

**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.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 1-17-13, 3-21-13, 4-25-13</p> <p>Minute Order 1-17-13: 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.</p> <p>Minute Order 3-21-13: 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.</p> <p>Note: Points and Authorities in Support of Petition were filed 3-19-13 by Attorney Knudson. See file document for details.</p> <hr/> <p>Reviewed by: skc</p> <hr/> <p>Reviewed on: 5-7-13</p> <hr/> <p>Updates:</p> <hr/> <p>Recommendation:</p> <p>File 1 - Petrogonas</p>
	Petitioner states 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.	
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.	
<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	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.	
<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 checked="" type="checkbox"/> Response	The property subsequently went into default. Anticipating funds from the sale of properties in Argentina 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.	
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order	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.	
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice	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.	
	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.	

SEE PAGE 2

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.

(1) First and Final Account and Report of Administrator and Petition for Its Settlement, (2) for Allowance of Statutory Commissions and (3) for Final Distribution [Prob. C. 10400-10406, 10954, 11600-11642]

DOD: 08/05/11	DAN C. MORRIS , Administrator, is Petitioner.		NEEDS/PROBLEMS/COMMENTS: 1. Petitioner proposes to distribute the decedent's sister, Josephine Thatch's, portion to her children. However, it appears that she survived the decedent (DOD: 10/15/11). Therefore it appears that her share would pass to her estate.	
	Account period: 08/05/11 – 03/22/13			
	Accounting	-		\$234,052.63
	Beginning POH	-		\$206,031.81
	Ending POH	-		\$159,080.40 (all cash)
Cont. from	Administrator	-		\$7,637.00 (statutory)
<input type="checkbox"/> Aff.Sub.Wit.	Attorney	-		\$7,637.00 (statutory)
<input checked="" type="checkbox"/> Verified	Closing	-		\$2,000.00
<input checked="" type="checkbox"/> Inventory	Distribution, pursuant to intestate succession, is to:			
<input checked="" type="checkbox"/> PTC	Dan C. Morris	-		\$14,180.64
<input checked="" type="checkbox"/> Not.Cred.	Archa Boozer	-		\$14,180.64
<input checked="" type="checkbox"/> Notice of Hrg	Barbara Meadows	-		\$14,180.64
<input checked="" type="checkbox"/> Aff.Mail w/o	Rose Mary Bryant	-		\$14,180.64
<input type="checkbox"/> Aff.Pub.	Mary Connor	-		\$14,180.64
<input type="checkbox"/> Sp.Ntc.	Jimmie Morris, Jr.	-		\$7,090.32
<input type="checkbox"/> Pers.Serv.	Anthony Morris-			\$7,090.32
<input type="checkbox"/> Conf. Screen	Angela David -			\$4,726.88
<input type="checkbox"/> Letters 07/25/12	Jamel Felker	-		\$4,726.88
<input type="checkbox"/> Duties/Supp	Brian Felker	-		\$4,726.88
<input type="checkbox"/> Objections	Jernell Sanders-			\$4,726.88
<input type="checkbox"/> Video Receipt	Dixie Tatum	-		\$4,726.88
<input type="checkbox"/> CI Report	Carl Lee Ward -			\$4,726.88
<input checked="" type="checkbox"/> 9202	Angie Davenport	-		\$1,418.06
<input checked="" type="checkbox"/> Order	Cathy Sloan	-		\$1,418.06
<input type="checkbox"/> Aff. Posting	Jamesetta Smith	-		\$1,418.06
<input type="checkbox"/> Status Rpt	Joetta Spencer	-	\$1,418.06	
<input type="checkbox"/> UCCJEA	Wendy Crenshaw	-	\$1,418.06	
<input type="checkbox"/> Citation	Gail Brame	-	\$1,418.06	
<input checked="" type="checkbox"/> FTB Notice	Rodney Smith -		\$1,418.06	
	Samantha Smith	-	\$1,418.06	
	Steven Smith	-	\$1,418.06	
	Gregory Smith -		\$1,418.06	
	Irvin Thatch, Jr. -		\$3,545.16	
	Alex Thatch	-	\$3,545.16	
	Clarence Thatch	-	\$3,545.16	
	Charles Thatch	-	\$3,545.16	
Reviewed by: JF				
Reviewed on: 05/07/13				
Updates:				
Recommendation:				
			File 2 - Morris	

