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 Alfred Joseph Coelho (Trust Estate) Case No. 0251025

Atty Docker, William F. (for Joseph Allen Coelho – proposed successor Trustee)

Petition to Fill Vacancy in the Office of Trustee [Prob. C. 15660 & 17200(b)(10)]

DOD: 12/25/79		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	n/a
	Aff.Mail	n/a
	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	

JOSEPH ALLEN COELHO, sole beneficiary, is Petitioner.

Petitioner states:

1. The Trust under the Will of Alfred Joseph Coelho was created by Decree of Distribution by this Court dated August 25, 1983 and was not subject to continuing Court supervision.
2. This Court has jurisdiction of the Trust pursuant to Probate Code § 17000(a) and 17000(b)(3).
3. Venue in Fresno County is proper because the principal place of administration of the Trust is Fresno County and the property of the Trust is located in Fresno County.
4. Richard V. Gunner acted as the initial trustee of the Trust until his resignation. By Court Order dated 04/29/96, Alfred J. Coelho, Jr. was appointed as the successor trustee of the Trust. The 1996 Order also approved the Account of the former trustee through February 1996. Since that time, no accounting has been filed or presented by the successor trustee.
5. The successor trustee died on 11/11/11. No trustee was named in the Decree of Distribution to succeed Alfred J. Coelho, Jr. and the office of trustee is now vacant.
6. Petitioner is the sole beneficiary of the Trust and was entitled to outright distribution of the Trust in 2008, when he attained the age of 35.
7. The vacancy must be filled to permit the administration of the Trust to continue, which will consist of the sole act of distributing the trust corpus to the Petitioner.
8. The Petitioner is the logical person to be appointed as successor trustee since no other person has an interest in the Trust and he is a competent adult.
9. The Petitioner waives an accounting from the former trustee.
10. No bond should be required of Petitioner since he is the sole beneficiary of the Trust.
11. The property held in the Trust consists of real property only located in Fresno County.
12. Since Petitioner is the only person interested in the Trust, notice of hearing is not required to be given.

Petitioner prays for an Order:

1. Appointing Petitioner as the sole successor trustee without bond to effect final distribution of the Trust to himself as the sole beneficiary thereof, by way of appropriate deed or deeds executed and recorded in Fresno County, California.

NEEDS/PROBLEMS/ COMMENTS:

Reviewed by: JF

Reviewed on: 05/03/12

Updates:

Recommendation:

File 1 - Coelho

Dept. 303, 9:00 a.m. Thursday, May 10, 2012

2 Kenji Noda (CONS/PE) **Case No. 04CEPR01229**

Atty Sanoian, Joanne (for Alan Yamamoto – Conservator/Petitioner)

Fourth and Final Account and Report of Conservator and Petition for its Settlement (2) for Attorney Fees (3) for Commissions; (4) for Final Distribution; (5) for Termination of Conservatorship; and (6) for Discharge of Conservator and Surety on Bond [Prob. C. 1060-1064, 1860, 1861, 2620, 2640; Cal. Rules of Ct. 7.750-7.751 Local Rule 7.16]

DOD: 08/27/11		
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	
	2620(c)	x
	Order	x
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

ALAN YAMAMOTO, Conservator, is Petitioner.

Account period: **03/09/10 – 01/30/12**

Accounting - **$134,665.51**
Beginning POH - **$85,951.06**
Ending POH - **$32,427.64**

Conservator - **$1,320**
($60.00/month x 22 months)

Attorney - **$3,087.50** (Per itemization for preparation of the 4th and final account, assisting conservator with bank, health care, funeral, death of conservatee, etc.)

Petitioner states that upon the conservatee's death, conservatee's Finance and Thrift CD was blocked by Finance and Thrift and will need to be unblocked in order to distribute the funds to the conservatee's only heir, Keni Noda.

Petitioner requests that, upon filing a Probate Code § 13100 declaration by conservatee's son and only legal heir, Keni Noda, that the remaining funds be distributed to him.

Petitioner prays for an Order:

1. Approving, settling and allowing the Fourth and Final Account;
2. Directing Finance and Thrift to release the CD account to Alan Yamamoto as Conservator;
3. Authorizing the conservator and attorney fees and commissions;
4. Directing Petitioner to distribute the remaining estate funds after payment of the authorized attorney and conservator fees and commissions to Keni Noda, as conservatee's legal heir, upon presentation of a Probate Code § 13100 Declaration;
5. Discharging Petitioner as Conservator of the Person and Estate; and
6. Authorizing Petitioner's bond be discharged upon filing of Ex Parte Order for Final Discharge.

