgerald aka Bob Fitzgerald aka C. Robert Fitzgerald aka C. Bob  
Fitzgerald (Estate) Case No. 12CEPR00163**

**Atty Gin, Robert W. (for Susie Fitzgerald – spouse/Petitioner)**

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

<b>DOD: 12/04/11</b>	<b>SUSIE FITZGERALD,</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	spouse/named Executor without bond, is Petitioner.	
<b>Cont. from 032612</b>	Full IAEA – OK	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	s/p	
<input checked="" type="checkbox"/> <b>Verified</b>	Will dated: 05/31/96	
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>	Residence: Fowler	
<input type="checkbox"/> <b>Not.Cred.</b>	Publication: Fowler Ensign	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	<b><u>Estimated Value of the Estate:</u></b>	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	w/ Personal property - \$251,860.80	
<input checked="" type="checkbox"/> <b>Aff.Pub.</b>	Real property - 90,000.00	
<input type="checkbox"/> <b>Sp.Ntc.</b>	<b>Total - \$341,860.80</b>	
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>	Probate Referee: <b>RICK SMITH</b>	
<input checked="" type="checkbox"/> <b>Letters</b>		
<input checked="" type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by: JF</b>
		<b>Reviewed on: 04/26/12</b>
		<b>Updates: 04/27/12</b>
		<b>Recommendation: SUBMITTED</b>
		<b>File 4 - Fitzgerald</b>



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

DOD: 12/15/11		<p><b>LEWANNA PARKER</b>, surviving spouse, is Petitioner.</p> <p>No other proceedings.</p> <p>Decedent died intestate.</p> <p>Petitioner states that she and the decedent were married on August 31, 1996 and remained married until the decedent's death. In May of 2003, Petitioner and the decedent purchased their home from Centex Homes, whom the decedent worked for at the time. For purposes of financing, only the decedent was named on the mortgage and Petitioner signed a grant deed transferring her interest in the property to the decedent as his sole and separate property. Petitioner states that it was always the understanding of both decedent and Petitioner that the home was community property and that the grant deed was executed by Petitioner solely for financing purposes. The funds for the down payment and all mortgage payments, homeowner's insurance, property taxes, and maintenance on the residence was paid with community property. Decedent's illness that led to his death progressed rapidly and as such, decedent and petitioner were not able to add Petitioner's name to the title, although they discussed doing so.</p> <p>Petitioner requests court confirmation that decedent's 100% interest in real property located at 2867 San Gabriel, Clovis, CA passes to her.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Note:</u> The decedent is survived by his wife and four minor children. Pursuant to Intestate Succession, (Pr.C. 6401) with regard to separate property when a decedent leaves more than one child, the surviving spouse is entitled to one-third of the intestate estate. If the Court determines that the property was community property as alleged, the surviving spouse is entitled to the decedent's ½ community property interest. Petitioner is not requesting court confirmation of her own ½ interest in the community property.</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/
<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			
Reviewed by: JF				
Reviewed on: 04/26/12				
Updates:				
Recommendation:				
File 6 - Parker				



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

<b>DOD: 3/7/2012</b>	<b>PUBLIC ADMINISTRATOR</b> is petitioner and requests appointment as Administrator.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. #5.a.(5)(a) of the petition indicates the decedent is survived by a child however no children of the decedent are listed at # 8.  2. #5.a.(7) of the petition indicates the decedent was survived by issue of a predeceased child however no issue of a predeceased child is listed at #8.
<b>Cont. from</b>	Full IAEA – o.k.	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>	Decedent died intestate.	
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>	Residence: Fresno	
<input type="checkbox"/> <b>Not.Cred.</b>	Publication: Fresno Business Journal	
<input type="checkbox"/> <b>Notice of Hrg</b>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	<u>Estimated value of the estate:</u> Real property - \$178,550.00	
<input checked="" type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>	<b>Probate Referee: STEVEN DIEBERT</b>	
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input checked="" type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
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<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by: KT</b>
		<b>Reviewed on: 4/26/12</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 8 - Anderson</b>

