

Filing of the 11th Accounting

Age: 63	<p>CHRIS WADE, brother, was appointed as Conservator of the Person in 1991 and RAYMOND LOVE, private professional fiduciary, was appointed Conservator of the Estate in 1991 (<i>Mr. Wade had been subject to an LPS Conservatorship since 1981, prior to these appointments in 1991.</i>)</p> <p>RAYMOND LOVE resigned and CHRIS WADE, brother and Conservator of the Person, was appointed as Successor Conservator of the ESTATE on 09/19/11 with deposits in a blocked account of \$101,674.67 and Bond set at \$70,000.00. Letters of Conservatorship of the Estate were issued to CHRIS WADE on 11/08/11.</p> <p>Minute Order from 05/18/11 hearing on the Tenth Account set this matter for status of the 11th and Final Accounting of former Conservator of the Estate on 05/08/12.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need 11th and Final Accounting and Report of Former Conservator.</p> <p>Note: No receipt and acknowledgment of funds placed in a blocked account has been filed by the successor conservator. Minute order from 09/19/11 states: Gary Bagdasarian asks the successor conservator be appointed in order to obtain the blocked account. The Court approves the Petition, subject to receipt.</p> <p>The successor conservator filed a bond in the amount of \$70,000.00 and Letters were issued, but no receipt for deposit into blocked account has been filed. The Order appointing successor conservator is marked at item 20(b) stating bond of \$70,000.00 is required, and also marked at 20(c) stating deposits are ordered to be placed in a blocked account; however, no dollar amount or institution is specified.</p>
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FTB Notice		
	Reviewed by: JF	
	Reviewed on: 04/27/12	
	Updates:	
	Recommendation:	
	File 1 - Wade	

(1) Seventh Account and Report of Trustee and (2) Petition for Settlement of Account and Approval of Trustee's and Attorney's Fees (Prob. C. 1060-1064, 16062)

		LISA LEPPER , Trustee, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Disbursement schedule includes an overdraft fee of \$25.00. Disbursement schedule shows disbursements for two vans. An old van and a [new] van. Court may inquire why the trust paying expenses for two vans when no van is listed on the property on hand schedule? Based on the Property on Hand and income for one year, the bond should be increased to \$346,136.00
		Account period: 4/1/09 – 3/31/11	
Cont. from		Accounting - \$267,052.00	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$134,670.18	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$248,052.00	
<input type="checkbox"/>	Inventory	Trustee - \$2,318.25	
<input type="checkbox"/>	PTC	(.75% of the value of the trust assets)	
<input type="checkbox"/>	Not.Cred.	Trustee X/O - \$540.00 (9	
<input checked="" type="checkbox"/>	Notice of Hrg	hours @ \$60/hr. for researching	
<input checked="" type="checkbox"/>	Aff.Mail	whether investments of the trust in	
<input type="checkbox"/>	Aff.Pub.	annuities was appropriate.)	
<input type="checkbox"/>	Sp.Ntc.	Attorney - \$2,750.00	
<input type="checkbox"/>	Pers.Serv.	(per itemization and declaration	
<input type="checkbox"/>	Conf. Screen	16.80 hours @ \$225/hr.)	
<input type="checkbox"/>	Letters	Current bond: \$198,242.00	
<input type="checkbox"/>	Duties/Supp	Petitioner prays for an order:	
<input type="checkbox"/>	Objections	1. That the Seventh Account and	
<input type="checkbox"/>	Video Receipt	Report of the Trustee be settled,	
<input type="checkbox"/>	CI Report	allowed and approved.	
<input checked="" type="checkbox"/>	2620(c)	2. That all acts and transactions of	
<input checked="" type="checkbox"/>	Order	Petitioner as Trustee as set forth in	
<input type="checkbox"/>	Aff. Posting	the Seventh Account be ratified,	
<input type="checkbox"/>	Status Rpt	confirmed and approved.	
<input type="checkbox"/>	UCCJEA	3. That the Trustee be allowed	
<input type="checkbox"/>	Citation	reasonable compensation as set	
<input type="checkbox"/>	FTB Notice	forth above.	
		4. That the Attorney be allowed	
		reasonable compensation as set	
		forth above.	

Reviewed by: KT
Reviewed on: 5/1/12
Updates:
Recommendation:
File 2 - Dennis

Atty Flanigan, Philip M. (for Diane Stevens – Guardian)

(1) Third and Final Account and Report of Guardian and (2) Petition for Order Approving, Allowing and Settling Account and (3) Report of Guardian and Petition for Order Allowing Delivery of Assets (Prob. C. 2103, 2620)

Age: 18		<p>DIANE STEVENS, Guardian, is Petitioner.</p> <p>Account period: 7-1-10 through 2-29-12</p> <p>Accounting: \$56,864.41 Beginning POH: \$56,864.05 Ending POH: \$56,864.41 (\$1,864.41 cash plus a manufactured home and household furniture and furnishings)</p> <p>Petitioner prays for an order approving, allowing and settling the attached account and report of the guardian as filed and authorizing and directing Petitioner to deliver the property remaining in her possession to JONATHAN A. STEVENS.</p>	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p><u>CONTINUED TO 6-12-12</u> Per request of Attorney Flanigan</p> <ol style="list-style-type: none"> 1. Petitioner states at #5 bank account statements are attached; however, they do not appear to be attached or provided separately. Need account statements pursuant to Probate Code §2620(c)(2). 2. Petitioner states the account period begins 7-1-10; however, the schedules appear to begin at 8-1-10. 3. The petition does not address guardian's or attorney's fees / commissions. Are they waived? 4. The proposed order does not comply with Local Rule 7.6.1.A. Examiner has interlineated the order to reflect the specific distribution to Jonathan Stevens as prayed.
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		Reviewed by: skc	
		Reviewed on: 4-27-12	
		Updates:	
		Recommendation:	
		File 3 - Stevens	

(1) First Account and Report of Co Conservators of the Person and Estate; (2) Waiver of Conservator's Compensation; (3) for Payment of Attorney's Fees to the Attorney for the Co-Conservators; (4) for Costs Reimbursement and Delivery of Assets [Prob. C. 1060-1064; 1860; 2620; 2623; 2630; 2640 & 2642]

DOD: 06/24/11	JULIA MACCONOCHIE and ALISA TRIBBEY, Co-Conservators, are Petitioners.	NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED TO 06/06/12</u> Per request of Counsel 1. Need Account statements for Conservatee's accounts for the end of the accounting periods pursuant to Probate Code § 2620(c). 2. Need copies of billing statements from Golden Living Center, where Conservatee resided, pursuant to Probate Code § 2620(c)(5). Note: The Petition states that the statements are attached as Exhibit "C" however, no there is no such attachment to the Petition.
	Account period: 08/17/10 – 06/24/11	
	Accounting - \$335,032.90	
	Beginning POH - \$242,828.34	
	Ending POH - \$256,280.38	
Cont. from	Subsequent Account period: 06/25/11 – 12/09/11	
<input type="checkbox"/> Aff.Sub.Wit.	Accounting - \$257,468.38	
<input checked="" type="checkbox"/> Verified	Beginning POH - \$256,280.38	
<input type="checkbox"/> Inventory	Ending POH - \$242,127.00 (\$0.00 is cash)	
<input type="checkbox"/> PTC	Conservators - waive	
<input type="checkbox"/> Not.Cred.	Attorney - \$19,375.00 (per declaration, broken down as follows: General – Creation of Conservatorship - \$8,100.00, Inventory & Appraisal - \$3,700.00, Sale of property (not completed) - \$4,350.00, and Accounting - \$3,225.00)	
<input checked="" type="checkbox"/> Notice of Hrg	Attorney Costs - \$1,204.63 (Probate referee, filing fees, certified copies, recording fees)	
<input checked="" type="checkbox"/> Aff.Mail	Petitioner prays for an order:	
<input type="checkbox"/> Aff.Pub.	1. Approving, allowing and settling the first and final account and the subsequent to the final account;	
<input type="checkbox"/> Sp.Ntc.	2. Authorizing the attorney fees and costs reimbursement;	
<input type="checkbox"/> Pers.Serv.	3. Authorizing Co-Conservators to deliver property remaining in their possession to the personal representative appointed for the Estate of Mildred G. Williams; and	
<input type="checkbox"/> Conf. Screen	4. Discharging Petitioners as Co-Conservator of the Person upon filing of an Ex Parte Petition for Final Discharge and Order and their surety bond be exonerated.	
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	Reviewed by: JF	
	Reviewed on: 05/01/12	
	Updates:	
	Recommendation:	
	File 4 - Williams	