NEEDS/PROBLEMS/COMMENTS:

1. **The Petition states that the conservatee died on 08/27/11. Pursuant to PrC § 2620(b) - The final court accounting of the guardian or conservator following the death of the ward or conservatee shall include a court accounting for the period that ended on the date of death and a separate accounting for the period subsequent to the date of death. Petitioner's account does not meet this requirement. Need accounting from 03/09/10 – 08/27/11 and subsequent account for the period after the conservatee's death.**

2. **Need copies of the account statements for each of the conservatee's accounts showing the account balance at the end of the accounting period pursuant to PrC § 2620(c)(2).**

3. **Need original bill statements for the care facility where the conservatee resided during the account period pursuant to PrC § 2620(c)(5).**

4. **Need Order.**

Reviewed by: JF

Reviewed on: 05/03/12

Updates:

Recommendation:

File 2 - Nada

4 In the Matter of the Verni Family Trust (Trust) Case No. 10CEPR00639

Atty **Marchini, Joseph; Fashing, Peter; of Baker Manock & Jensen (for Applicant Carmela DeSantis, daughter and Trust Beneficiary)**

Atty **Baldwin, Kenneth A., of McCormick Barstow (for Nicola Verni, son, and Antonietta R. Verni, daughter, Co-Trustees)**

Atty **Bohn, Jeffrey D. (for Erlinda M. Verni, surviving spouse)**

Application for Determination that Proposed Petitions and Filings to (1) Remove Trustees; (2) Construe a Trust Provision; (3) Recover Property Pursuant to Probate Code Section 850; (4) Amend Objections to First Account Current; and (5) Object to Second Account Current Do Not Violate the Terms of No-Contest Provisions in Related Wills, Trust and Trust Amendment Documents (*Former* Prob. C. 21320-21322)

Leonarda DOD: 7/31/2000

Saverio DOD: 5/25/2009

Cont. from 040512

	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
✓	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

CARMELA DeSANTIS, daughter and Trust Beneficiary, is Applicant.

Applicant states:

- The **VERNI FAMILY TRUST of 1999** was created by **SAVERIO VERNI** and **LEONARDA VERNI** on 6/10/1999, and was amended once on 6/11/1999, the day following creation of the Trust;
- The Will of Leonarda was executed the same date the Trust was created, 6/10/1999 *(copy attached as Exhibit A)*; following Leonarda's death on 7/31/2000, her estate was devised to the Trust, and the Trust, pursuant to Trust terms, was divided into three separate Sub-trusts: the **VERNI MARITAL TRUST**, the **VERNI FAMILY TRUST**, (which was amended once during both Trustors' lifetimes), and the **VERNI SURVIVOR'S TRUST**, which was amended by Saverio on seven occasions (*copies of Trust containing Sub-Trusts and all amendments to them are attached as Exhibit B*);
- Upon Leonarda's death on **7/31/2000**, the Will of Leonarda, the Marital Sub-Trust and the Family Sub-Trust all became **irrevocable**; the Survivor's Sub-Trust remained revocable by Saverio during his lifetime;
- The Eighth Amendment to the Trust executed by Saverio dated 5/12/2009 (the final amendment) amended the Survivor's Sub-Trust in its entirety;

~Please see additional page~

NEEDS/PROBLEMS/COMMENTS:

Continued from 4/5/2012.
Minute Order states Counsel stipulates that any applicable statutes be tolled from time of filing of safe harbor until Court rules.

Note: Court Trial is currently set in the related case of the *Estate of Saverio Verni* (Case #10CEPR00419) for 6/1/2012 at 9:00 am in Dept. 303.

Reviewed by: LEG

Reviewed on: 5/3/12

Updates:

Recommendation:

File 4 - Verni

Applicant states, continued:

- The Will of Saverio dated 5/12/2009 revoked all prior wills and codicils and devised his estate to the Survivor's Sub-Trust *(copy attached as Exhibit C)*;
- Saverio served as Trustee of the three Sub-Trusts until his death on **5/25/2009**, and following his death Saverio's Will and the Survivor's Sub-Trust became **irrevocable**;
- Upon Saverio's death, the balance of the Marital Sub-Trust was added to the Family Sub-Trust and the Marital Sub-Trust terminated; the merged Marital and Family Sub-Trusts are referred to as the "Merged Family Trust;"
- Pursuant to the Trust terms, **ANTONIETTA ROSA VERNI**, daughter, is first appointed and currently serves as Successor Trustee of the Merged Family Sub-Trust;
- Pursuant to the Eighth Amendment to Trust, **NICOLA VERNI**, son, is first appointed and currently serves as Successor Trustee of the Survivor's Sub-Trust;
- Applicant proposes to file the following petitions and documents in connection with the Merged Family Sub-Trust and the Survivor's Sub-Trust:
    A. ***Petition to (1) Remove Trustees; (2) Appoint Receiver; (3) Surcharge Trustees; (4) Deny Trustees Compensation; (5) Impose Constructive Trust on Assets; and (6) Cause Proceedings to Trace and Recover Assets*** (*copy of proposed petition attached as Exhibit D*). Grounds for the proposed Petition to Remove Trustees include the Trustee's wrongful commingling of Sub-Trust assets, commingling of accountings, diversion, use and misappropriation of Sub-Trust assets and profits, dereliction of duties of trustee, failure to account for Sub-Trust assets and profits, and failure to pursue actions to reclaim and recoup Sub-Trust assets and profits that have been wrongfully diverted.
    B. ***Petition to Construe Trust Provision*** (*copy of proposed petition attached as Exhibit E*) seeks judicial determination as to the proper construction of an equalization provision contained in the Eighth Amendment to Trust Agreement (*copy attached as Exhibit B*).
    C. ***Petition to Establish Claim of Ownership in favor of Trust, to Property, and for Order Directing its Transfer to the Trustees to Hold in Trust*** (*Section 850 Petition*; *copy of proposed petition attached as Exhibit F*) seeks judicial determination of title as to (1) crops raised on Sub-Trust lands and proceeds thereof, and (2) moneys paid for the purchase of Sub-Trusts lands; petition also seeks to recoup any such crops, proceeds and purchase moneys for the benefit of the Sub-Trusts.
    D. ***Amended Objections to First Account Current and Report of Trustees*** (*copy of proposed petition attached as Exhibit G.*) Applicant does not believe there is a viable argument that the proposed Amended Objections constitute a contest under any of the no-contest provisions; out of an abundance of caution, Applicant seeks safe harbor with regard to the proposed amended objections, which restate and supplement objections to the Trustees' first accounting.
    E. ***Objections to Second Account Current*** (*copy of proposed petition attached as Exhibit H.*) As with proposed amended objections to first account, the proposed objections to second account of the Trustees covering the period 1/1/2010 to 12/31/2010 (*not yet filed*) are made out of abundance of caution.

~Please see additional page~

Applicant states, continued:

- The proposed filings affect all three Sub-Trusts, except that the Petition to Construe affects only the Survivor's Trust;
- There are four no-contest clauses at issue, one of which is found in the related pour over Will of Leonarda; another is found in the related pour over Will of Saverio; the remaining two are contained in the relevant Trust documents *[please refer to Application pages 4 through 6 for cited no-contest clauses]*;
- Applicant contends that the Survivor's Sub-Trust should be governed by the new statutory scheme related to no-contest provisions rather than former Probate Code §§ 21320 – 21322 because the Survivor's Sub-Trust became irrevocable after 1/1/2001; Applicant contends the Merged Family Sub-Trust should be governed by former Probate Code §§ 21320 – 21322 because it became irrevocable before 1/1/2001. However, because of the ambiguity (noted by *Cal. Trust and Probate Litigation* author), it is uncertain whether (a) the Merged Family Sub-Trust will be considered to have become irrevocable before 1/1/2001, and that the Survivor's Sub-Trust will be considered to have become irrevocable after 1/1/2001; or (b) whether all Sub-Trusts will be considered to have become irrevocable before 1/1/2001, because the Survivor's Sub-Trust became irrevocable after said date;
- Because of this uncertainty, Applicant seeks declaratory relief as to each of the attached proposed petitions and filings, and as to their effect under Merged Family Sub-Trust and under the Will of Leonarda;
- In the event the Court finds that the Survivor's Sub-Trust and/or the Will of Saverio are appropriate subjects of an application pursuant to former Probate Code §§ 21320 – 21322, Applicant also seeks declaratory relief as to each of the attached proposed petitions and filings as to their effect under the Survivor's Sub-Trust and Will of Saverio;
- Applicant also desires to make demand of the Trustees to undertake the prosecution of claims described in the proposed *850 Petition* and seeks declaratory relief per former Probate Code §§ 21320 – 21322 that such demand will not violate the no-contest provisions outlined herein;
- This *Application* is limited to the procedure and purpose described in former Probate Code §§ 21320(a) and does not request nor require any determination of the merits of the contemplated petitions and filings or any other actions that may be taken.

***Memorandum of Points and Authorities in Support of Carmela DeSantis' Application for Determination that Proposed Petitions and Filings to (1) Remove Trustees; (2) Construe a Trust Provision; (3) Recover Property Pursuant to Probate Code Section 850; (4) Amend Objections to First Account Current; and (5) Object to Second Account Current Do Not Violate the Terms of No-Contest Provisions in Related Wills, Trust and Trust Amendment Documents* was filed 3/21/2012.**

~Please see additional page~

Memorandum of Points and Authorities in Opposition to Petitioner's Application for Determination that Proposed Petitions and Filings to (1) Remove Trustees; (2) Construe a Trust Provision; (3) Recover Property Pursuant to Probate Code Section 850; (4) Amend Objections to First Account Current; and (5) Object to Second Account Current Do Not Violate the Terms of No-Contest Provisions in Related Wills, Trust and Trust Amendment Documents **filed by Nicola Verni and Antonietta Verni on 4/2/2012. Opposition states:**