DOD: 1/21/2012		<p><b>ALYSON LYN CLAYBAUGH</b>, daughter, is petitioner.</p> <p>40 days since DOD.</p> <p>No other proceedings.</p> <p>Will dated: 11/8/11 – devises entire estate to petitioner/daughter, Alyson Lyn Claybaugh.</p> <p>I &amp; A - \$136,316.44</p> <p><b>Petitioner requests</b> Court determination that Decedent's 100% interest in real property located in Fresno and personal property consisting of cash in the amount of \$21,316.44 passes to her pursuant to the Decedent's Will.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Inventory and appraisal is incomplete at item #5 re: property tax certificate.</p>	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input checked="" type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			X
<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			
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<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
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<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: 4/26/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 9 - Gill</p>		

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

DOD: 11-15-87		STELLA HENNESSY, Surviving Spouse, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:	
				<p>1. Need clarification. If the assets were the Decedent’s separate property, they would pass 1/3 each to the spouse and the two daughters per Probate Code §6401, not to the Petitioner alone.</p> <p>2. The assets inventoried were specific: .025 overriding royalty interest in two federal oil leases valued at \$1.00 each (\$2.00 total).</p> <p>The proposed order passes “<i>all of Decedent’s right, title and interest (believed to be a .025 overriding royalty interest)...</i>”</p> <p>The order must mirror the petition and state the <u>specific</u> interest in the assets being passed pursuant to the Petition and Inventory and Appraisal.</p>
40 days since DOD				
No other proceedings				
Decedent died intestate				
Petitioners requests Court determination that Decedent’s .025 overriding royalty interest in two federal oil leases (valued at \$1.00 each) passes to her pursuant to intestate succession.				
Aff.Sub.Wit.				
✓ Verified				
Inventory				
PTC				
Not.Cred.				
✓ Notice of Hrg				
✓ Aff.Mail	W/O			
Aff.Pub.				
Sp.Ntc.				
Pers.Serv.				
Conf. Screen				
Letters				
Duties/Supp				
Objections				
Video Receipt				
CI Report				
9202				
✓ Order				
Aff. Posting				
Status Rpt				
UCCJEA				
Citation				
FTB Notice				
			Reviewed by: skc	
			Reviewed on: 4-26-12	
			Updates:	
			Recommendation:	
			File 10 - Hennessy	

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

DOD: 3/9/12		<p><b>MICHAEL A. HARRIS and HILARY A. RODRIGUEZ</b>, named alternate executors without bond, are petitioners.</p> <p>Full IAEA – o.k.</p> <p>Will dated: 6/21/04</p> <p>Residence: Fresno Publication: Fresno Business Journal</p> <p><b>Estimated value of the estate:</b></p> <table> <tr> <td>Personal property</td> <td>-</td> <td>\$100,000.00</td> </tr> <tr> <td>Annual income</td> <td>-</td> <td>\$ 1,000.00</td> </tr> <tr> <td>Real property</td> <td>-</td> <td><u>\$335,000.00</u></td> </tr> <tr> <td><b>Total</b></td> <td>-</td> <td><b>\$436,000.00</b></td> </tr> </table> <p><b>Probate Referee: STEVEN DIEBERT</b></p>	Personal property	-	\$100,000.00	Annual income	-	\$ 1,000.00	Real property	-	<u>\$335,000.00</u>	<b>Total</b>	-	<b>\$436,000.00</b>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
Personal property	-		\$100,000.00												
Annual income	-		\$ 1,000.00												
Real property	-		<u>\$335,000.00</u>												
<b>Total</b>	-		<b>\$436,000.00</b>												
Cont. from															
<input checked="" type="checkbox"/>	Aff.Sub.Wit.		S/P												
<input checked="" type="checkbox"/>	Verified														
	Inventory														
	PTC														
	Not.Cred.														
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	Aff. Posting														
	Status Rpt														
	UCCJEA														
	Citation														
	FTB Notice														
		Reviewed by: KT													
		Reviewed on: 4/26/12													
		Updates:													
		Recommendation: SUBMITTED													
		File 11 - Harris													