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

Katie, 5	TEMPORARY EXPIRES 05/09/13	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 03/07/13 Minute Order from 03/07/13 states: Ms. Rusca informs the Court that her client has retained counsel in Washington to enforce this order. Ms. Rusca requests a continuance.</p> <p>As of 05/07/13, the following items remain outstanding:</p> <ol style="list-style-type: none"> 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</i> <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: - Michael Jay McGill (father)* Note: Substituted service was authorized on 01/03/13 - Michelle Dawn Harris (mother)* It is noted that she was present in court on 01/03/13 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</i> <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: - Paternal grandparents (unknown) - Kari Franks (maternal grandmother) 3. Need Order & Letters.
Abigail, 8	<p>GEORGE FICKENWORTH, 8, maternal grandfather, is petitioner.</p> <p>Father: MICHAEL JAY MCGILL – Personally served on 03/29/13</p> <p>Mother: MICHELLE DAWN HARRIS</p> <p>Paternal Grandparents: UNKNOWN</p> <p>Maternal Grandmother: KARRI FRANKS</p> <p>Petitioner alleges: 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>Court Investigator Samantha Henson filed a report on 10/31/12. .</p> <p>Court Investigator Samantha Henson filed a report on 05/02/13.</p> <p>Objection to Guardianship filed 05/03/13 by father, Michael McGill 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>	
Cont. from 110512, 010313, 030713		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg	x	
<input type="checkbox"/> Aff.Mail	x	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.	x	
<input checked="" type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters	x	
<input checked="" type="checkbox"/> Duties/Supp		
<input checked="" type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
9202		
Order	x	
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

Report of Sale and Petition for Order Confirming Sale of Real Property (Prob. C. 2540, 10308)

DOD: 11/06/12	DOREEN ELLIS , Executor with Full IAEA and without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Sale Price - \$190,000.00	
	Overbid - \$200,000.00	
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.	Appraisal - \$200,000.00	
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory	Property - 1229 W. Bullard #107 Fresno, CA 93711	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Publication - N/A – Will directs sale of the property	
<input checked="" type="checkbox"/> Aff.Mail w/		
<input type="checkbox"/> Aff.Pub. n/a	Buyers - Allen F. Fortune & Kathy J. Fortune, husband and wife	
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen	Broker - \$11,400.00 (6% to London Properties)	
<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 checked="" 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: 05/07/13
		Updates:
		Recommendation:
		File 4 – Burgess

		BUDDY KELLERHALS is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Petitioner states on 9/5/2012 he and his spouse Denise Kellerhals established the Buddy Kellerhals and Denise Kellerhals Revocable Living Trust.	
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Denise Kellerhals died on 12/30/2012.	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	Pursuant to Part 7B of the Trust, Petitioner is the sole surviving trustee of the Trust.	
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	The Trust specifically includes real property in Schedule A.	
<input checked="" type="checkbox"/>	Aff.Mail	W/	
<input type="checkbox"/>	Aff.Pub.	As set forth in <i>Heggstad v. Heggstad</i> (1993) 16 CVal.App.4th 943, a written declaration of trust signed by the owner of the real property, in which he or she names himself or herself as trustee, is sufficient to create a trust in the property, and the law does not require a separate deed transferring the property to the trust.	
<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	Petitioner prays for an Order as follows:	
<input type="checkbox"/>	Video Receipt	1. That legal title to the Real Property be transferred to the Trust forthwith.	
<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: 5/7/2013
			Updates:
			Recommendation:
			File 5 – Kellerhals