- Pursuant to former Probate Code §21320, a beneficiary was permitted to apply for a determination of whether a particular motion, petition, or other act by a beneficiary would constitute a contest under the terms of an applicable no-contest clause. On January 1, 2010, the legislature repealed Probate Code sections 21320-21322, and enacted the current statutory scheme regarding no-contest clauses. The current statutory scheme only applies to instruments that became irrevocable *on or after* January 1, 2001. Any instrument that became irrevocable *prior* to January 1, 2001 is still governed by Probate Code sections 21300-21322. This is a rare case in which both the former and current Probate Code applies in the same case.
- Leonarda Verni passed away on July 30, 2000, causing Leonarda's will and the original trust to become irrevocable *prior* to January 1, 2001. As such Leonarda's will and the original trust are subject to the former Probate Code. As such the Trustees do not take issue with Petitioner's safe harbor petition as it relates to those specific instruments.
- However, Saverio Verni passed away on May 25, 2009, causing Saverio's will and the Survivor's Trust to become irrevocable *after* January 1, 2001. Accordingly, the current Probate Code applies to Saverio's will and the Survivor's Trust. Therefore, Petitioner should not be granted any protection under the safe harbor procedure relating to the no-contest clauses in Saverio's will or the Survivor's Trust.

5 David Joseph Kovakovich (Estate) Case No. 10CEPR01027

Atty LeVan, Nancy J. (for Karson Kovakovich – Administrator/Petitioner)

(1) First and Final Account and Report of Administrator and (2) Petition for its Settlement, for (3) Final Distribution, for (4) Allowance of Compensation to Administrator and Attorney for Ordinary Services, and (5) Approval of Reimbursed Costs Advanced to the Estate by Administrator (Prob. C. 10900, 10951, 1060 et seq, 10800, 10810, 11004, 11600)

DOD: 07/17/10		
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	01/03/11
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

KARSON KOVAKOVICH, Administrator, is Petitioner.

Account period: **01/03/11 – 01/10/12**

Accounting	-	**$96,198.10**
Beginning POH	-	**$85,000.00**
Ending POH	-	**$71,715.90**
Administrator (statutory)	-	**$3,446.39**
Attorney (statutory)	-	**$3,446.39**
Closing	-	**$100.00**

Distribution, pursuant to intestate succession, is to:

Kristina Knobloch	-	**$21,574.37**
David Kovakovich	-	**$21,574.37**
Karson Kovakovich	-	**$21,574.38**

NEEDS/PROBLEMS/COMMENTS:

1. **Notice to Kristina Knobloch was sent in care of Terri Johnson. Pursuant to California Rule of Crt 7.51(a)(2) – A notice mailed to a person in care of another person is insufficient unless the person entitled to notice is an adult and has directed the party giving notice in writing to send the notice in care of the second person. Petitioner does not state that Kristina has instructed him to give notice to her in care of another person. Court may require more information.**

Reviewed by: JF

Reviewed on: 05/03/12

Updates:

Recommendation:

File 5 - Kovakovich

7 Sally Villagran Quemada (CONS/PE) Case No. 12CEPR00021

Atty Lau, Nancy Quemada (Pro Per – Daughter – Petitioner)
Atty Lind, Ruth P. (Court-appointed for Proposed Conservatee)
Atty Quemada, Jess P. (Pro Per – Son – Objector)

Petition for Appointment of Probate Conservator of the Person and Estate (Prob. C. 1820, 1821, 2680-2682)

Age: 86

DOB: 9-17-25

Cont. from 021612, 032912

	Aff.Sub.Wit.	
✔	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✔	Notice of Hrg	
✔	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
✔	Pers.Serv.	
✔	Conf. Screen	
✔	Letters	
✔	Duties/Supp	
✔	Objections	
✔	Video Receipt	
✔	CI Report	
	9202	
✔	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
✔	Citation	
	FTB Notice	

TEMPORARY EXPIRES 3-29-12, extended to 5-10-12

NANCY QUEMADA LAU, Daughter, is Petitioner and requests appointment as Conservator of the Person with medical consent powers **and dementia medication and placement powers**, and as Conservator of the Estate without bond.

Voting rights affected

Estimated Value of Estate:
Personal property: $7,650.00
Annual income: $21,984.00

A Capacity Declaration was filed 1-5-12. The Declaration of Richard Graham, MD, dated 7-7-11 ***provides a diagnosis of Alzheimer's Dementia*** and supports the request for medical consent powers ***but does not contain the Dementia Attachment (GC-335A) and does not address dementia medication or placement treatment***. The declaration does state that he considers the Proposed Conservatee to have been competent in her September 2009 document declarations. *(A Power of Attorney was signed 9-2-09.)*

Petitioner states her mother is diagnosed with Alzheimer's and dementia and suffers from heart problems and anxiety. She was living in her home in Los Angeles County with one of her 15 children, **Mr. Jess Quemada**; however, in November 2008, Petitioner brought her to live with her in Clovis because Mr. Quemada was not properly caring for her. In addition, Petitioner states he was keeping her money and had influenced her to obtain a $40,000.00 loan on one of her homes. An incident (described in the Petition) where an ambulance was called and the driver threatened to contact Adult Protective Services led to the decision to bring her here in 2008. The proposed conservatee has lived with Petitioner in Clovis since 2008 and it is in her best interest to remain so.