Status Hearing Re: Filing of the First Account or Petition for Final Distribution

Age: 81	<p>CAROL LOPEZ, Daughter, was appointed Conservator of the Person and Estate on 2-9-11 with bond of \$75,000.00.</p> <p>Bond was filed on 4-26-11 and Letters issued on 4-27-11.</p> <p>On 6-8-11, the Court set this status hearing for the filing of the first account and sent notice to Attorney Fanucchi.</p> <p>Final Inventory and Appraisal filed 2-9-12 indicates \$70,000.00 cash.</p> <p>As of 4-27-12, a first account has not yet been filed.</p> <p>Court Investigator Dina Calvillo filed a review report on 3-1-12.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need first account pursuant to Probate Code §2620.</p>
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	<p>Reviewed by: skc</p> <p>Reviewed on: 4-27-12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5 - Eaton</p>	

Atty Clark, William F., sole practitioner of Redondo Beach (for Petitioner James R. Wilkinson, Beneficiary)
 Atty Simonian, Jeffrey, of Penner Bradley & Simonian (for Respondent Ross W. Wilkinson, Trustee)

Third Amended Petition for Account, Removal of Trustee, and Appointment of Successor

<p>William DOD: 2/2/2009 Dorothea DOD: 1/19/1997</p> <hr/> <p>Cont. from 102511, 120811, 012512, 020812, 032112</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Aff.Sub.Wit.</td><td></td></tr> <tr><td>Verified</td><td style="text-align: center;">X</td></tr> <tr><td>Inventory</td><td></td></tr> <tr><td>PTC</td><td></td></tr> <tr><td>Not.Cred.</td><td></td></tr> <tr><td>Notice of Hrg</td><td></td></tr> <tr><td>✓ Aff.Mail</td><td></td></tr> <tr><td>Aff.Pub.</td><td></td></tr> <tr><td>Sp.Ntc.</td><td></td></tr> <tr><td>Pers.Serv.</td><td></td></tr> <tr><td>Conf. Screen</td><td></td></tr> <tr><td>Letters</td><td></td></tr> <tr><td>Duties/Supp</td><td></td></tr> <tr><td>Objections</td><td></td></tr> <tr><td>Video Receipt</td><td></td></tr> <tr><td>CI Report</td><td></td></tr> <tr><td>9202</td><td></td></tr> <tr><td>Order</td><td style="text-align: center;">X</td></tr> <tr><td>Aff. Posting</td><td></td></tr> <tr><td>Status Rpt</td><td></td></tr> <tr><td>UCCJEA</td><td></td></tr> <tr><td>Citation</td><td></td></tr> <tr><td>FTB Notice</td><td></td></tr> </table>	Aff.Sub.Wit.		Verified	X	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	X	Aff. Posting		Status Rpt		UCCJEA		Citation		FTB Notice		<p>JAMES ROGER WILKINSON, son and beneficiary of the WILLIAM and DORTHEA WILKINSON TRUST is Petitioner.</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> Pursuant to the Trust's 4th Amendment, which is a Survivor's Trust, the current Trustee ROSS WILLIAM WILKINSON, son, ("Ross") was to exercise powers in the Trust as a fiduciary and has no power to enlarge or shift any beneficial interest in the Trust (<i>copy of Trust attached to Petition</i>). Ross has breached Probate Code §§16000-16001 (5) by converting Trust property for his own personal use and benefit; Ross has absconded Trust property in a minimum amount of approximately \$98,686.75, and has wrongfully paid money to his wife, Cindi, from the Trust, in the approximate amount of \$39,457.75 (<i>copies of Bank of America check summaries from Trust assets for the years 2007 and 2008 attached</i>); On 3/26/2007, Ross directed \$200,000.00 to be wire-transferred from the Trust's Wachovia stock account to Pacific Northwest Title Company, which funds were used to purchase real property located in Monroe, Washington, in the name of Ross and Cindi Wilkinson, and is not listed as Trust property (<i>copies of the Wachovia withdrawal attached</i>); Petitioner requests that Ross be relieved as Trustee to ensure that no other Trust assets are converted or misappropriated, and states that though the Trust provides for Petitioner to act as Trustee in Ross' place, Petitioner lives in Florida and therefore it is not practical for him to act as Trustee; therefore, Petitioner requests that BRUCE D. BICKEL be appointed, and states Mr. Bickel is willing to act as Trustee; There has been no agreement between the adult beneficiaries to enter into an agreement to provide for a successor trustee pursuant to Probate Code §15660(c). <p>Petitioner requests:</p> <p>1) Ross be removed as Trustee; 2) Bruce Bickel be appointed as Trustee; 3) Ross be compelled to submit his report of information regarding the Trust assets of the Trust, A,B, and C, and submit an accounting of his acts as Trustee from 4/8/05 to the present; 4) Ross be compelled to address the Trust breach by repaying all monies wrongfully absconded for his own personal benefit, payable back to the Trust; and 5) Ross pay for costs incurred herein.</p> <p style="text-align: center;">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 3/21/2012. Minute Order states: Matter continued to 5/8/12 per stipulation of the parties.</p> <p>Note: Order for Continuation of Hearing filed 3/20/2012 finds all verified pleadings to be filed by Petitioner James Wilkinson and Respondent Ross Wilkinson in connection with the 5/8/2012 hearing shall be filed with the Court not less than 7 days prior to the continued hearing date, which falls on 5/1/2012. Court records show that since the last hearing, no pleadings have been filed by either party as of 4/30/2012.</p> <hr/> <p>Reviewed by: NRN / LEG</p> <hr/> <p>Reviewed on: 4/30/12</p> <hr/> <p>Updates:</p> <hr/> <p>Recommendation:</p> <p>File 6 - Wilkinson</p>
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Notes for background:

- *Minute Order* dated 2/8/12 states Court requests Mr. Simonian to contact Mr. Clark regarding the filing of the 4th amended account he stated he would file at the 1/25/12 hearing.
- *Minute Order* dated 1/25/12 states Mr. Clark is appearing via conference call. Mr. Clark advises the Court that he will be preparing a fourth amended petition. The Court orders that there be no acceptance of any offers as to the 7800 Van Ness property pending court approval. The Court will entertain an Order Shortening Time.