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

DOD: 2/5/2013		<p>SADIE HODGE, 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>Estimated Value of the Estate:</p> <table> <tr> <td>Personal property</td> <td>-</td> <td>\$ 40,000.00</td> </tr> <tr> <td>Income</td> <td>-</td> <td>\$ 40.00</td> </tr> <tr> <td>Real property</td> <td>-</td> <td><u>\$ 80,000.00</u></td> </tr> <tr> <td>Total</td> <td>-</td> <td>\$120,040.00</td> </tr> </table> <p>Probate Referee: Steven Diebert</p>	Personal property	-	\$ 40,000.00	Income	-	\$ 40.00	Real property	-	<u>\$ 80,000.00</u>	Total	-	\$120,040.00	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. The case number in the publication is incorrect (13CEPR00289).</p> <p>Note: If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> Friday, October 13, 2013 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. Friday, July 11, 2014 at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution. <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>
Personal property	-		\$ 40,000.00												
Income	-		\$ 40.00												
Real property	-		<u>\$ 80,000.00</u>												
Total	-		\$120,040.00												
Cont. from															
<input checked="" type="checkbox"/>	Aff.Sub.Wit.														
<input checked="" type="checkbox"/>	Verified														
	Inventory														
	PTC														
	Not.Cred.														
	Notice of Hrg														
<input checked="" type="checkbox"/>	Aff.Mail W/														
<input checked="" type="checkbox"/>	Aff.Pub.														
	Sp.Ntc.														
	Pers.Serv.														
	Conf. Screen														
<input checked="" type="checkbox"/>	Letters														
<input checked="" type="checkbox"/>	Duties/Supp														
	Objections														
	Video Receipt														
	CI Report														
	9202														
<input checked="" type="checkbox"/>	Order														
	Aff. Posting														
	Status Rpt														
	UCCJEA														
	Citation														
	FTB Notice														
		<p>Reviewed by: KT</p> <p>Reviewed on: 5/9/2013</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 6 – Hodge</p>													

Petition for Order Establishing Special Needs Trust: for Authority to Invest in Mutual Funds and U.S. Government Bonds with Maturity Dates later than 5 years; and for Attorney Fees [Cal Prob. 3600-3613; Cal Rules of Ct 7.903(c)]

Age: 52		<p>DONALD KUBOTA, an incapacitated adult, by and through his Guardian Ad Litem FONDA KUBOTA, Sister, is Petitioner.</p> <p>Petitioner seeks an order to establish a special needs trust (SNT) with Donald as the proposed beneficiary, which will be funded with the proceeds of a litigation settlement in 11CECG01944. BRUCE D. BICKEL consents to act as trustee.</p> <p>Donald has disabling conditions and receives Medi-Cal benefits to meet his medical needs. Because these public benefits are "needs based," outright distribution of assets to Donald will result in him losing eligibility for vital public benefits unless the assets are direct to an SNT.</p> <p>Petitioner states Donald has been diagnosed with schizophrenia, traumatic brain injury, right tibial/fibular fracture, hypertension, diabetes mellitus and hypothyroidism (see attached report by developmental neuropsychologist). As a result of these disabilities, Donald's cognitive and physical functioning is impaired, significantly affecting his ability to live independently and maintain competitive employment. Donald requires 24-hour care and supervision and requires a wheelchair for mobility. He currently resides in a medical long-term care facility and is eligible to receive public benefits under the Medi-Cal program.</p> <p>The parties to the litigation action have reached settlement and a petition to approve the compromise is being filed concurrently. The total settlement amount is \$2,275,000, and after payments of attorney fees and costs and a Medi-Cal lien, Donald will receive approx. \$1,350,000. The establishment of the SNT is necessary to provide for his current and future needs while preserving his eligibility for public benefits.</p> <p>Petitioner seeks an order that the assets from the settlement be paid to the Trustee of the DONALD KUBOTA SPECIAL NEEDS TRUST, which is authorized under Probate Code §3602-3613, as attached, and that Petitioner is authorized to sign the SNT as grantor. Petitioner addresses the required findings and states the SNT complies with Cal. Rules of Court 7.903(c) and Local Rule 7.19.</p> <p style="text-align: center;">SEE ADDITIONAL PAGES</p>	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p>1. Donald Kubota was served "c/o" Fonda Kubota at her address. Direct notice is required pursuant to Cal. Rules of Court 7.51.</p> <p><i>Note: Per the petition, Mr. Kubota resides in a care home, not at the address to which his notice was mailed.</i></p> <p>2. Need order.</p>	
	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			
		<p>Reviewed by: skc</p> <p>Reviewed on: 5-7-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 7 – Kubota</p>		

Petitioner also seeks authority to invest in mutual funds and US Government Bonds with maturity dates later than five years. Petitioner states this permits investment across several asset classes, subclasses, and sectors, while avoiding high transaction costs. Because they are highly diversified, mutual funds are inherently less risky than individual securities listed on an exchange in which a conservator may invest without court authorization. The ability to invest in mutual funds will permit the SNT to hold individual securities across several asset classes while providing flexibility to cost-effectively change its investment position in response to shifts in the market.