Age: 5 years DOB: 12/1/05	<p><b>JEFFREY HALSTEAD and JENNIFER HALSTEAD</b> (non-relatives) were appointed as guardians on 10/23/08.</p> <p>Petitioners filed an Ex Parte Petition on 12/3/10 regarding the visitation. Petition alleges mother has tested positive for drugs and states a drug user does not provide a safe, healthy, stable environment for the minor. Copy of positive drug test attached to the petition.</p> <p>The Court set the matter for hearing.</p> <p><i>Minute order from the hearing on 2/23/11</i> states counsel advises the court that one of Ms. Rodriguez's tests came back positive for drugs. Visitation remains as previously ordered. The Court orders that before Ms. Rodriguez may petition the court for a modification she must have negative test results for four months. Ms. Brungess to prepare the order.</p> <p><i>Minute order from 8/24/11</i> states Ms. Brungess advises the court that the mother has refused to drug test since January 2011, and it appears that she has been under the influence during visits. The Court orders that all visits between the mother, Jennifer Rodriguez and Sean cease immediately until further order of the Court. The Court indicates for the record that it is not ordering mother to attend AA/NA three times per week, but wishes to see proof of the mother's self-initiated attendance. The Court orders the mother to drug test as previously ordered. All prior orders not modified remain in full force and effect. The court on its own mother set case no. 08CEPR00598 (see page 15) for further status on 10/19/11. Richard Ruiz is ordered to be present at the hearing. Minute order indicates that Richard Ruiz was present in court on 8/24/11.</p>	NEEDS/PROBLEMS/COMMENTS:	
		Continued from 1/19/12. Minute Order states that the Court orders that monthly testing continue and mother submit herself to a hair follicle test every month. The Court advises the parties that it is treating the January 2012 test as a negative test. The Court orders mother to submit herself for three hair follicle tests between now and the next hearing. Mother is ordered to submit to a hair follicle test today [1/19/12]. In the event that Ms. Brungess receives and copy of the test results, she is to provide mother a copy.	
Cont. from 101911, 011912			
Aff.Sub.Wit.			
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Status Rpt			
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Citation			
FTB Notice			
		Reviewed by: KT	
		Reviewed on: 4/25/12	
		Updates:	
		Recommendation:	
		File 12 – O'Dougherty	

*Minute Order from 10/19/11* states Counsel advises the Court that mother Jennifer Rodriguez tested positive for methamphetamine in August, was late for her test in September, and refused to be tested in October. Proof of attendance at AA/NA is show to the Court by the mother, and the Court finds substantial compliance. The Court advises the mother that she will need to provide three clean tests. The Court orders the mother to get tested within one week and continue testing once per month. The Court is advised that the mother has made some phone calls to the child. The Court encourages mother to make phone calls to the child. Visitation is not ordered at this time. The Court orders all prior orders remain in full force and effect.

**Declaration of Pamela Halstead filed on 1/18/12 states** Jennifer Rodriguez, mother, is obligated to submit to a hair follicle test once per month, upon notice from them as guardians.

Ms. Halstead states they have requested Ms. Rodriguez submit to these tests in the months of September through December, 2011, and Ms. Rodriguez has failed to make herself available each month.

After the last court hearing on 10/19/2011, the Court specifically order Ms. Rodriguez to test following that appearance and she failed to do so. Based on Ms. Rodriguez's failure to comply with the Court's order, Ms. Halstead asks that the court discontinue these review hearings and instead offer Ms. Rodriguez the opportunity to petition for modification of the current no-visitation orders after she has tested clean for four consecutive months.

Atty Ruiz, Renee M. (pro per Guardian)

Atty Ruiz, Richard (pro per Guardian)

Atty Rodriguez, Jenifer (pro per mother)

Further Status

Age: 8 years DOB: 2/26/03	<p><b>RENEE RUIZ</b> and <b>RICHARD RUIZ</b>, maternal aunt and uncle, were appointed guardians on 8/18/08.</p> <p>The Court on its own motion set this matter for further states per minute order dated 8/24/11 in the Guardianship of Sean O'Dougherty, case no. 08CEPR00596. Minute order indicates that Richard Ruiz was present in court on 8/24/11.</p> <p><i>Minute Order from 10/19/11</i> states Counsel advises the Court that mother Jennifer Rodriguez tested positive for methamphetamine in August, was late for her test in September, and refused to be tested in October. Proof of attendance at AA/NA is show to the Court by the mother, and the Court finds substantial compliance. The Court advises the mother that she will need to provide three clean tests. The Court orders the mother to get tested within one week and continue testing once per month. The Court is advised that the mother has made some phone calls to the child. The Court encourages mother to make phone calls to the child. Visitation is not ordered at this time. The Court orders all prior orders remain in full force and effect.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>Continued from 1/19/12. Minute Order states that the Court orders that monthly testing continue and mother submit herself to a hair follicle test every month. The Court advises the parties that it is treating the January 2012 test as a negative test. The Court orders mother to submit herself for three hair follicle tests between now and the next hearing. Mother is ordered to submit to a hair follicle test today [1/19/12]. In the event that Ms. Brungess receives and copy of the test results, she is to provide mother a copy.</p>
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Objections		
Video Receipt		
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9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	Reviewed by: KT	
	Reviewed on: 4/25/12	
	Updates:	
	Recommendation:	
	File 13 – O'Dougherty	

