



## 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.

1  
Atty  
Atty

**Gregory Petrogonas (Estate)**  
 Knudson, David N. (for Paul A. Dictos – Administrator)  
 Agawa, Thomas K. (for Bank of America, N.A. – Respondent)

Case No. 06CEPR01375

**Petition to Determine Administration Expenses Allocable to Encumbered Property  
 Prior to Satisfaction of Lien, and for Deposit of Purchase Money with Court in  
 Satisfaction of Lien and Expenses [Prob. C. 10361.5, 10362]**

DOD: 11-23-06	TRO restraining Trustee's Sale and further Proceedings Regarding Premises at 4086 W. San Jose, Fresno, CA expires 4-25-13.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<b>Petitioner states</b> one of the assets of the estate is real property located at 4086 W. San Jose in Fresno, originally appraised at \$275,000.00 at Decedent's date of death. Due to the decline in the real estate market, and based on Internet valuation website, Petitioner believes the house is valued at this time at approx. \$133,000.00.	<b>Continued from 1-17-13, 3-21-13, 4-25-13</b>
Cont. from 011713, 032113, 042513	Decedent's spouse Maria Raquel Petrogonas ("Raquel") has continued to reside in the residence and on 8-24-10 was granted a probate homestead.	<b>Minute Order 1-17-13:</b> The Court directs Mr. Knudson to submit a declaration specifically outlining what is happening in the other jurisdictions that would preclude further inventory and appraisals. Matter continued to 3/21/13. Mr. Knudson is directed to provide Mr. Lucich notice of the next hearing. The temporary restraining order restraining the trustee's sale is extended to 3/21/13. Continued to 3/21/13.
Aff.Sub.Wit.	At the date of death, the house was encumbered in the initial amount of \$91,751.00, with the mortgage payable at a rate of \$848.26/month. During the initial period of estate administration, the Administrator made payments from estate funds, and later, Raquel made payments to the Administrator for the mortgage. Raquel's sole source of income is Social Security Disability payments of only \$850/month.	<b>Minute Order 3-21-13:</b> Ms. Hubbell is appearing specially for Thomas Agawa. Joint request for continuance. Matter continued to 4-25-13. TRO remains in full force and effect and is extended to 4-25-13.
✓ Verified	The property subsequently went into default. Anticipating funds from the sale of properties in Argentinia and/or Greece, Petitioner advanced \$7,650 to cure the default on the loan. When the estate was unable to pay property taxes and/or insurance, the bank subsequently raised the monthly payment to more than \$1,600.00. Petitioner tried on numerous occasions to negotiate a loan modification with Bank of America, who steadfastly refused to consider it.	<b>Note: Points and Authorities in Support of Petition were filed 3-19-13 by Attorney Knudson. See file document for details.</b>
Inventory	The current arrearages are \$19,327.00 and the present balance due is \$47,565.64 (Exhibit C). A Trustee's (foreclosure) sale was set for 11-29-12.	Reviewed by: skc
PTC	Petitioner states the estate has incurred substantial administrative expenses with respect to the administration of this property and brings this petition pursuant to Probate Code §10361.5 to determine the amount of expenses of administration reasonably associated with the administration of the encumbered property, and to determine the expenses of the sale payable from the sales proceeds.	Reviewed on: 5-7-13
Not.Cred.	In the event the property is sold, whether at Trustee's sale or otherwise, the estate lacks assets to pay administration expenses and seeks an order determining same.	Updates:
✓ Notice of Hrg	<b>SEE PAGE 2</b>	Recommendation:
✓ Aff.Mail W		File 1 - Petrogonas
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
✓ Response		
Video Receipt		
CI Report		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Page 2

**Petitioner states the expenses of administration reasonably related to the administration of the encumbered property are \$46,167.18, computed at Exhibit E, which includes:**

- Estimated statutory fees allocable to the property, based on the estimated current value;
- Extraordinary fees payable to Petitioner and his attorney for the sale of the property at a minimal rate pursuant to Local Rule 7.18;
- Filing fees;
- Additional attorney's fees incurred in bringing this petition, together with costs advanced; and
- Expenses paid for the care preservation and maintenance of said property during the course of administration, including mortgage payments, homeowner's insurance and property taxes.