Petitioner requests that BRUCE D. BICKEL, a private professional fiduciary, be named the initial trustee with bond of \$258,061.45, calculated based on estimated annual income of \$80,101.32 (from \$1,200,000.00 annuity) plus approx. \$150,000.00 remaining, with an estimated 3% annual return, plus cost of recovery. Petitioner requests to pay trustee fees at \$150/hr, not to exceed \$1,000/mo unless authorized by the Court.

Petitioner states that before payment of any funds to the SNT, all statutory liens in favor of the State Dept. of Health Care Services, the State Dept. of Mental Health, the State Dept. of Developmental Services, and any county or city and county in this state will first be satisfied. Further, due to lack of testamentary capacity, in the event of Donald's passing, after satisfaction of claims, the remaining trust assets would pass to Donald's legal heirs.

Attorney fees: Petitioner also requests authorization to pay Attorney Steven Matlak \$4,582 plus costs of \$320.00, which time includes anticipated two hours to prepare the proposed order and attend hearing, etc.

Petitioner prays for an order:

1. That the Court establish the **DONALD KUBOTA SPECIAL NEEDS TRUST**, Petitioner is directed to execute it, and the Court has continuing jurisdiction over it;
2. That **BRUCE D. BICKEL** shall serve as initial Trustee with bond fixed at \$258,061.451
3. That **DONALD** has a disability that substantially impairs his ability to provide for his own care or custody, and constitutes a substantial handicap;
4. That **DONALD** is likely to have special needs that will not be met without the trust;
5. That money to be paid to the trust does not exceed the amount that appears reasonably necessary to meet **DONALD's** special needs;
6. That the payment of all monies due plaintiff in the lawsuit **DONALD JAY KUBOTA**, an incapacitated adult, by and through this Guardian ad Litem, **FONDA KUBLTA**, Plaintiff, vs. **LEE WALTON; UNIVERSAL COATINGS, INC.**, Fresno County Superior Court Case No. 11CECG01944, shall be paid to the Trustee of the Trust after payment of the personal injury Medi-Cal line;
7. That any proceeds of the settlement award received by Plaintiff's attorney before the hearing of this petition and deposited in attorney's attorney/client trust account shall not be considered received by **DONALD** for public benefit eligibility purposes;
8. That the assets of the Trust estate are unavailable to **DONALD** and shall not constitute a resource for eligibility for Medi-Cal, SSI, regional care assistance, or any other program of public benefits;
9. That the Trustee provide the Court with a biennial account and report of the Trust, beginning with the period 1 year after the date the Court approves the establishment of the trust and every 2 years thereafter;
10. That the Trustee is authorized to invest in mutual funds and US government bonds with maturity dates later than 5 years;
11. That the Trustee is authorized to receive payments for fees each month at the rate of \$150/hr, not to exceed \$1,000.00, for services in connection with administration of the Trust, with fees exceeding \$1,000.00 requiring prior approval of the Court;
12. That the Court approve and direct payment of \$4,582 to the law firm of Dowling Aaron Incorporated, and reimbursement for out-of-pocket costs in the amount of \$320.00 for legal services in connection with this Petition;
13. That notice of hearing has been regularly given as prescribed by law; and
14. That such other and further orders be issued by the Court as it may deem just and proper.

Pro Per Rodriguez, Maria Luisa (Pro Per Petitioner, maternal great aunt)
 Pro Per Rodriguez, Aciano Chano (Pro Per Petitioner, maternal great uncle)

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

Age: 8 months	<p>TEMPORARY GRANTED AT PETITIONER'S REQUEST IN COURT on 2/14/2013, expires 4/18/2013; extended to 5/9/2013</p> <p>MARIA LUISA RODRIGUEZ and ACIANO CHANO RODRIGUEZ, JR., maternal great aunt and uncle, are Petitioners.</p> <p>Father: MATEO GUERRERO; personally served 11/23/2012. Mother: SUSANNHA AYALA; personally served 11/28/2012; mother consents per Minute Order 2/14/2013.</p> <p>Paternal grandfather: Regino Guerrero; Mexico; Declaration of Due Diligence filed 1/2/2013. Paternal grandmother: Name unknown; Mexico; Declaration of Due Diligence filed 1/2/2013.</p> <p>Maternal grandfather: Jose L. Ayala; personally served 11/28/2012. Maternal grandmother: Maria C. Ayala; personally served 11/28/2012.</p> <p>Petitioner states the mother has violated her probation and admits that she and the baby's father use drugs, and both parents agree to the Petitioners having custody of the child.</p> <p>Court Investigator Julie Negrete's Report was filed on 2/4/2013.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 4/18/2013. Minute Order states the mother is in favor of the petition. Matter continued to 5/9/2013.</p> <p>Note: All issues remaining from the last hearing have been addressed. Please refer to Additional Page for more detailed information.</p> <p>~Please see additional page~</p>
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		<p>Reviewed by: LEG</p> <p>Reviewed on: 5/8/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 8 - Guerrero</p>