**14A Vang Minors (GUARD/P)**

**Case No. 06CEPR00894**

Atty Carrasco, Chue Vang (pro per Petitioner/Guardian of Noah/paternal uncle)  
 Atty Carrasco, Octavio (pro per Petitioner/Guardian of Noah/paternal aunt)  
 Atty Espinoza, Xiong (pro per paternal aunt)  
 Atty Boyajian, Thomas M (for maternal grandparents, Terry Moua and Cynthia Moua)

**Amended Petition for Visitation Modification (filed by Chue V Carrasco)**

Noah age: 7 years DOB: 1/13/2005	CHUE CARRASCO, paternal aunt/guardian, is petitioner.	NEEDS/PROBLEMS/COMMENTS:		
Christian age: 2 years DOB: 11/18/2009	CHUE CARRASCO and OCTAVIO CARRASCO, paternal aunt and uncle, were appointed guardians of <u>NOAH only</u> on 1/30/2012.	This petition is as to Noah Vang only.		
Jacob age: 1 year DOB: 12/6/2010	Father: YEE VANG			
Cont. from	Mother: MICHELLE MOUA			
<table border="1"> <tr> <td>Aff.Sub.Wit.</td> <td></td> </tr> </table>	Aff.Sub.Wit.			Paternal grandfather: <i>deceased</i> . Paternal grandmother: Neng Lee Maternal grandfather: Terry Moua Maternal grandmother: Cynthia Moua
Aff.Sub.Wit.				
<table border="1"> <tr> <td><input checked="" type="checkbox"/> Verified</td> <td></td> </tr> </table>	<input checked="" type="checkbox"/> Verified			Current Visitation Order per Minute Order dated 2/16/12 and amended by Minute Order dated 3/26/12. All three children have visits with the maternal grandparents, Terry Moua and Cynthia Moua every 1 <sup>st</sup> , 3 <sup>rd</sup> and 5 <sup>th</sup> weekend starting on Friday at 6:00 p.m. to Sunday at 6:00 p.m.
<input checked="" type="checkbox"/> Verified				
<table border="1"> <tr> <td>Inventory</td> <td></td> </tr> </table>	Inventory			Petitioner states Terry and Cynthia Moua allowed Yee Vang to live in their home during an on-going court ordered protective order. On 3/22/12 Yee was arrested and charged with violation of a domestic violence protective order.
Inventory				
<table border="1"> <tr> <td>PTC</td> <td></td> </tr> </table>	PTC			One of the reasons Petitioner states they sought guardianship was because the parents subject the minor to domestic violence.
PTC				
<table border="1"> <tr> <td>Not.Cred.</td> <td></td> </tr> </table>	Not.Cred.		Petitioner states she is concerned about Terry and Cynthia Moua's ability to make decisions that will truly be in the best interest of the minor.	
Not.Cred.				
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FTB Notice				

Reviewed by: KT
Reviewed on: 4/25/12
Updates:
Recommendation:
File 14A - Vang

**Petitioner states** on 3/27/12 Cynthia Moua trespassed into Petitioner's home and demanded that she be allowed to pick up Christian and Jacob. She provoked a disturbance in front of the children, frightening them. She also threatened to perform witchcraft so that Petitioner would die. The police were called and Cynthia alleged that she was attacked by the Petitioner contrary to witness statements.