Objections to Third Amended Petition filed 10/24/11 by Respondent Ross W. Wilkinson states:

- As a result of Dorothea Wilkinson's death on 1/19/97 (prior to William D. Wilkinson's death on 2/3/2009), the Trust was divided into 3 separate sub-trusts, Trust A - Exemption Trust ("Trust A") Trust B- Q-Tip Trust ("Trust B") and Trust C - Survivor's Trust ("Trust C") – (these three Trusts also referred to collectively as the "Wilkinson Trusts");
- A Fourth Amendment to the Trust was executed by William 4/8/05, and was entitled *Fourth Amendment to Trust Agreement –Survivor's Trust for the William and Dorothea Wilkinson Trust* ("Fourth Amendment");
- From 1/9/97 through 2/3/09, William acted as sole Trustee of Trust A and Trust B;
- From 1/9/97 through 4/8/05, William acted as sole Trustee of Trust C;
- From 4/8/05 through 2/3/09, William and Ross acted as Co-Trustees of Trust C pursuant to the Fourth Amendment;
- Since 2/3/09, Ross has acted as the sole Trustee of all three Wilkinson Trusts;
- From 1/9/97 through the date of his death on 2/3/09, William was the sole beneficiary of the Wilkinson Trusts;
- The sole beneficiaries of the Wilkinson Trusts following William's death are Petitioner James and Respondent Ross;
- Trust A holds title to an undivided **65.29% interest** in real property located at 7800 N. Van Ness Boulevard, in Fresno;
- Trust B holds title to an undivided **34.71% interest** in that same real property (7800 N. Van Ness, Fresno);
- Trust C is of nominal value, having been substantially depleted and exhausted during William's lifetime.
- **Issue of Removal of Trustee/Reappointment of Successor Trustee:** Petitioner's *Third Amended Petition* raises the issue of the removal of the Trustee and reappointment of a successor trustee for the first time; this issue was not presented in the original *Petition for Account* filed 3/21/11, nor was it raised in the *Amended Petition for Account* filed 5/18/11. As such, *Notice of Hearing* is required pursuant to PrC §17203 and Rule 7.53(a) of the CRC, however, no such *Notice of Hearing* has been provided to or served on Respondent; and similarly, no *Notice of Hearing* has been provided to or served on other parties interested in these proceedings, and specifically including those parties named to act as successor Trustee under the Trust terms (PrC §17203(a)(1));
 - The copy of the *Third Amended Petition* sent to Respondent's attorney did not have a verification attached as required under PrC §1021, and the *Third Amended Petition* fails to list the names and last known addresses of all vested and contingent beneficiaries of the Wilkinson Trust as required under Rule 7.903 of the CRC;
 - There has been no agreement between the adult beneficiaries of the Wilkinson Trusts to provide for a successor trustee, and signed declination to act as Trustee by Petitioner James has not been filed (James is named as successor trustee);
 - Petitioner's interpretation of the Wilkinson Trusts concerning the removal of Respondent as Trustee and appointment of a successor trustee is incorrect; Pursuant to the Trust, Trusts A and B are irrevocable upon formation and therefore matters regarding the removal of the Trustee and appointment of successor Trustee are controlled by the Trust as executed by Dorothea and William on 4/9/92; said Trust specifically names **JANE MORTON** as successor Trustee of Trusts A and B and if unable, unwilling or fails to serve, **UNION BANK** is specifically named;

~Please see additional page~

Dept. 303, 9:00 a.m. Tuesday, May 8, 2012

Objections to Third Amended Petition filed 10/24/11, continued:

- Respondent therefore objects to the appointment of Bruce Bickel as successor trustee for Trusts A and B as he is not named in the trust instrument and as neither Jane Morton nor Union Bank have been provided notice of these proceedings and as neither has declined to accept their appointment;
- Respondent further objects to the appointment of Bruce Bickel as the *Third Amended Petition* fails to disclose his fee schedule for fiduciary services, the manner in which his compensation is determined, and it is unknown whether Mr. Bickel will charge an hourly rate or a percentage fee for his services;
- With respect to Trust C (a revocable Trust), the Trust provides that William had the right, during his life, to modify, amend, or revoke the provision of Trust C; William in fact exercised that right on 4/8/05 with the Fourth Amendment;
- Pursuant to that Amendment, Respondent Ross has the sole power to designate a successor Trustee of Trust C, without Court approval; Respondent has not declined to exercise this power, and reserves this right in the event he (Respondent) is removed as Trustee; furthermore, Petitioner has made no attempt to reach an agreement with Respondent to appoint a successor Trustee;
- If Ross is removed as Trustee of Trust C and is either not entitled to designate a successor trustee for Trust C or if he declines to do so, appointment of successor trustee should be consistent with the settlors' wishes as expressed in the Trust with respect to Trusts A and B –to wit, Jane Morton and Union Bank, after having been provided notice of these proceedings – as well as for the reason of convenience of administration since Trust C is of nominal value.

Allegations regarding Respondent's violation of his Fiduciary Duties as Trustee: Respondent confirms Petitioner's allegation that \$200,000.00 was wired from Wachovia Securities on 3/26/07, in the name of the Trust to Pacific Northwest Title Company; said funds were used to purchase real property in Washington State and title is held by Respondent; Acquisition of the property was part of a tax-free exchange by Respondent that involved the sale of another piece of real property;

- Said action was taken with the knowledge and consent of William, Co-Trustee of Trust B and sole beneficiary of Trust B;
- The transfer of these funds was intended as a short-term unsecured loan to Respondent until the tax-free exchange involving Respondent was completed;
- In fact, the *Third Amended Petition* fails to disclose that on 7/2/07, \$160,000.00 was wire transferred at Respondent's direction to the Wachovia Securities account in the name of Trust B, in partial payment of the unsecured loan, and received by Respondent at the completion of the tax free exchange (copy of said \$160,000.00 transfer from Respondent to Wachovia attached to *Objections* as Exh. A);
- Respondent attaches to his *Objections* (as Exhibit B) a list of disbursements totaling \$44,252.91 made from the Wilkinson Trusts and/or assets the source of which can be traced to the assets of the Wilkinson Trusts during the time period in question, and acknowledged by Respondent to be to and/or for Respondent or Respondent's spouse's benefit;
- All other amounts distributed to Respondent or his spouse during William's life from the Wilkinson Trusts (and set forth in Exhibits B and C to Petitioner's *Third Amended Petition*) were used primarily for the care and benefit of William and /or for maintenance of the Trust assets during William's life and in accordance with the terms and provisions of the Wilkinson Trusts;
- These disbursements as identified in Petitioner's Exhibits B and C indicate they were payments to "Emily Alonzo" or are designated in the notes as "Emily" – were, in fact, used to provide for William's care in accordance with the Wilkinson Trusts;
- Amounts distributed to Respondent or to his spouse during William's lifetime from the Trusts or from assets traceable to the Trusts equaled or did not exceed those distributions from the Trusts made to Petitioner James;

~Please see additional page~

Objections to Third Amended Petition filed 10/24/11, continued:

- Respondent attaches to his *Objections* (as Exhibit C) a list of disbursements made to James from 4/8/05 (when Respondent was appointed Co-Trustee) through to William's death on 2/3/09; these disbursements total \$156,238.74 (this is not a complete list, however Respondent is in the process of completing a trust accounting for that stated time period as ordered by this Court);
- Additionally, Respondent is currently preparing a trust accounting for the period 2/3/09 – 6/30/11; Respondent believes said accounting can be completed within the next two weeks for Petitioner's review and filing with the Court;
- Respondent is entitled to reasonable compensation for his services as Trustee and as Co-Trustee during the period 4/8/05 to the present and has not received any compensation to date for his fiduciary services;
- To the extent the trust accounting shows disbursements for Respondent's benefit exceeding disbursements to Petitioner James, such amount can be offset against the reasonable compensation to which Respondent is entitled;
- Since William's death, Respondent has performed his fiduciary duties as required by law, including making regular disbursements of trust income and principal to the trust beneficiaries in accordance with the Wilkinson Trusts; as stated the primary asset of the Wilkinson Trusts is real property on Van Ness Boulevard in Fresno, which Respondent has listed for sale;
- To date, only one offer has been received at substantially less than the asking price;
- Removal of Respondent as Trustee is neither warranted nor necessary to protect the Trust or the beneficiaries, and appointment of a professional fiduciary will only serve to increase Trust expenses;
- If the Court orders Respondent to repay any monies disbursed to Respondent for his benefit (or his spouse's), Petitioner should similarly be ordered to repay all monies disbursed to Petitioner for his benefit.

Respondent prays:

1. All of relief prayed for by Petitioner James excluding Respondent's obligation to provide an accounting for Trust activities on or after 4/8/05 be denied and the *Third Amended Petition* be dismissed;
2. Petitioner be ordered to provide proper notice of the date and time for hearings of these proceedings to all Trust beneficiaries and all other interested parties including, parties named under the Trust to act as successor Trustee of Trusts A and B;
3. Petitioner be ordered to amend his *Third Amended Petition* to comply with the applicable Rules of Court;
4. Petitioner be ordered to pay all costs incurred herein by Respondent, including Respondent's attorney's fees, or alternatively, that Respondent be entitled to reimbursement from Trust assets for said costs.