Jess Quemada recently filed for conservatorship in Los Angeles and failed to disclose in his petition that the proposed conservatee has not lived in that county since 2008.

Petitioner states her mother is not able to manage her finances and Petitioner has been handling her money since she came to live with her. She receives Social Security and rental income from one of two homes that she owns. One home is occupied by Jess Quemada, who does not pay rent and claims the house is his.

The proposed conservatee had a personal attorney in Pasadena, Patrick Hanrahan, who prepared her estate-planning paperwork. Petitioner and another sibling, **Yolanda Quemada**, currently have power of attorney (attached POA is dated 9-2-09).

Petitioner states her mother told her that if she could not care for herself, she wanted Petitioner to care for her. Petitioner states that other than the two homes, the estate is minimal.

SEE PAGE 2

NEEDS/PROBLEMS/COMMENTS:

Court Investigator advised rights on 1-24-12.

Voting rights affected
- Need Minute Order

Minute Order 2-16-12: Jess Quemada informs the Court that he intends to hire counsel. The Court on its own motion grants temporary conservatorship of the person and estate in favor of Nancy Quemada Lau. The Court grants medical powers. Dementia powers are not granted. The temporary expires on 3/29/12. Ms. Lind is directed to prepare the order. Parties are ordered not to speak ill of one another around the conservatee Sally Quemada. Continued to: 3/29/12.

Minute Order 3-29-12: Five persons/siblings of Sally Quemada are also present. Examiner notes are handed to Petitioner. The case is recalled to allow for dementia powers as said powers are requested in the Petition.

Note: As of 5-3-12, nothing further has been filed by either party. It is not known if Objector Jess Quemada has obtained counsel.

Please see Page 2 for additional NEEDS/PROBLEMS/COMMENTS re this petition.

SEE PAGE 2

Reviewed by: skc

Reviewed on: 3-22-12

Updates:

Recommendation:

File 7 - Quemada

7 Sally Villagran Quemada (CONS/PE) Case No. 12CEPR00021
Atty Lau, Nancy Quemada (Pro Per – Daughter – Petitioner)
Atty Lind, Ruth P. (Court-appointed for Proposed Conservatee)
Petition for Appointment of Probate Conservator of the Person and Estate (Prob. C. 1820, 1821, 2680-2682)

Objection filed 2-14-12 by Jess P. Quemada, son, states the main reason for his objection is to return his mother to her home in Los Angeles. Mr. Quemada alleges Nancy Lau has made false statements against Mr. Quemada for her own financial gain. Nancy Lau and another sister Yolanda Quemada forged and made statements to remove him from the family living trust. Mr. Quemada states he has cared for his mother for 10 years and has never had any problems. He states his mother wants to come home. Objector attaches the following items:

1. "Revocation of Executor and or Power of Attorney of Sally Villlagran Quemada that Objector states contains a forged signature dated 9-3-09;
2. Page 5 of what appears to be a will document reflecting Objector as personal representative
3. Page 15-2 of what appear to be a trust document reflecting Objector as first successor trustee
4. Page 2 of a letter (handwritten title: "Lawyer meeting with Sally letter!") indicating that Sally Villlagran Quemada had indicated to the lawyer that she wanted to live in her housed and have her children to take turns living with her so as not to demonstrate any favoritism.

Court Investigator Julie Negrete filed a report on 2-8-12. The report states that the Petition in Los Angeles County was denied without prejudice on 1-19-12 as Fresno County is the appropriate venue.

The report notes that Petitioner reported that in April 2011 she was contacted by Patrick Hanrahan, an attorney in Los Angeles County that her father previously had prepare his will. He advised her to seek conservatorship and mentioned a living trust, but he will only release it to a conservator.

The Court Investigator states most family members are in agreement, and reported concerns about the brother in Los Angeles. It is recommended that the Petition be GRANTED.

NEEDS/PROBLEMS/COMMENTS (Cont'd):

1. The Capacity Declaration indicates a diagnosis of Alzheimer's Dementia, but does not provide the Dementia Attachment (GC-335A) that addresses whether dementia medication and placement would be beneficial to the Conservatee.

Examiner notes that this item was previously noted in summary but not specifically as a deficiency. However, in its minute order from the hearing on 3-29-12, the Court did note dementia powers as a deficiency to be addressed.