**Petitioner requests visits to be changed to one day per month.**

**14B Noah Vang, Christian Vang and Jacob Vang (GUARD/P)**

Case No. 06CEPR00894

Atty Carrasco, Chue Vang (pro per Petitioner/Guardian of Noah/paternal uncle)  
 Atty Carrasco, Octavio (pro per Petitioner/Guardian of Noah/paternal aunt)  
 Atty Espinoza, Xiong (pro per Petitioner/paternal aunt)  
 Atty Boyajian, Thomas M (for maternal grandparents, Terry Moua and Cynthia Moua)  
 Petition for Visitation Modification (filed by Xiong Espinoza)

Noah age: 7 years DOB: 1/13/2005		<p style="text-align: center;"><u>Temporary Expires on 5/3/12</u></p> <p><b>XIONG ESPINOZA</b>, paternal aunt, is petitioner.</p> <p>Father: <b>YEE VANG</b></p> <p>Mother: <b>MICHELLE MOUA</b></p> <p>Paternal grandfather: <i>deceased</i>.                  Paternal grandmother: Neng Lee                  Maternal grandfather: Terry Moua                  Maternal grandmother: Cynthia Moua</p> <p><b>Current Visitation Order per Minute Order dated 2/16/12 and amended by Minute Order dated 3/26/12.</b> All three children have visits with the maternal grandparents, Terry Moua and Cynthia Moua every 1<sup>st</sup>, 3<sup>rd</sup> and 5<sup>th</sup> weekend starting on Friday at 6:00 p.m. to Sunday at 6:00 p.m.</p> <p><b>Petitioner states</b> Cynthia and Terry Moua have been negligent in ensuring the safety of the children in that they allow the father and father to reside in their home. Cynthia and Terry were aware of a domestic violence protective order against the father and they still allowed him in their home. The father moved into the home on or about 3/12/12 the same weekend that the children were scheduled to visit. Petitioner has concerns that Cynthia and Terry will fail to protect the children from their parents.</p> <p><b>Petitioner further</b> states that during the visits Cynthia and Terry have failed to ensure that Jacob receives his prescribed medications. Petitioner states she sent the minor with 8 vials for his breathing machine. She instructed Cynthia on how to use the machine and the dosage and when the minor returned there were 6 vials left.</p>	NEEDS/PROBLEMS/COMMENTS:  This petition is as to Christian Vang and Jacob Vang only.  <u>Note:</u> There is a trial set for 5/3/12 at 1:30 p.m. in Dept. 303 regarding the competing petitions for guardianship of Christian Vang and Jacob Vang, filed by the maternal grandparents, Terry Moua and Cynthia Moua and the paternal aunt Xiong Espinoza.
Christian age: 2 years DOB: 11/18/2009			
Jacob age: 1 year DOB: 12/6/2010			
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
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	Citation		
	FTB Notice		
		Reviewed by: KT Reviewed on: 4/25/12 Updates: Recommendation: File 14C - Vang	

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

<b>DOD: 1/11/10</b>		<p><b>JENNIE ORONA</b>, spouse, is petitioner and requests appointment as Executor without bond.</p> <p>Full IAEA – o.k.</p> <p>Will dated: 9/10/1997</p> <p>Residence: Fresno          Publication: Fresno Bee</p> <p><b>Estimated Value of the Estate:</b></p> <table> <tr> <td>Personal property</td> <td>-</td> <td>\$15,000.00</td> </tr> <tr> <td>Real property</td> <td>-</td> <td>\$53,000.00</td> </tr> <tr> <td><b>Total</b></td> <td>-</td> <td><b>\$68,000.00</b></td> </tr> </table> <p><b>Probate Referee: STEVEN DIEBERT</b></p>	Personal property	-	\$15,000.00	Real property	-	\$53,000.00	<b>Total</b>	-	<b>\$68,000.00</b>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>Continued from 4/5/12. As of 4/25/12 the following issues remain:</p> <ol style="list-style-type: none"> <li>1. Witness signatures on the will are not dated.</li> <li>2. Rosa Falcon, named alternate executor was not included on #8 of the petition.</li> <li>3. Need proof of service of the <i>Notice of Petition to Administer the Estate</i> on Rosa Falcon, named alternate executor. Probate Code §8110.</li> <li>4. Need Order</li> </ol>
Personal property	-		\$15,000.00									
Real property	-		\$53,000.00									
<b>Total</b>	-		<b>\$68,000.00</b>									
Cont. from 021612, 040512												
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	UCCJEA											
	Citation											
	FTB Notice											
		<p>Reviewed by: KT</p> <p>Reviewed on: 4/25/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 15 - Orona</p>										