Respondent Trustee's Status Report filed 1/19/12, states:

- At the 10/25/11 hearing, the Court ordered accountings for the Wilkinson Trusts for two account periods (4/5/05-1/31/09 and 2/1/09-7/13/11), and pursuant to a stipulation of the parties, these accountings were to be filed 7 days before the 1/25/12 hearing;
- Respondent attaches both Court-ordered accountings for the Wilkinson Trusts, for review by the Court and Petitioner's counsel; however, due to the length of the first account period and the number of transactions involved with respect to the three trusts, Respondent's counsel has not been able to include all of the information in each accounting for the joint account that was maintained during the account period by Respondent and William Wilkinson as that information is still being reviewed to appropriately characterize and allocate the receipts received and disbursements made. Respondent's counsel believes he will complete the accountings by the 1/25/12 hearing. However, this Status Report is provided to inform the Court as to the above status given the stipulated filing date (7 days prior to the hearing).

~Please see additional page~

Dept. 303, 9:00 a.m. Tuesday, May 8, 2012

Respondent's Supplement to Status Report filed 1/24/12, states:

- Respondent was ordered on 10/25/11 to provide Petitioner with an accounting for the disposition of any funds or accounts the source of which can be traced to either Trust A, B, or C, from 4/4/05 through the date of the account;
- Respondent attaches as Exhibit A an accounting for the Bank of America Joint checking account, held in both Petitioner and Respondent's names, for the period 12/15/06-12/18/09;
- A portion of the deposits made to this checking account can be traced to Wachovia Securities Account #6651 held in the name of Wilkinson Trust C. Respondent is in the process of obtaining additional account statements for the Bank of America account for the time period prior to 12/15/06, and will provide a further account for activities prior to that date when statements are received;
- In preparing the Bank of America accounting it was discovered that a deposit to Wachovia Securities reported on Schedule B of the 4/1/05-1/31/09 accounting (attached to prior Status Report) was incorrectly characterized as a "miscellaneous receipt" in the amount of \$21,169.58, received 11/28/07 from the Winifred Petersen Residual Trust. This deposit however should have been characterized as a payment by Ross Wilkinson against the unpaid principal balance of the unsecured loan reported on Schedule G of the Accounting, as the source of the deposit can be traced to Ross Wilkinson;
- As such, pages 1,8,17, and 18 of the Trustee's Accounting for the 4/1/05-1/31/09 period have been revised, and are attached to this Supplemental Status Report as Exhibit B;
- Additionally, in order to reflect the changes to the 4/1/05-1/31/09 account, it was necessary to correct the beginning and ending balance of the unsecured loan to Ross Wilkinson reported in the Accounting for the 2/1/09-7/31/11 Accounting – and attached as Exhibit C are the revised pages to this 2/1/09-7/31/11 Accounting.

Second Account and Report of Trustee and Petition for its Settlement

		D. STEVEN BLAKE , Trustee, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 1/1/11 – 12/31/11	
Cont. from		Accounting - \$315,330.81	
	Aff.Sub.Wit.	Beginning POH- \$310,019.54	
✓	Verified	Ending POH - \$315,235.81	
	Inventory		
	PTC	Trustees - waive	
	Not.Cred.	Attorney - not addressed	
✓	Notice of Hrg	Current bond is \$350,000.00 and is sufficient.	
✓	Aff.Mail	W/	
	Aff.Pub.	Petitioner states pursuant to the terms of the Secondary Trust provide that all expenses of administration incurred by the Secondary Trust, other than income taxes and bond premium be paid by the Gift Trust. There, petitioner requests distribution of \$1,614.00 to the Gift Trust for expenses of administration of the Secondary Trust.	
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202	Petitioners pray for an Order:	
✓	Order	1. That the second account and report of trustee is hereby settled, allowed and approved.	
	Aff. Posting	2. Distribution of \$1,614.00 to the Gift Trust for allowed expenses of the Secondary Trust that were paid by the Gift Trust.	
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: KT
			Reviewed on: 4/30/12
			Updates:
			Recommendation:
			File 7 - Silberstein

Atty Deeringer, James L. (of Downey Brand for Petitioner/Trustee D. Steven Blake)

Second Account and Report of Trustee and Petition for its Settlement and for Authority to Pay Attorney's Fees and Trustee Fees and Reimburse Costs Advance

		D. STEVEN BLAKE , Trustee, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 1/1/11 – 12/31/11 (one year)	
Cont. from		Accounting - \$15,120,437.15	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH- \$15,119,074.31	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$15,107,780.67 (\$107,780.67 is cash)	
<input type="checkbox"/>	Inventory	Current bond is \$132,186.70 and is sufficient.	
<input type="checkbox"/>	PTC	Trustee (Gift Trust) - \$3,925.00 (per itemization and declaration. 31.4 hours @ \$125/hr)	
<input type="checkbox"/>	Not.Cred.	Trustee (Secondary Trust) - \$137.50 (per itemization and declaration. 1.1 hours @ \$125.00/hr)	
<input type="checkbox"/>	Notice of Hrg	Trustee Cost (Gift Trust)- \$268.90 (mileage, postage and padlock)	
<input checked="" type="checkbox"/>	Aff.Mail	Attorney (Gift Trust)- \$19,401.00 (per itemization and declaration 20.4 attorney hours @ \$420/hr. and 48.1 paralegal hours @ \$210/hr.)	
<input type="checkbox"/>	Aff.Pub.	Attorney (Secondary Trust) - \$2,938.50 ((per itemization and declaration 2.5 attorney hours @ \$420/hr. and 9.0 paralegal hours @ \$210/hr.)	
<input type="checkbox"/>	Sp.Ntc.	Attorney costs (Gift Trust) - \$518.81 (filing fee, court call, postage, alternative delivery)	
<input type="checkbox"/>	Pers.Serv.	Attorney costs (Secondary Trust) - \$482.66 (filing fee, court call, postage, alternative delivery)	
<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: KT
			Reviewed on: 4/30/12
			Updates: 5/3/12
			Recommendation:
			File 8 - Silberstein

**Petition for Order Establishing Special Needs Trust; and for
 Authorization for Initial Trust Expenditures (Prob. C. 3600-3613)**

Age: 35 years DOB: 4/1/1977	<p>MICKLOS LEMONS, a conserved adult, by his attorneys, Dowling, Aaron and Keeler, seeks and order under Probate Code §3600 – 3613 to establish a Special Needs Trust (SNT) with Mr. Lemons as the proposed beneficiary.</p> <p>Mr. Lemons has been diagnosed with mental retardation, and the State of California has determined that the level of his disability is severe.</p> <p>The SNT will be funded from proceeds of a litigation settlement. All of the parties in the Litigation Action have reached a settlement with Mr. Lemons in his favor in the amount of \$46,548.00. Before any SNT is funded with these funds, by prior order of the Court dated 10/27/10, the Law Offices of Joanne Sanoian are to be paid \$3,400.00 from the settlement proceeds for services to the Conservators and \$355.00 for costs advanced. After payment to the Law Offices of Joanne Sanoian, Mr. Lemons will receive \$42,793.00.</p> <p>Petitioner states the settlement proceeds if provided directly to Mr. Lemons would eliminate his continuing eligibility for SSI and Medi-Cal because they exceed \$2,000.00</p> <p>Petitioner seeks an order of this Court that the assets from the settlement be paid to the Trustee of the MICKLOS LEMONS SPECIAL NEEDS TRUST.</p> <p>The proposed Special Needs Trust complies with all Federal, State and Local Requirements.</p> <p style="text-align: center;">Continued on additional page</p>	NEEDS/PROBLEMS/COMMENTS:					
Cont. from 071111, 082411							
<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							
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<input type="checkbox"/> CI Report							
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<input type="checkbox"/> Status Rpt							
<input type="checkbox"/> UCCJEA							
<input type="checkbox"/> Citation							
<input type="checkbox"/> FTB Notice							
		<table border="1"> <tr> <td>Reviewed by: KT</td> </tr> <tr> <td>Reviewed on: 5/1/12</td> </tr> <tr> <td>Updates:</td> </tr> <tr> <td>Recommendation:</td> </tr> <tr> <td>File 9 - Lemons</td> </tr> </table>	Reviewed by: KT	Reviewed on: 5/1/12	Updates:	Recommendation:	File 9 - Lemons
Reviewed by: KT							
Reviewed on: 5/1/12							
Updates:							
Recommendation:							
File 9 - Lemons							