No additional expenses of sale are requested at this time. If the property is ultimately sold pursuant to the power of sale under the deed of trust, said expenses will be borne by the Bank. However, if Petitioner is successful in negotiating a short sale or otherwise reaching accommodation with the lender, this petition will be amended accordingly.

Petitioner will incur additional charges in serving notice of hearing on this petition and may incur additional attorney's fees for appearing at the hearing(s) on this petition. Said additional fees will be presented in a supplement to this petition prior to the hearing date.

Petitioner requests the Court order that following the hearing and approval of this petition, any proceeds of sale be paid to the clerk of the court to be disbursed as provided in Probate Code § 10362 as follows:

- First in payment of costs of administration attributable to this property;
- Second towards payment of the lien held by Bank of America, and thereafter
- To lenders with secured interests in the property, including Paul A. Dictos (\$7,650.00) and Atkinson, Andelson, Loya, Ruud and Romo (\$106,767.00)

**Petitioner requests:**

1. That the Court determine the amount of expenses of administration reasonably related to the administration of the encumbered property;
2. That the Court determine the expenses of sale of said property, if any there be;
3. That the Court order the proceeds from the sale to be paid to the Clerk of the Court to be disbursed as provided in Probate Code § 10362
4. For an order that upon such payment the lien on the property be discharged; and
5. For such further orders that the Court may deem proper.

**Bank of America, N.A., Respondent/Secured Party filed:**

- **Memorandum of Points & Authorities in Response to Petition to Determine Administrative Expenses Pursuant to Cal. Prob. Code §§ 10361.5, 10362**  
Respondent requests the Court deny any order compelling Respondent to accept less than the entire amount due under its security interest and/or deny any order requiring a Reconveyance of its lien, and further deny Petitioner any fees and costs claimed to be related to the sale and administration of the property, particularly any fees and costs derived from proceeds from the sale of Respondent's secured property. See pleading for details.
- **Request for Judicial Notice in Support of its Response to Petition to Determine Administrative Expenses Pursuant to Cal. Evid. Code §§ 452(c), (g), 453 & Appendix of Exhibits**  
12 exhibits provided. See pleading for details.