NEEDS/PROBLEMS/COMMENTS, continued:

Note Re Notice to Father: Court directed petitioners to provide notice to the father for the next hearing. Court served by mail to the father the *Notice of Child Custody Proceeding for Indian Child* filed 2/25/2013 as required pursuant to ICWA; however, the US Postal Service returned the mail indicating no city delivery is possible to the address listed in Huron, and the mail must be addressed to a post office box, which has not been provided in the Court file. Petitioners did have the father personally served on 11/23/2012 for the initial hearing in this matter on 1/17/2013, which had been continued by Court to allow time for ICWA notice.

Notes Re ICWA:

- *CI Report* filed 2/4/2013 states Petitioner indicates that the child's biological maternal great-grandmother was of Indian decent.
- CA Rule of Court 7.1015(c)(9) states if after a reasonable time following service of notice under the act—but in no event less than 60 days—no determinative response to the *Notice of Child Custody Proceeding* (ICWA 030) is received, the court may determine that the act does not apply to the proceeding unless further evidence of its applicability is later received. *Clerk's Certificate of Mailing* shows the *Notice of Child Custody Proceeding for Indian Child* filed 2/25/2013 was served by the Probate Clerk to the parents and required agencies on 2/25/2013. *Sixty days from date of mailing elapsed on 4/25/2013.*
- US Mail *Return Receipts* have been filed with the Court showing acknowledgment of receipt by the persons and agencies required to be given notice of this proceeding, with the most recent filed on 3/15/2013.
- Probate Code 1460.2(e) states no proceeding shall be held until at least 10 days after receipt of notice by the parent, Indian custodian, the Tribe or the BIA, and the aforementioned shall, upon request, be granted up to 20 additional days to prepare for the proceeding. *Based upon the filed Return Receipts, 10 days has elapsed from receipt of notice by the entitled persons and agencies, and the Court has received no request for additional time as of 5/8/2013.*

Atty Family, Crystal Denise (pro per Guardian)

Atty Rodriguez, Michael (pro per Petitioner)

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

Michael age: 6	MICHAEL RODRIGUEZ, Lanae's father, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>This petition is for <u>MICHAEL WHITE</u> only.</p> <p>There is no vacancy. Crystal Family was appointed guardian on 3/18/2013.</p> <p>Minute order dated 3/18/13 (from Mr. Rodriguez's hearing to appoint him as temporary guardian) the court found that it would be detrimental for the children to remain in his care.</p> <ol style="list-style-type: none"> Need proof of personal service of the Notice of Hearing along with a copy of the temporary petition or Consent and Waiver of Notice or Declaration of Due Diligence on: <ol style="list-style-type: none"> Unknown father Crystal Family (guardian) Need proof of service of the Notice of Hearing along with a copy of the temporary petition or Consent and Waiver of Notice or Declaration of Due Diligence on: <ol style="list-style-type: none"> Paternal grandparents Melvin White (maternal grandfather) UCCJEA is incomplete. It does not list the period of residence at the address listed and the person and relationship with whom the child resided.
	CRYSTAL FARILY was appointed guardian of both minors on 3/18/2013.	
	Father: UNKNOWN	
	Mother: SARA WHITE – personally service on 3/21/13.	
	Paternal grandparents: Unknown Maternal grandfather: Melvin White Maternal grandmother: Gloria Hawkel – deceased.	
	Petitioner states for the past 6 years the minor has had no one to take care of him. Petitioner states he has been the child's provider and wants to continue to do so.	
	Court Investigator Jennifer Daniel's Report filed on 5/2/13	
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		Reviewed by: KT
		Reviewed on: 5/8/13
		Updates:
		Recommendation:
		File 9 – White & Rodriguez