The proposed Special Needs Trust complies with California Rules 7.903(c) as follows:

- The Trust does not contain a “no-contest” provision;
- It prohibits modifications or revocations without court approval;
- It clearly identifies the trustee and any other person with authority to direct the trustee to make payments;
- It prohibits investments by the trustee other than those permitted under Probate Code §2574;
- It requires the Trustee to post bond in the amount required under Probate Code §2320-2335;
- It requires the Trustee to file accounts and report for court approval in the manner and frequency required by Probate Code §1060-1064 and §2620-2628;
- It requires Court approval of changes in trustees and court order appointing any successor trustee;
- It requires that compensation of the trustee, the members of any advisory committee, or the attorney for the trustee to be in just and reasonable amounts that must be fixed and allowed by the court

The proposed Special Needs Trust complies with Fresno County Local Rules as follows:

- A copy of the proposed trust instrument is attached to the petition to establish the Trust;
- The Trust complies with California Rules of Court 7.903;
- The Trust requires court confirmation for any purchase or sale of trust real property;

Petitioner proposes that **FREDA B. BALES** be named as the initial Trustee with **bond fixed at \$48,484.46**. Freda Bales consents to this appointment.

Petitioner requests an order of the Court that the Trustee is authorized to use asset of the SNT for the following purchases:

1. To purchase a bedroom set for Micklos Lemons in an amount not to exceed \$2,000.00;
2. To utilize trustee monies to meet Mr. Lemons' vision, dental and audiology needs which are not covered by Medi-Cal, including the payment of needed procedures as they arise, and/or for the purchase of insurance on an ongoing basis without the need for court approval for each instance;
3. The purchase of some items to enhance Mr. Lemons' life in a combined amount not to exceed \$2,000.00, including, a new bicycle, a new stereo and a vacation to Disneyland. It also requests the court approve the use of SNT funds to pay for room and board and the price of a ticket for Mr. Lemons' caregivers, Freda Bales and Sharon Bushman, as they would otherwise lack the financial means to take him on the trip;
4. The purchase of a burial headstone for Mr. Lemons and his deceased father in an amount not to exceed \$675.00;
5. The purchase of a pre-needs burial plan in an amount not to exceed \$6000.00.

Petitioner prays for an Order:

1. That the Court establish the MICKLOS LEMONS SPECIAL NEEDS TRUST.
2. That Petitioner be directed to execute it on behalf of Micklos Lemons and that the Court has continuing jurisdiction over the Micklos Lemons Special Needs Trust;
3. That FREDA BALES shall serve as the initial trustee with bond fixed at \$48,484.46;
4. That Mr. Lemons has a disability that substantially impairs his ability to provide for his own care or custody, and constitutes a substantial handicap;
5. That Mr. Lemons is likely to have special needs that will not be met without the Trust;
6. That money to be paid to the Trust does not exceed the amount that appears reasonably necessary to meet Mr. Lemons' special needs;
7. That the payment of all monies due to Mr. Lemons from the Litigation Settlement be paid to the Trustee of the Special Needs Trust after payment of the personal injury Medi-Cal lien, if any;
8. That any proceeds of the settlement award received by Mr. Lemons' attorney before the hearing of this petition and deposited in attorney's attorney/client trust account shall not be considered received by Mr. Lemons for public benefits eligibility purposes;
9. That the assets of the estate are unavailable for the beneficiary and shall not constitute a resource to Mr. Lemons for Mr. Lemons' financial eligibility for Medi-Cal, SSI; regional center assistance, or any other program of public benefits;
10. That the Trustee provide the Court with a biennial account and report of the SNT beginning with the period 1 year after the court approves the establishment of the trust and every 2 years thereafter;
11. That the Trustee is authorized to use the assets of the SNT to purchase a bedroom set for Mr. Lemons in an amount not to exceed \$2,000.00;
12. That the Trustee is authorized to use trust assets to meet Mr. Lemons' vision, dental and audiology needs which are not covered by Medi-Cal, including the payment of needed procedures as they arise, and/or for the purchase of insurance on an on-going basis;
13. That the Trustee is authorized to use assets of the SNT to purchase some items to enhance Mr. Lemons' life in a combined amount not to exceed \$2,000.00, including a new bicycle, a new stereo, and a vacation to Disneyland, including payment of room, board and tickets for Mr. Lemons' caregivers for such vacation to Disneyland;
14. That the Trustee is authorized to purchase a burial headstone to be shared by Mr. Lemons and his deceased father in an amount not to exceed \$675.00 and a prepaid burial contract for Mr. Lemons for funeral expenses in an amount not to exceed \$6,000.00.

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

Age: 10		<p>TEMPORARY EXPIRES 5-8-12</p> <p>DREW and ROBERTA MCLAUHLIN, Paternal Grandparents, are Petitioners.</p> <p>Father: MATTHEW MCLAUHLIN - Consent and Waiver of Notice filed 3-13-12</p> <p>Mother: TIA HENSHAW - Objections filed 3-7-12, 4-24-12</p> <p>Maternal Grandfather: Not provided Maternal Grandmother: Not provided</p> <p>Petitioners state a family law visitation order from 2005 allowed Petitioners to pick up the child on alternating weekends to take her to visit her father, who was on active duty in the military at that time. Petitioners state they are the child's <i>de facto</i> parents because since the parents separated in 2004, the child has spent significant periods of time in their home. Guinevere is presently in the fourth grade, but Petitioners believe her residence has changed approx. eight times, and she has attended approx. 10 different schools. The mother relocated to Susanville (Lassen County) in 2010, and Petitioners believe the child has witnessed her mother purchase drugs. On 3-4-12, pursuant to the terms of the family law order, Petitioners traveled to Susanville for a visit. Upon arrival, Petitioners found the child was left alone to care for her 3 ½ year old brother and contacted police. Neither Petitioners nor police were able to reach the mother. This indicates that if there were an emergency, Guinevere would not have been able to reach her either.</p> <p>Petitioners state since Guinevere has been in their custody, she informed them that she has been providing childcare for approx. three weeks since her maternal uncle, who formerly resided in the home, relocated to Arizona. This included cooking on the stove, which could pose a significant danger and possibly be life threatening to both children in case of fire.</p> <p style="text-align: center;">SEE PAGES 2-4</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Petitioners:</u></p> <ol style="list-style-type: none"> 1. Need Child Information Attachment Form GC-210(CA). <i>Note: This is a mandatory Judicial Council form in guardianship filings that contains information regarding the child, including ICWA, family, and other information.</i> 2. Need Notice of Hearing (mandatory Judicial Council Form GC-020) pursuant to Probate Code §1211. 3. Need proof of personal service of Notice of Hearing with a copy of the Amended Petition at least 15 days prior to the hearing on: - Tia Henshaw (Mother) 4. Need proof of service of Notice of Hearing with a copy of the Amended Petition at least 15 days prior to the hearing on: - Maternal Grandfather - Maternal Grandmother <p><u>Objector:</u></p> <ol style="list-style-type: none"> 1. The Supplemental and Reply Declaration and Memorandum of Points and Authorities filed 4-24-12 was served on Petitioners' attorney only. Pursuant to Probate Code §1214 and Cal. Rules of Court 7.51, direct notice is required.
DOB: 1-9-02			
Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg X		
	Aff.Mail X		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv. X		
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input checked="" type="checkbox"/>	Objections		
	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
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<input checked="" type="checkbox"/>	Order		
	Aff. Posting		
	Status Rpt		
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	Citation		
	FTB Notice		

Petitioners state that they picked up Guinevere and the intervention of Lassen County Child Protective Services is being sought regarding placement of the three year old and it is likely that criminal charges of child endangerment will be filed. While en route from Susanville on 3-4-12, Petitioners received multiple harassing telephone calls from the mother demanding their immediate return. Petitioners reiterated that they were exercising their court-ordered authority.