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

Age: 1 month DOB: 4/6/2012	<u>GENERAL HEARING 6/25/12</u>	NEEDS/PROBLEMS/COMMENTS:
	<b>JUAN RENDON</b> , maternal grandfather, and <b>BRENDA SAUCEDO</b> , maternal step-grandmother, are petitioners.	1. Need <i>Notice of Hearing</i> .
Cont. from	Father: <b>UNKNOWN</b>	2. Need proof of <u>personal</u> service of the <i>Notice of Hearing</i> along with a copy of the <i>Temporary Petition or Consent and Waiver of Notice or Declaration of Due Diligence</i> on:
Aff.Sub.Wit.	Mother: <b>JENNIFER RENDON</b>	a. Jennifer Rendon (mother)
✓ Verified	Paternal grandparents: unknown	b. Father (unknown)
Inventory	Maternal grandmother: Connie Rendon	
PTC	<b>Petitioners state</b> the mother tested positive for meth during labor. The home where the mother lives is not suitable for a child. The mother has a drug problem and so does her boyfriend. CPS asked them to file this petition.	
Not.Cred.		
Notice of Hrg X		
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✓ Order		
Aff. Posting		Reviewed by: KT
Status Rpt		Reviewed on: 4/26/12
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 17 - Rendon

**Ex Parte Petition for Withdrawal of Funds from Blocked Account**

<b>Age: 36 years</b>		<p><b>JOYCE A. HENRY</b>, mother of Trust Beneficiary and Successor Trustee of the <b>INTERVIVOS TRUST OF CHARMAIGNE TYLER, U/T/D 11/5/1984</b>, is Petitioner.</p> <p><b>Petitioner requests</b> an order permitting the withdrawal of funds in the total sum of <b>\$56,523.00</b> from the Trust's blocked account with a current balance of <b>\$213,156.51</b> as follows:</p> <ol style="list-style-type: none"> <li><b>\$53,652.00</b> payable to Driving Specialties, Ltd. for purchase of a new vehicle to transport the disabled Trust Beneficiary;</li> <li><b>\$425.00</b> payable to United Cerebral Palsy of Central California for summer camp for the Trust Beneficiary;</li> <li><b>\$2,176.00</b> payable to Attorney John Barrus for attorney's fees and costs incurred, per attached bill. (<i>Itemization from 9/16/2008 to 4/13/2012; for 9.35 hours @ \$280.00 attorney rate and \$120.00 paralegal rate, plus costs.</i>)</li> </ol> <p><b>Petitioner attached</b> to the <i>Ex Parte Petition to Withdraw Funds</i> a copy of a letter dated 3/6/2012 from Petitioner to Attorney Barrus requesting:</p> <ul style="list-style-type: none"> <li>Purchase of a new van for the Trust Beneficiary, stating that [Petitioner] usually purchases a van every ten years because Petitioner cannot take a chance of her van breaking down with the Trust Beneficiary in it; the warranties on the current van expired 4 years ago and the extended warranty she put on it will expire soon; Petitioner states a mini-van is more feasible than the usual full-size van, but the van must be rear-loading so the Beneficiary is farther away from Petitioner during transporting for Petitioner's safety as she has temper tantrums and needs to be away from Petitioner (<i>please refer to attached quote for van purchase.</i>)</li> <li>Payment for summer camp for the Beneficiary to attend [Easter Seal's] Camp Harmon or United Cerebral Palsy's Camp out of Fresno. (<i>please refer to attached camp fliers .</i>)</li> </ul> <p align="center">~Please see additional page~</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Notes for Background from the Court File:</b></p> <ul style="list-style-type: none"> <li>The Trust was established in 1984 pursuant to a personal injury claim, prior to California's implementation of procedure establishing special needs trusts; requirements of such are not applicable to this Trust in that the Trust is revocable, it authorizes disbursements for Beneficiary's health, support, maintenance and education, and has no provision requiring payback to any governmental agency before distribution to Beneficiary's heirs upon her death. Petitioner was appointed by this Court on 10/20/1995 as Successor Trustee after resignation of Wells Fargo Bank (having taken over for Bank of America), the initial trustee.</li> </ul> <p align="center">~Please see additional page~</p>
<b>DOB: 8/27/1975</b>			
<b>Cont. from</b>			
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<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
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		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 4/27/12</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 18 – Tyler</b></p>	

NEEDS/PROBLEMS/COMMENTS, continued:Notes for Background from the Court File:

- A **13-year** accounting of the blocked account for the period of **12/11/1995 through 4/30/2008** was completed and the *Order Approving Successor Trustee's Accounting of Blocked Account; Instructing Trustee and Allowing Attorney's Fees and Costs* filed 11/3/2008 finds:
  1. Petitioner is authorized to withdraw each month **\$3,278.18**, representing the entire monthly settlement payment made to the Trust, and to apply **\$600.00** in monthly rent payments [*from the Beneficiary's grandmother, per information contained the Trustee's 2008 accounting*] made to the Trust directly toward the Trust Beneficiary's expenses;
  2. Petitioner is authorized to withdraw from the blocked account the sum of **\$36,000.00** and pay it to herself for retroactive caregiver's fees;
  3. Petitioner is authorized to pay Attorney John Barrus **\$6,917.00** and **\$419.00** in attorney fees and costs; and
  4. California Bank and Trust is to prohibit all disbursements from the blocked account without Court order.
  
- 1. *Minute Order* dated 12/8/2008 from a status hearing for the filing of increased bond states: "The Court receives for filing the original surety bond. The supplemental bond is in the amount of **\$19,500.00**, which brings the total to **\$46,500.00**." *Trustees Bond* was filed 12/8/2008 in the amount of **\$19,500.00**. Court records do not show proof of filing of the initial **\$27,000.00** bond for the Trust, ordered by the Court in the *Order for Appointment as Successor Trustee and Distributions from Blocked Account* filed on 10/20/1995. *Successor Trustee's Accounting of Blocked Account, etc.*, filed on 9/23/2008 states a bond in the amount of **\$27,000.00** has been filed with the Court; however, Court records do not show filing of such bond in this case number.
  
- 2. Based upon the *Successor Trustee's Accounting of Blocked Account, etc.* filed on 9/23/2008, *Schedule D* entitled "Blocked Account Value 4/30/2008," the Intervivos Trust contains cash in a blocked account with California Bank and Trust. Other pleadings in the file indicate past purchases of a van for the Beneficiary that have been periodically replaced with a new van. It is unclear from the *Ex Parte Petition to Withdraw Funds* the status of the assets currently held in the Intervivos Trust, such as whether the existing van is currently titled in the Petitioner's name or the Trust, which relates to the issues of how title will be held to the new van to be purchased and how insurance and maintenance will be provided. Additionally, it is unclear whether the bond amount set in 2008 at **\$46,500.00** is sufficient and what assets it covers. Paragraph 5 of the *Successor Trustee's Accounting of Blocked Account* filed on 9/23/2008, states the Trust assets consist of a residence worth **~\$200,000.00**, a 2002 Ford van with wheelchair lift purchased for **\$32,687.00**, and the blocked account valued at **\$101,169.89** as of 4/30/2008. This information was provided in 2008, and the instant *Ex Parte Petition to Withdraw Funds* contains no information regarding previous withdrawals (*Item 6 of the Ex Parte Petition indicates "none" regarding previous withdrawals from the account*), and contains no information regarding the current status of the Trust assets (other than the current balance of the blocked account of **\$213,156.51**) as required by CA Rule of Court 7.954(a). **Court may require a current accounting of the blocked account and the entire Intervivos Trust from the Petitioner as Successor Trustee, showing the current status of the Trust as title holder of the blocked account, the real property, and the other assets, in order to provide the Court with recent additional information and/or clarification regarding the current state of the Trust and the nature and extent of its assets, and to assist the Court in determining whether the existing bond amount is sufficient.**

~Please see additional page~

Dept. 303, 9:00 a.m. Thursday, May 3, 2012

**NEEDS/PROBLEMS/COMMENTS, continued:**

3. Requested total amount of **\$2,176.00** for attorney fees and costs contains the sum of **\$1,582.00** for services performed in 2008, from 9/16/2008 to 12/8/2008; these dates in 2008 were not included in the fee itemization dated 3/17/2008 to 8/29/2008 submitted in support of the *Successor Trustee's Accounting of Blocked Account; Petition for its Approval; for Instructions and for Payment of Attorney's Fees and Costs* filed on 9/23/2008. Need additional information regarding the reason for the late-billed fees or information regarding a fee agreement between the attorney and the Petitioner, and explanation for delay in request for fees pursuant to CA Rule of Court 7.955.