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

<b>Katie, 5</b>	<b><u>TEMPORARY EXPIRES 05/09/13</u></b>		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b><u>CONTINUED FROM 03/07/13</u></b>  <b>Minute Order from 03/07/13 states:</b>  <b>Ms. Rusca informs the Court that her client has retained counsel in Washington to enforce this order. Ms. Rusca requests a continuance.</b></p> <p><b>As of 05/07/13, the following items remain outstanding:</b></p> <ol style="list-style-type: none"> <li>1. Need proof of personal service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person or Consent &amp; Waiver of Notice or Declaration of Due Diligence</i> for:  - Michael Jay McGill (father)*  <i>Note: Substituted service was authorized on 01/03/13</i>  - Michelle Dawn Harris (mother)*  <i>It is noted that she was present in court on 01/03/13</i></li> <li>2. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person or Consent &amp; Waiver of Notice or Declaration of Due Diligence</i> for:  - Paternal grandparents (unknown)  - Kari Franks (maternal grandmother)</li> <li>3. Need Order &amp; Letters.</li> </ol>
<b>Abigail, 8</b>	<p><b>GEORGE FICKENWORTH</b>, maternal grandfather, is petitioner.</p> <p>Father: <b>MICHAEL JAY MCGILL</b> – <i>Personally served on 03/29/13</i></p> <p>Mother: <b>MICHELLE DAWN HARRIS</b></p> <p>Paternal Grandparents: UNKNOWN</p> <p>Maternal Grandmother: KARRI FRANKS</p> <p><b>Petitioner alleges:</b> Mother has abandoned the children after CPS placed them in petitioner’s care. The father is believed to be in jail pending domestic violence charges.</p> <p><b>Court Investigator Samantha Henson filed a report on 10/31/12. .</b></p> <p><b>Court Investigator Samantha Henson filed a report on 05/02/13.</b></p> <p><b>Objection to Guardianship filed 05/03/13 by father, Michael McGill</b> states: that he objects to the Petitioner being appointed guardian of his children. He states that the Petition is filled with lies and half-truths. He states that he was not fully aware of what these proceedings were until March 27, 2013 when he was served with a Writ of Habeas Corpus and the children were removed from his care. He states that he had had contact with both Michelle (mother) and Petitioner in the months that the children were living with him in Washington and that he was not evading service. He states that it was his understanding through communication with police in Washington and Clovis that the children were fine in his care. He states that the Michelle gave him custody of the children on 09/10/12 knowing that he was going to take them to Washington. Further he states that the children are fearful of Petitioner and have stated that he was abusive toward them when they lived with him and their mother. Mr. McGill further states that Michelle (mother) relayed to him that she had a bad childhood and that Petitioner physically and mentally abused her and her siblings. Mr. McGill states that he has a job in Washington, a home for the girls where they have their own room, they were enrolled in school, and have health insurance. Mr. McGill states that he believes the Petitioner is motivated by money to seek custody because he does not have an income of his own and believes that he will be able to get child support. Mr. McGill states that guardianship of the children is not necessary as they were well cared for in his custody. Mr. McGill requests that the guardianship petition be denied.</p>		
<b>Cont. from 110512, 010313, 030713</b>			
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>			
<input checked="" type="checkbox"/> <b>Verified</b>			
<input type="checkbox"/> <b>Inventory</b>			
<input type="checkbox"/> <b>PTC</b>			
<input type="checkbox"/> <b>Not.Cred.</b>			
<input type="checkbox"/> <b>Notice of Hrg</b>	x		
<input type="checkbox"/> <b>Aff.Mail</b>	x		
<input type="checkbox"/> <b>Aff.Pub.</b>			
<input type="checkbox"/> <b>Sp.Ntc.</b>			
<input type="checkbox"/> <b>Pers.Serv.</b>	x		
<input checked="" type="checkbox"/> <b>Conf. Screen</b>			
<input type="checkbox"/> <b>Letters</b>	x		
<input checked="" type="checkbox"/> <b>Duties/Supp</b>			
<input checked="" type="checkbox"/> <b>Objections</b>			
<input type="checkbox"/> <b>Video Receipt</b>			
<input checked="" type="checkbox"/> <b>CI Report</b>			
<input type="checkbox"/> <b>9202</b>			
<input type="checkbox"/> <b>Order</b>	x		
<input type="checkbox"/> <b>Aff. Posting</b>			
<input type="checkbox"/> <b>Status Rpt</b>			
<input checked="" type="checkbox"/> <b>UCCJEA</b>			
<input type="checkbox"/> <b>Citation</b>			
<input type="checkbox"/> <b>FTB Notice</b>			

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

<b>DOD: 2/5/2013</b>		<p><b>SADIE HODGE</b>, mother/named executor without bond, is petitioner.</p> <p>Full IAEA - o.k.</p> <p>Will dated: 4/17/2012</p> <p>Residence: Fresno Publication: Fresno Business Journal</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. The case number in the publication is incorrect (13CEPR0028<del>9</del>).</p> <p><b>Note:</b> If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> <li><b>Friday, October 13, 2013</b> at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.</li> <li><b>Friday, July 11, 2014</b> at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.</li> </ul> <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.</p>
<b>Cont. from</b>			
<input checked="" type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> W/		
<input checked="" type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>	<p><b>Estimated Value of the Estate:</b></p> <p>Personal property - \$ 40,000.00 Income - \$ 40.00 Real property - \$ 80,000.00 <b>Total - \$120,040.00</b></p>	
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</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>	<p><b>Probate Referee: Steven Diebert</b></p>	
<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: 5/9/2013</b>			
<b>Updates:</b>			
<b>Recommendation:</b>			
<b>File 6 – Hodge</b>			