Petitioners were then contacted by a person who they believe is the mother's step-father, who threatened Amber Alert and kidnapping charges. Fearing that these threats were credible, Petitioners contacted their attorney.

Petitioners state the mother's decision to leave Guinevere alone to care for a three-year-old demonstrates lack of good judgment, lack of strong parenting skills, and has led to the possibility of child endangerment charges in Lassen County.

Petitioners state their son (the father) supports their request for guardianship.

Mother filed an Objection on 3-7-12 prior to the temporary hearing. At the Temporary Hearing on 3-19-12, temporary guardianship was extended and the mother was granted visitation.

Mother filed a Supplemental and Reply Declaration and a Memorandum of Points and Authorities in Opposition of Appointment of Guardian of Minor on 4-24-12.

Mother states that pursuant to the family law custody order, Guinevere resides primarily with her except when the father is in the Fresno area. During those times, Guinevere was to reside with each of them on an alternating week schedule. At the time the order was made, the father had just completed boot camp and would be entering the Marines. The order also included provisions for Petitioners to take Guinevere to visit the father during the week that would have been his custodial period.

Obviously at the time the order was made, Guinevere was not of school age and was able to travel during the week. However, at this time, it is not possible for her to travel with Petitioners during the week.

Mother states that since the order has been in place, the father has personally set up visitation no more than twice. He has never tried to maintain a relationship with Guinevere. Nonetheless, Mother has continued to work with Petitioners to facilitate his visits.

In June 2010, Mother was offered a job in Susanville with the California Correctional Center as a psychiatric technician. Upon being offered this job, Mother immediately made Petitioners aware that it was necessary to move with Guinevere to Susanville. She attempted to notify the father, but was not able to make contact with him directly. Mother believes Petitioners made him aware.

Mother states that the family law order is clear in its provision that Petitioners were to facilitate visits between Guinevere and the father. **This provision is NOT a visitation right for Petitioners.**

In January 2012 Mother discovered that Petitioners were not taking Guinevere to visit the father as represented to her, but instead were using the time to visit with her themselves. In fact, Guinevere stated that she only visited with her father on one occasion for two days in 2011. Petitioners admitted that the father does not visit, and further that during the 2011 visit, the father became upset and attacked Petitioner Drew McLauchlin (strangling and hitting him) in Guinevere's presence.

Mother describes additional times when she allowed Guinevere to go with Petitioners to visit her father, but it turns out they like about visiting him except for once. Therefore, the time Petitioners state they have spent with Guinevere was under false pretenses.

Mother asks the Court take into consideration that all of the time spent with Petitioners was during her breaks from school as most grandparents would spend time with their grandchild, not during her normal, day-to-day routine and school year.

In their petition, Petitioners go so far as to allege that she has purchased drugs and Guinevere witnessed this. This statement is absolutely untrue. Mother states she has gone to tobacco shops to purchase novelty tobacco for her brother as a gift, but Guinevere has never been taken into the shops. To be clear, Mother states she did not purchase illegal drugs nor does she use illegal drugs.

Petitioners allege that Mother left Guinevere alone with her brother for three weeks. In actuality, Mother utilized friends to watch her children while she is at work. On 3-4-12, the childcare provider cancelled at the last minute. Mother had to leave for work, so she left Guinevere with the child. She called every couple of hours to check on her and provided her with food to eat. She never instructed her to cook for herself or her brother on the stove.

Petitioners allege that the officer described that her home was in "disarray." First off, this is hearsay and inadmissible. However, Mother states she feels compelled to respond that the statement does not state, and she was not informed, that the officer ever entered the residence.

Petitioners further note that they were unable to reach her by phone. Mother notes that they refer to her as "Tia Toledo" which they know is not her current name, but they also provided the law enforcement officer with the wrong phone number. Petitioners have the ability to contact her at work, as they have done previously, but stated that they did not know where she worked.

Petitioners allege that her son was placed in protective care by CPS. This is not true. Law enforcement informed her that no criminal charges were being brought as no law had been broken, and there is nothing in the incident report which even insinuates this.

Petitioners allege that Mother called to harass them when they left with Guinevere. It is true that she called, but not once did she speak with them or leave a voicemail message.

Petitioners admit that they essentially orchestrated this entire event under the guise to law enforcement that they had the right to pick up Guinevere pursuant to the custody order. In actuality, Petitioners had already retained an attorney for the purpose of gaining guardianship. Petitioners abused the provisions in the custody order to gain custody and bolster their chances of having their petition granted.

Mother states the declaration of Jill Hoffman is a poor attempt to twist her words and take her statements out of context in order to attack her character as a person and as a mother. On 3-10-12, Mother was staying at a hotel in Fresno due to this guardianship matter. During her stay, she met a woman she believes was Jill Hoffman. In her declaration, Ms. Hoffman states she did not ask any questions and just allowed Mother to volunteer information. This is entirely untrue. In fact, the conversation was fueled by her questions, so Mother explained her reasons for being in town and her discontent with Petitioners' actions in removing the child from her home under false pretenses. Mother explains that Paragraph 23 of Ms. Hoffman's declaration is completely fabricated. She told her she was so against drugs that she didn't speak to her own brother for a period of time, but he has now been clean for three years. Ms. Hoffman blatantly asked her if she used illegal drugs, and also asked about "cleaners" that could alter a hair follicle test.

Mother requests that the Petition be denied. It is clear that Petitioners have abused the custody order to gain access to her child under false pretenses, and guardianship is not warranted. She is a good mother and provider to her children, maintains stable employment and does not use drugs as alleged.

Memorandum of Points and Authorities states:

- **Probate Code §1514 provides that the court is governed by Family Clode §3020 *et seq.* and Family Code §3040 *et seq.* in appointing a guardian of the person. The legislature has made it clear that the first preference is that custody should be granted to both parents or to either parent.**

Here, Ms. Henshaw has been the parent that takes Guinevere to medical appointments, nursed her when sick, attended all school functions, helped with schoolwork, cooked meals, bathed her and provided with proper nurturing a child requires. In addition, she maintains full time employment. Ms. Henshaw has been Guinevere's primary parent since birth and the code **clearly** gives her preference in custody.

- **By removing the child from her mother, Petitioners will only cause detriment to the child as defined by Family Code §3041.**

3041 (a): "Before making an order granting custody to a person or persons other than a parent, over the objection of a parent, the court shall make a finding that granting custody to a parent would be detrimental to the child and that granting custody to the nonparent is required to serve the best interest of the child."

3041 (c): "As used in this section, "detriment to the child" includes the harm of removal from a stable placement of a child with a person who has assumed, on a day-to-day basis, the role of his or her parent, fulfilling both the child's physical needs and the child's psychological needs for care and affection, and who as assumed that role for a substantial period of time."

By removing her from her parent, the child will suffer detriment as defined by Family Code §3041 (c).

- **Petitioners have failed to show that removing Guinevere from Ms. Henshaw and moving her approx. 400 miles away is in her best interest.**

Court Investigator Jennifer Young filed a report on 5-2-12.