In granting dementia medication and placement powers, the Court must make certain findings by clear and convincing evidence. Probate Code §2356.5(f)(3) states the petition shall be supported by a declaration regarding the findings.

Without the Dementia Attachment, Court may not be able to make the required findings to grant dementia medication and placement powers.

2. If appointed, need bond of $32,597.40. Pursuant to Cal. Rule of Court 7.207, except as otherwise provided by statute, every conservator of the estate must furnish bond including a reasonable amount for the cost of recovery to collect the bond under Probate Code 2320(c)(4).

3. Petitioner requests the Court waive the Inventory and Appraisal and also waive accountings as long as the estate meets the requirements of Probate Code §2628; however:

- Inventory and Appraisal is required by Probate Code §2610

- A first accounting *(at least)* is required by Probate Code §2620(a)

- Probate Code §2628(c) requires accounting to show that income was spent for the benefit of the Conservatee.

- Examiner notes that the proposed conservatee owns two houses (not just her own residence) and receives rental and pension income. Based on this information, it does not appear that the estate would qualify for waiver under Probate Code §2628, as the value of the estate may exceed the statutory limit for waiver.

If appointed, the Court will set status hearings as follows:

7-2-12 for filing of bond or blocked account, if applicable

9-10-12 for filing of the Inventory and Appraisal

9-16-13 for filing of the First Account

8 Gabriel J. Avedisian (Estate) **Case No. 12CEPR00296**

Atty Petty, Teresa B. (for Dennis P. Avedisian – son/Petitioner)

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

DOD: 02/07/12			**DENNIS P. AVEDISIAN,** son, is Petitioner, and requests appointment as Administrator with Will Annexed without bond.
Cont. from			
	Aff.Sub.Wit.	x	Full IAEA – OK
✓	**Verified**		
	Inventory		Will dated 01/23/90
	PTC		
	Not.Cred.		Residence: Fresno
✓	**Notice of Hrg**		Publication: The Business Journal
✓	**Aff.Mail**	w/	**<u>Estimated Value of the Estate:</u>**
✓	**Aff.Pub.**		Personal property - $1,766,000.00
	Sp.Ntc.		
	Pers.Serv.		Probate Referee: **STEVEN DIEBERT**
	Conf. Screen		
✓	**Letters**		
✓	**Duties/Supp**		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

1. **Will is not self-proving, need Affidavit of Subscribing witness.**
2. **Petitioner requests appointment without bond because the Will waives bond; however, the Will only waives bond for the nominated Executors. Since Petitioner is not a named Executor, need waivers of bond by all beneficiaries or bond in the amount of $1,891,320.00.**

Reviewed by: JF

Reviewed on: 05/03/12

Updates:

Recommendation:

File 8 - Avedisian

9 **Jerrold R. Mason aka Jerrold Mason (Estate)** **Case No. 12CEPR00298**

Atty **Baldwin, Kenneth A. (for Sharon Fisher – daughter/Petitioner)**

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

DOD: 02/07/12		
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	

SHARON FISHER, daughter, is Petitioner and requests appointment as Administrator without bond.

Full IAEA – OK

All heirs waive bond

Decedent died intestate

Residence: Fresno
Publication: The Business Journal

Estimated Value of the Estate:
Personal property - $125,000.00
Annual income - 25,000.00
Real property - 575,000.00
Total - $725,000.00

Probate Referee: **STEVEN DIEBERT**

NEEDS/PROBLEMS/COMMENTS:

Note:
Status hearings will be set for this matter as follows:

- **09/10/12 – For Filing of the Inventory & Appraisal**
- **09/10/13 – For Filing of the First Account and Petition for Distribution**

Reviewed by: JF
Reviewed on: 05/03/12
Updates:
Recommendation: SUBMITTED
File 9 - Mason

10 In Re Randi A. Berg **Case No. 12CEPR00287**

Atty Dowling, Michael P. (for Randall S. Berg – father/Petitioner)

Probate Status Hearing Re: Filing of Receipt for Blocked Accounts

Age: 13 **DOB: 11/28/98**	**RANDALL S. BERG**, Petitioner, filed an Ex Parte Petition for Order Directing Deposit of Funds on 03/29/12. **Order to Deposit Money into Blocked Account** was signed and filed on 04/02/12. **Notice of Status Hearing filed 04/18/12** set this matter for status re filing of receipt for blocked acct. **Clerk's Certificate of mailing** states that the Notice of Status Hearing was mailed to attorney Michael P. Dowling on 04/18/12.	**NEEDS/PROBLEMS/COMMENTS:** 1. **Need Receipt and Acknowledgement of Order for the Deposit of Money into Blocked Account.**
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		**Reviewed by:** JF
Status Rpt		**Reviewed on:** 05/03/12
UCCJEA		**Updates:**
Citation		**Recommendation:**
FTB Notice		**File 10 - Berg**

13A Shirley Ann McCray (Estate) Case No. 10CEPR00305

Atty Johnson, Kevin (pro per Petitioner/Administrator)

First and Final Account and Report of Administrator and Petition for Settlement of Estate, (2) for Allowance of Attorney's Fees for Ordinary Services, (3) and for Final Distribution [Prob. C. § 10501]

DOD: 6/25/2009		
Cont. from 030812		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
	Not.Cred.	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	W/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✓	**Letters**	5/20/10
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

KEVIN JOHNSON, Administrator, is petitioner.