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

Alexis age: 17	<u>NO TEMPORARY ORDERS</u>		<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the temporary petition or Consent and Waiver of Notice or Declaration of Due Diligence on: <ol style="list-style-type: none"> a. Alexis Ramirez (minor) b. Jessica Villanueva (mother) c. Jesus Ramirez (Alexis's father) d. Bryan's father (not listed) 3. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the temporary petition or Consent and Waiver of Notice or Declaration of Due Diligence on: <ol style="list-style-type: none"> a. Alexis' Paternal Grandparents b. Bryan's Paternal Grandparents c. Max Villanueva (Maternal Grandfather)
Bryan age: 10	<p>MERCEDES HERRERA, maternal grandmother, is petitioner.</p>		
Cont. from	<p>Father (Alexis): JESUS RAMIREZ</p>		
<input type="checkbox"/> Aff.Sub.Wit.	<p>Father (Bryan): NOT LISTED</p>		
<input checked="" type="checkbox"/> Verified	<p>Mother: JESSICA VILLANUEVA</p>		
Inventory	<p>Paternal grandparents (Alexis): Not listed.</p>		
PTC	<p>Paternal grandparents (Bryan): Not listed.</p>		
Not.Cred.	<p>Maternal grandfather: Max Villanueva</p>		
Notice of Hrg	x	<p>Petitioner states she has raised the minors since they were born. Alexis got accepted to Fresno State and Petitioner needs to show proof of guardianship in order for her to qualify for financial aid.</p> <p>Court Investigator Jennifer Daniel's report filed 05/02/2013.</p>	
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			Reviewed on: 05/07/2013
			Updates:
			Recommendation:
			File 10 – Ramirez & Villanueva

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

DOD: 01/11/2013		NORA LEE KENNEDY SHOCK, sister/named executor without bond, is petitioner. Full IAEA- ? Will dated: 03/19/1997 Residence: Fresno Publication: Need Estimated value of the Estate: Personal property \$36,000.00 Real property \$140,000.00 Total \$176,000.00 Probate Referee: Steven Diebert	NEEDS/PROBLEMS/COMMENTS: 1. Need date of death of the decedent's parents per Local Rule 7.1.1(D). 2. Need original Will to be deposited with the Court pursuant to Probate Code §8200(a)(1). 3. Need Notice of Petition to Administer Estate. 4. Need proof of service of Petition to Administer Estate on the following: <ul style="list-style-type: none"> • Marjorie Webb • Cheryl Loyko • Carol Purgason • Cliff Shock • Sheila Zamora • Ronald D. Webb 5. Decedent's Will lists Carol Lee Shock Layton as a beneficiary however she is not listed in Section 8 of the Petition. It is unclear if this individual has received notice. 6. Need Affidavit of Publication. Note: If the petition is granted status hearings will be set as follows: <ul style="list-style-type: none"> • Friday, 10/11/2013 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Friday, 07/11/2014 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
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Reviewed by: LV			
Reviewed on: 05/07/2013			
Updates:			
Recommendation:			
File 11 – Kennedy			

Petition for Appointment of Temporary Guardianship of the Person

Age: 10		<p align="center">GENERAL HEARING 06/27/2013</p> <p>DIANA REYES, maternal grandmother, is petitioner.</p> <p>Father: TRINIDAD YBARRA, Consents and Waives Notice</p> <p>Mother: JAMIE ADDINGTON, Consents and Waives Notice</p> <p>Paternal Grandfather: Unknown Paternal Grandmother: Gloria Erlick</p> <p>Maternal Grandfather: James Addington</p> <p>Petitioner states: she is requesting temporary guardianship to that she can obtain immediate medical attention for the child. Petitioner received a notice from the school that states the child has vision problems that are affecting her school performance. Petitioner needs to be able to obtain medical insurance ASAP to take of these health problems. The child also has dental issues. The child has been residing with the petitioner for the past year. Petitioner believes that it is in the child's best interest to have a person who is legally, morally, and physically responsible for her 24 hours a day.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> The UCCJEA does not provide the residence of the child for the past five years as required. Page #5 of the Petition which pertains to whether the child has Native American Ancestry was left blank. 	
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				Reviewed by: LV
				Reviewed on: 05/07/2013
		Updates:		
		Recommendation:		
		File 12 – Ybarra		