Petition for Termination of Guardianship

Age: 6 years DOB: 8/5/2005		<p>FELIPE E. BAUTISTA., father, is Petitioner.</p> <p>MARIA BAUTISTA, paternal grandmother, was appointed Guardian on 5/8/06. – Served by mail on 3/15/12.</p> <p>Mother: VANESSA NICOLE NORIEGA</p> <p>Paternal grandfather: Antonio Bautista</p> <p>Maternal grandfather: Victor Manuel Noriega</p> <p>Maternal Grandmother: Kathy Ann Noriega</p> <p>Petitioner states.....???</p> <p>Court Investigator Samantha Henson's Report filed on 4/30/12</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Petition is incomplete at #5 – Why it would be in the best interest of the minor to terminate the guardianship. Need proof of service of the <i>Notice of Hearing</i> on: <ol style="list-style-type: none"> Vanessa Nicole Noriega (mother) Antonio Bautista (paternal grandfather) Victor Manuel Noriega (maternal grandfather) Kathy Ann Noriega (maternal grandmother) 	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
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<input type="checkbox"/>	Inventory			
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<input checked="" type="checkbox"/>	Order			
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<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		<p>Reviewed by: KT</p> <p>Reviewed on: 5/1/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 12A - Bautista</p>		

Petition for Modification of Visitation

Age: 6 years		<p>MARIA BAUTISTA, paternal grandmother, is petitioner.</p> <p>MARIA BAUTISTA was appointed Guardian on 5/8/06.</p> <p>Father: FELIPE E. BAUTISTA,</p> <p>Mother: VANESSA NICOLE NORIEGA</p> <p>Paternal grandfather: Antonio Bautista</p> <p>Maternal grandfather: Victor Manuel Noriega</p> <p>Maternal Grandmother: Kathy Ann Noriega</p> <p>Current visitation order per Minute Order dated 1/31/11:</p> <p>Father may visit every Saturday from 9 a.m. to 5 p.m. at the guardian's home, or he may pick up the minor and return him by 5 p.m. He must notify the guardian in advance if he cannot keep him until 5 p.m. Visits are to be without the girlfriend. No negative comments by guardian re: Felipe or girlfriend.</p> <p>Petitioner states the father does not cooperate with her when it comes to visits. He is always late or sometimes does not show up. When he does visit, the minor has told Petitioner that his father questions him about the adults in her home and it is affecting the minor. When the father drops the minor off, he drops him off a block away. Petitioner states the minor is on medication and the father is unable to handle him. The minor has told Petitioner that his father only wants him to stay sitting down due to his hyperactivity which is what he is taking medication for.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service of the <i>Notice of Hearing</i> on: <ul style="list-style-type: none"> e. Felipe E. Bautista (father) f. Vanessa Nicole Noriega (mother) g. Antonio Bautista (paternal grandfather) h. Victor Manuel Noriega (maternal grandfather) i. Kathy Ann Noriega (maternal grandmother)
DOB: 8/5/2005			
Cont. from			
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<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.		
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<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		
		<p>Reviewed by: KT</p> <p>Reviewed on: 5/1/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 12B - Bautista</p>	

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution (Prob. C. § 122200, et seq.)

DOD: 5-5-06		<p>PATRICIA GREENUP was appointed Administrator with Limited IAEA without bond and Letters issued on 1-2-07.</p> <p>Inventory and Appraisal filed 4-27-07 reflects real property located in Clovis valued at \$175,000.00.</p> <p>A status report from February 2008 indicated that the house was listed for sale and requested six months to close administration.</p> <p>On 2-18-11, the court set this status hearing for failure to file a first account or petition for final distribution. Notice was sent to Administrator on 2-18-11.</p> <p>On 4-11-11, the matter was continued to 6-20-11.</p> <p>On 6-20-11, Mr. Greenup advised the Court that the home is not listed for sale, but is being rented by a non-relative, and he intends to have the property re-appraised. Mr. Greenup requested a 5-6 month continuance. The matter was continued to 1-9-12.</p> <p><i>Examiner's note: Present at the hearing were Patricia Greenup and Arthur Greenup (unknown relation).</i></p> <p>On 1-9-12, there were no appearances. The Court set the matter for an Order to Show Cause Re: Failure to File the First Account on 3-5-12.</p> <p>On 3-5-12, the Court continued the status hearing to 5-8-12 and provided Examiner Notes to Petitioner.</p> <p>As of 4-27-12, nothing further has been filed.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: This is the 5th status hearing re: failure to file a first account or petition for final distribution.</p> <p>Note: Petitioner was previously represented by Attorney Richard C. Henderson, but pursuant to Substitution of Attorney filed 10-13-09, is now self-represented.</p> <p>Minute Order 4-11-11: Examiner notes handed to Ms. Greenup. Matter continued to 6-20-11.</p> <p>Minute Order 6-20-11: Examiner notes provided to Ms. Greenup. Mr. Greenup advises the Court that the home is not listed for sale, but is being rented by a non-relative. He further advises that he intends to have the property re-appraised. Mr. Greenup requests a five to six months continuance. Matter continued to 1/9/12.</p> <p>Minute Order 1-9-12: No appearances. The Court sets the matter for an Order to Show Cause Re: Failure to File the First Account on 3-5-12. The Court orders Patricia Greenup to be present on 3-5-12.</p> <p>Minute Order 3-5-12 (OSC): Petitioner needs to notice Health Care Services and all heirs or submit a due diligence. Examiner Notes provided to Petitioner. Status continued to 5-8-12.</p> <p>As of 4-27-12, nothing further has been filed.</p> <p>The following issues remain:</p> <ol style="list-style-type: none"> Need account current or petition for final distribution. Need Notice of Hearing to heirs and the Dept. of Health Care Services pursuant to Request for Special Notice and Order of 3-5-12.
Cont. from 041111, 062011, 010912, 030512			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt	X		
UCCJEA			
Citation			
FTB Notice			
		<p>Updates:</p> <p>Contacts: Reviewed 4-27-12</p> <p>Recommendation:</p> <p>Reviewed by: skc</p> <p>File 13 - Garza</p>	

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

Age: 5 years DOB: 7/3/06	Temporary Expires 5/8/12	NEEDS/PROBLEMS/COMMENTS: Continued from 3/27/12. Minute order states the Court directs the Petitioner to provide her contact information to the Clerk's Office forthwith. The Court orders a Court Investigator contact the petitioner as well as CPS regarding the cause of her present living conditions. 1. Need proof of personal service of the <i>Notice of Hearing</i> along with a copy of the <i>Petition or Consent and Waiver of Notice</i> on: a. Unknown father – unless court dispenses with notice. 2. Need proof of service of the <i>Notice of Hearing</i> along with a copy of the <i>Petition or Consent and Waiver of Notice</i> or <i>Declaration of Due Diligence</i> on a. Rosa Lopez (maternal grandmother) b. Paternal grandparents (unknown)
	MAGDA KARINA GUZMAN , Sister, is Petitioner.	
	Father: UNKNOWN - Declaration of Due Diligence filed 1/31/12 states Father is unknown	
Cont. from	Mother: BLANCA ESTELA GUZMAN DE SIERRA - Deceased	
<input type="checkbox"/> Aff.Sub.Wit.	Paternal Grandfather: Unknown Paternal Grandmother: Unknown	
<input checked="" type="checkbox"/> Verified	Maternal Grandfather: Francisco Guzman - Deceased	
<input type="checkbox"/> Inventory	Maternal Grandmother: Rosa Lopez - Homeless in Washington	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.	Petitioner states she and the minor have been together since birth. Petitioner states she has been a large part of the minor's life and they have a strong bond. Their mother passed away on 5/11/11. Their father is not a part of their life. Petitioner would like to be guardian to provide the minor with a stable, loving home environment.	
<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 checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
	Court Investigator Julie Negrete's Report filed on 5/1/12.	
	Reviewed by: KT	
	Reviewed on: 4/30/12	
	Updates: 5/3/12	
	Recommendation:	
	File 14 - Guzman	

Pro Per Gaytan, Rudolph (Pro Per Petitioner, maternal grandfather)
 Pro Per Gaytan, Linda (Pro Per Petitioner, maternal grandmother)