Accounting - ???
Beginning POH- $45,000.00
Ending POH - ???

Attorney - $3,150.00
(Joanne Sanoian former attorney for the estate)

Administrator - waives

Closing - $10,000.00

Petitioner requests distribution as follows:

Phyllis Williams – decedent's household furniture, furnishings and personal effects.

Kevin Johnson – ½ of after discovered property and unused tax reserve.

NEEDS/PROBLEMS/COMMENTS:

NEED AMENDED PETITION, based on, but not limited to, the following:

1. Petition was filed using a fee waiver. Filing fees are considered by the court to be costs of administration therefore a filing fee of $395.00 must be paid prior to any order allowing distribution of assets.
2. Accounting does not comply with Probate Code §1060.
3. Petition states there was a creditor's claim filed by Bank of America on 5/3/2010 in the amount of $8,921.16. The amount of the Creditor's Claim actually filed on 5/3/2010 is $11,760.00.
4. Petition states personal property valued at $600.00 was distributed to Phyllis Williams. There was no personal property listed on the inventory and appraisal. The court cannot order distribution of property that was not inventoried.
5. Paragraph 17 of the Petition states the statutory fee payable to Joanne Sanoian is $3,150.00. However the prayer requests payment of $1,500 to Joanne Sanioan as statutory fees.
6. Statutory fees are calculated incorrectly. Fee base includes statutory commissions of $75.00 and costs of $20.00. Commissions and costs are not part of the fee base. Total statutory fees would be $1,800.00. Ms. Sanoian's portion of the statutory fees should be based on the percentage of work done on the estate.
7. Petition states there are outstanding personal property taxes due in the amount of $1,913.89. All expenses should be paid prior to the court ordering distribution.
8. Need property on hand schedule.
9. Proposed distribution does not include distribution of the real property.

Reviewed by: KT

Reviewed on: 5/3/12

Updates:

Recommendation:

File 13A - McCray

13B Shirley Ann McCray (Estate) **Case No. 10CEPR00305**

Atty Johnson, Kevin (pro per Petitioner/Administrator)

Petition for Court Order to Sell Estate Real Property [Prob. C. § 10000, et seq.]

DOD: 6/25/2009		
Cont. from 030812		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
✓	**Aff.Mail**	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

KEVIN JOHNSON, Administrator, is petitioner.

Petitioner states he is seeking authority to sell the real property of the estate.

The sale of the real property is necessary in order to pay the expenses of administration, taxes, attorney fees and the family allowance.

Petitioner prays for an Order authorizing the Administrator to sell the property described about on such terms and conditions and under such terms and conditions as are required by law or as directed by this court.

NEEDS/PROBLEMS/COMMENTS:

Continued from 3/8/12. Minute order states the Petitioner informs the Court that Phyllis Williams is seeking to buy him out.

Note: Phyllis Williams is the other intestate heir of this estate.

Reviewed by: KT

Reviewed on: 5/3/12

Updates:

Recommendation:

File 13B - McCray

14 Jessie C. Garcia (Det Succ) **Case No. 11CEPR00823**

Atty Garcia, Steve (pro per Petitioner)

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

DOD: 12/20/05		
Cont. from 102711, 120811, 031512		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

STEVE GARCIA, son, is petitioner.

40 days since DOD.

No other proceedings.

Decedent died intestate.

I & A - **NEED**

Petitioner requests Decedent's 50% interest in real property pass to decedent's four children, Richard Garcia, Steve Garcia, Virginia Lazalde and Victoria Garcia in equal shares pursuant to intestate succession.

NEEDS/PROBLEMS/COMMENTS:

See related case on page 15 of this calendar.

Continued from 3/15/12. *As of 5/3/12 the following issues remain:*

NEED AMENDED PETITION BASED ON THE FOLLOWING:

1. Petition requests court determination that decedent's interest in real property passes to his four children. Probate Code §13151 requires that all successors in interest to the property join in the petition. Therefore need amended petition including all those who succeed to the property.
2. Need inventory and appraisal.
3. Need name and date of death of decedent's spouse. Local Rule 7.1.1D.
4. #9a(3) of the petition was not answered re: issue of predeceased child.
5. Petition was filed using a fee waiver. When the amended petition is filed all who join in the petition must qualify individually for a fee waiver.