DOD: 3/10/2013		<p align="center">Hearing on General Appointment is scheduled for 6/4/2013</p> <p>ANDREW OCHOA, JR. son, is petitioner and requests appointment as Special Administrator without bond.</p> <p>Estimated value of the estate:</p> <p>Personal property - unknown Real property - \$250,000.00</p> <p>Decedent died intestate.</p> <p>Petitioner states a special administrator needs to be appointed because the family home is vacant and the home needs to be secured and the assets inventoried as soon as possible. Some assets of the estate may be in the possession of third parties so efforts need commence to recover said assets.</p> <p>Declaration of Petitioner, Andrew Ochoa, Jr. filed on 4/24/13 states he is the oldest child of the decedent. Decedent was survived by 4 children and two grandchildren (the issue of a deceased child). Prior to her death the decedent lived with her son, Petitioner's brother, Joe Ochoa. Petitioner alleges Joe has demonstrated a tendency to do what is best for himself and not his mother (decedent). The family home, which is currently vacant, and fully furnished needs to be inventoried and listed for sale. Petitioner's brother, Joe, has changed the locks to the house and changed the alarm code with the security company. The home contains a lot of special knick knacks from around the world and special furniture items that can be easily taken and sold without knowledge if Petitioner is not appointed as Administrator.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>This petition was original presented Ex Parte. The order on Ex Parte Petition for Letters of Special Administration filed on 4/29/13 set this matter for hearing and ordered a Notice of Hearing along with a copy of the Petition for Letters of Special Administration and the Declaration in Support of Petition for Letters of Special Administration be personally served on Joe Ochoa, Ashley Ochoa Gutierrez [Aguilar] and David Ochoa, Jr. no later than 5 court days prior to the hearing. – Examiner telephoned Mr. Ramirez on 4/29/13 to inform him of the order setting the matter for hearing and a copy of the order was also mailed to Mr. Ramirez on 4/29/13.</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service of the Notice of Hearing along with a copy of the Petition and Declaration of Andrew Ochoa, Jr. on: <ol style="list-style-type: none"> a. Joe Ochoa b. Ashley Ochoa Aguilar c. David Ochoa, Jr. 3. Petition request that bond not be required. However no waiver of bond has been filed by Joe Ochoa, Ashley Ochoa Aguilar or David Ochoa, Jr. Therefore bond should be set at \$250,000.00
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Reviewed by: KT			
Reviewed on: 5/7/13			
Updates:			
Recommendation:			
File 13 – Ochoa			

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

Age: 6 months		<p align="center"><u>GENERAL HEARING 6/27/2013</u></p> <p>RITA HOLLAND, maternal grandmother, is petitioner.</p> <p>Father: ANDRE WILLIAMS</p> <p>Mother: DOMONIQUE HOLLAND – consents and waives notice.</p> <p>Paternal grandparents: Not listed Maternal grandfather: Melvin Holland</p> <p>Petitioner states mom is giving temporary custody to grandmother to finish her program and court requirements. After mom finishes her requirements she wants custody of her son.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: At the time the petition was filed the Petitioner also filed a change of address stating as of 5/1/13 she and the minor have moved to Pleasant Hill in Contra Costa County. It appears that this guardianship should have been filed in Contra Costa County.</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence for: <ol style="list-style-type: none"> a. Andre Williams (father) 3. Petition indicates that the grandmother has Indian ancestry although not documented. Therefore, a <i>Notice of Child Custody Proceeding for Indian Child</i> (Form ICWA-030), must be served together with copies of petition and all attachments, including this form, on the child's parent; any Indian custodian; any Indian tribe that may have a connection to the child; the Bureau of Indian Affairs (BIA), and possibly the U.S. Secretary of the Interior, by certified or registered U.S. Mail, return receipt requested. (Please see Probate Code 1460.2, and CA Rules of Court 7.1015) <p align="center">Please see additional page</p>	
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				<p>Reviewed by: KT</p> <p>Reviewed on: 5/9/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 14 – Holland</p>

4. Per item 3 above, Petitioners will need to return a completed copy of the *Notice of Child Custody Proceeding for Indian Child* to the probate clerk. The probate clerk will then mail the notice to the required agencies as required.