Petition for Termination of Guardianship

Age: 16 years	<p>RUDOLPH EDWARD GAYTAN, maternal grandfather, and LINDA CHRISTINA GAYTAN, maternal step-grandmother, Co-Guardians appointed on 12/12/2011, are Petitioners.</p> <p>Father: MIGUEL ANGEL VEGA, SR.</p> <p>Mother: NELLIE CRUZ VEGA; <i>consents and waives notice</i>;</p> <p>Paternal grandfather: <i>Not listed</i>; Paternal grandmother: <i>Not listed</i>;</p> <p>Maternal grandmother: Rachel Juarez; <i>sent notice by mail 4/18/2012</i>;</p> <p>Petitioners state the minor wants to return to her mother and she no longer wants to live with them.</p> <p>Court Investigator Samantha Henson's Report was filed on 5/2/2012.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Item 9 of the <i>Petition</i> is incomplete as to the child's relatives. Information has been obtained from previously filed petition; however, names of paternal grandparents are not listed in any filed documents, thus notice to them cannot be verified.</p> <p>1. Need proof of service by mail of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Termination of Guardianship</i>, or <i>Consent to Termination and Waiver of Notice</i>, or a <i>Declaration of Due Diligence</i>, for:</p> <ul style="list-style-type: none"> Miguel A. Vega, Sr., father. (Note: <i>Proof of Service by Mail</i> filed 4/30/2012 does not identify whether the person sent notice was Miguel Vega, Sr. or Miguel Vega, Jr.) Paternal grandparents. (Note: <i>Proof of Service by Mail</i> filed 4/30/2012 lists Maria Vega and Alfonso Vega, and the relationship of these persons to the ward is unclear from the documents, though they may be the paternal grandparents.) 	
DOB: 8/16/1995			
Cont. from			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail			W/
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
Reviewed by: LEG			
Reviewed on: 4/30/12			
Updates: 5/3/12			
Recommendation:			
File 15 - Vega			

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

Age: 14 years DOB: 10/20/1997		<p>THERE IS NO TEMPORARY. No temporary was requested.</p> <p>SARAH DENISE SAM, paternal aunt, is petitioner.</p> <p>Father: JERRY W. ANDERSON, JR. - consents and waives notice.</p> <p>Mother: SHANNON M. BRIGHT - personally served on 2/24/12.</p> <p>Paternal grandfather: Carlos Sam - consents and waives notice. Paternal grandmother: Elaine M. Sam - consents and waives notice. Maternal grandfather: William k. Bright - consents and waives notice. Maternal grandmother: Lynn Bright - consents and waives notice.</p> <p>Minor: Cheyenne Anderson - consents and waives notice.</p> <p>Petitioner states the minor currently resides with her and it has been decided by the family, that it is her best interest to remain with the petitioner.</p> <p>Court Investigator Jennifer Young's Report filed on 5/1/12.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input type="checkbox"/>	Aff.Mail			
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
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<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			
		<p>Reviewed by: KT</p> <p>Reviewed on: 5/1/12</p> <p>Updates: 5/2/12</p> <p>Recommendation:</p> <p>File 16 - Anderson</p>		

Petition for Appointment of Temporary Guardian of the Person and Estate

(Prob. C. 1510)

Age: 4 years DOB: 5/18/2007	Temporary (PERSON ONLY) was granted Ex Parte on 4/26/12. <u>TEMPORARY EXPIRES 5/8/12</u> <u>GENERAL HEARING 6/28/12</u>	NEEDS/PROBLEMS/COMMENTS: Please see related case on page 18 of this calendar.
	DIANA KATIGBAK , paternal aunt and RICHARD VAGER , paternal uncle, are petitioners.	
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.	Estimated value of the estate: Personal property - \$500,000.00 - Petition indicates all funds will be placed into a blocked account.	
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory	Father: EMERSON KATIGBAK – deceased. Mother: JANA KEELEY – personally served on 4/26/12	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.	Paternal grandfather: Leonard Katigbak – deceased Paternal grandmother: Melita Katigbak – deceased Maternal grandfather: David Keeley Maternal grandmother: Mornica Keeley	
<input checked="" type="checkbox"/> Notice of Hrg		
<input type="checkbox"/> Aff.Mail	Petitioners state prior to his death the father had sole physical custody of the children and mother had visitation as mutually agreed upon by the parties. Despite the fact that the mother had visitation of both children, she had not visited with Gavin [sibling of Aiyanna, and the subject of page 18 of this calendar] due to the fact that he is severely autistic and has special needs. Prior to the father's death, the mother had not seen Gavin for approximately 3-4 months and would only visit with Aiyanna.	
<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 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		
Please see additional page		
		Reviewed by: KT
		Reviewed on: 5/2/12
		Updates:
		Recommendation:
		File 17 - Katigbak

Petitioners state Mom does not have a stable home for the children. Due to Gavin's severe autism he receives in home therapy through CVRC two hours per day five days per week. Gavin did not begin to talk until he was 6 years old. Gavin is 8 now and has only begun eating solid food and drinking from a sippy cup. Since Jana has never been involved in Gavin's treatment, Petitioner's do not believe she knows what progress he has made or how to communicate with him. Petitioners state they have helped the father care for Gavin on a daily basis so they are well aware of his daily needs and how to work with him.

On the day of the father's death Aiyanna was visiting with her mother, Gavin was in the care of Petitioners. So as not to disrupt Gavin's routine, Petitioner's state they put Gavin on the bus to go to school that day. Upon learning of the father's passing the mother, picked Gavin up from school. The day after the father's death, Mom came to Petitioner's home and demanded the keys to the father's house. Mom said to hand over the keys as it was her house now.

Petitioners state the mother has strong ties to Michigan as she was born there and still has family there. Petitioners are fearful that the mother is going to take the children and not return ripping them from the only environment they know.

Petition for Appointment of Temporary guardianship of the Person and Estate (Prob. C. 1510)

Age: 8 years DOB: 7/3/2003		Temporary (PERSON ONLY) was granted Ex Parte on 4/26/12. <u>TEMPORARY EXPIRES 5/8/12</u> <u>GENERAL HEARING 6/28/12</u>	NEEDS/PROBLEMS/COMMENTS: Please see related case on page 17 of this calendar.
Cont. from		DIANA KATIGBAK, paternal aunt and RICHARD VAGER, paternal uncle, are petitioners.	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Estimated value of the estate: Personal property - \$500,000.00 - Petition indicates all funds will be placed into a blocked account.	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	Father: EMERSON KATIGBAK – deceased. Mother: JANA KEELEY – personally served on 4/26/12	
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Paternal grandfather: Leonard Katigbak – deceased Paternal grandmother: Melita Katigbak – deceased Maternal grandfather: David Keeley Maternal grandmother: Mornica Keeley	
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.	Petitioners state prior to his death the father had sole physical custody of the children and mother had visitation as mutually agreed upon by the parties. Despite the fact that the mother had visitation of both children, she had not visited with Gavin due to the fact that he is severely autistic and has special needs. Prior to the father's death, the mother had not seen Gavin for approximately 3-4 months and would only visit with Aiyanna [sibling of Gavin, and the subject of page 17 of this calendar].	
<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv.	W/	Reviewed by: KT
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		Reviewed on: 5/2/12
<input checked="" type="checkbox"/>	Duties/Supp		Updates:
<input type="checkbox"/>	Objections		Recommendation:
<input type="checkbox"/>	Video Receipt		File 18 - Katigbak
<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		

Please see additional page

Petitioners state Mom does not have a stable home for the children. Due to Gavin's severe autism he receives in home therapy through CVRC two hours per day five days per week. Gavin did not begin to talk until he was 6 years old. Gavin is 8 now and has only begun eating solid food and drinking from a sippy cup. Since Jana has never been involved in Gavin's treatment, Petitioner's do not believe she knows what progress he has made or how to communicate with him. Petitioners state they have helped the father care for Gavin on a daily basis so they are well aware of his daily needs and how to work with him.

On the day of the father's death Aiyanna was visiting with her mother, Gavin was in the care of Petitioners. So as not to disrupt Gavin's routine, Petitioner's state they put Gavin on the bus to go to school that day. Upon learning of the father's passing the mother, picked Gavin up from school. The day after the father's death, Mom came to Petitioner's home and demanded the keys to the father's house. Mom said to hand over the keys as it was her house now.

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