Reviewed by: KT

Reviewed on: 5/3/12

Updates:

Recommendation:

File 14 – Garcia

15 Richard D. Garcia (Det Succ) Case No. 11CEPR00824

Atty Garcia, Steve (pro per Petitioner)

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

DOD: 5/4/05		
Cont. from 102711, 120811, 031512		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

STEVE GARCIA, son, is petitioner.

40 days since DOD.

No other proceedings.

Decedent died intestate.

I & A - **NEED**

Petitioner requests Decedent's 50% interest in real property pass to decedent's four children, Richard Garcia, Steve Garcia, Virginia Lazalde and Victoria Garcia in equal shares pursuant to intestate succession.

NEEDS/PROBLEMS/COMMENTS:

Please see related case on page 14.

Continued from 3/15/12. *As of 5/3/12 the following issues remain:*

NEED AMENDED PETITION BASED ON THE FOLLOWING:

6. Petition requests court determination that decedent's interest in real property passes to his four children. Probate Code §13151 requires that all successors in interest to the property join in the petition. Therefore need amended petition including all those who succeed to the property.
7. Need inventory and appraisal.
8. Need name and date of death of decedent's spouse. Local Rule 7.1.1D. (It appears from the death certificate attached to the petition that decedent was survived by his spouse Jessie Garcia, decedent on page 18 of this calendar. If that is true then Jessie's estate would be entitled to all or a portion of this estate.)
9. #9a(3) of the petition was not answered re: issue of predeceased child.
10. Petition was filed using a fee waiver. When the amended petition is filed all who join in the petition must qualify individually for a fee waiver.

Reviewed by: KT

Reviewed on: 5/3/12

Updates:

Recommendation:

File 15 – Garcia

16 Sandra Doreen Peterson (Estate) **Case No. 12CEPR00137**

Atty Peterson, Robert (pro per – brother/Petitioner)

Petition for Letters of Special Administration with General Powers (Prob. C. 8002, 10450)

DOD: 02/06/09		
Cont. from 032212		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	x
	Aff.Mail	x
	Aff.Pub.	x
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	x
✓	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	x
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

ROBERT PETERSON,
brother/named Executor is Petitioner and requests appointment as Special Administrator with general powers without bond.

Full IAEA – **NEED**

Will dated 08/10/07

Residence: Clovis
Publication: **NEED**

Estimated Value of the Estate:
$0.00

Petitioner states that it is necessary that he be appointed as Special Administrator with General Powers in order to continue with a law suit, case no. CIV 501098 in San Mateo County against the decedent's former employer for insurance monies owed to the decedent's estate.

NEEDS/PROBLEMS/COMMENTS:

CONTINUED FROM 03/22/12
Minute Order from 03/22/12 hearing states: No appearance taken. The Court believes a general administration should be granted. A copy of the Examiner notes, along with the minute order, is to be mailed to Mr. Robert Peterson.

Clerk's Certificate of Mailing filed 03/23/12, indicates that a copy of the Examiner notes and 03/22/12 Minute Order were mailed to Petitioner on 03/23/12.

As of 05/02/12, no additional documents have been filed and the following remains outstanding:

1. **Need Affidavit of Publication.**
2. **Need Notice of Petition to Administer Estate.**
3. **Need proof of service by mail at least 15 days before the hearing of *Notice of Petition to Administer Estate* for:**
   - Mario Manganiello (son)
4. **Need Letters.**
5. **Need Order.**

Reviewed by: JF	
Reviewed on: 05/02/12	
Updates:	
Recommendation:	
File 16 - Peterson	

17 Veronica Morales (CONS/P) **Case No. 12CEPR00289**

Atty Chavez, Veronica de la Hoya
Atty Chavez, Leticia

Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820, 182 2680-2682)

Age:			**NEEDS/PROBLEMS/COMMENTS:**
DOB:			**CONTINUED TO 5-30-12** Per Petitioner's request.
	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		**Reviewed by:** skc
	Status Rpt		**Reviewed on:** 5-3-12
	UCCJEA		**Updates:**
	Citation		**Recommendation:**
	FTB Notice		**File 17 - Morales**

18 Michael Marquez & Dominique Marquez **Case No. 12CEPR00378**

Atty Morones, Laura (pro per – maternal aunt/Petitioner)

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

Michael, 13 **DOB: 05/25/99**		
Dominique, 10 **DOB: 02/17/2000**		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	x
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	x
✓	**Conf. Screen**	
	Letters	x
✓	**Duties/Supp**	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	x
	Aff. Posting	
	Status Rpt	
✓	**UCCJEA**	
	Citation	
	FTB Notice	

TEMPORARY GRANTED EX PARTE; EXPIRES 05/10/12

LAURA MORONES, maternal aunt, is Petitioner.

Father: **MICHAEL GONZALES**

Mother: **YESENIA MARQUEZ**

Paternal grandfather: UNKNOWN
Paternal grandmother: UNKNOWN

Maternal grandfather: JESUS MARQUEZ
Maternal grandmother: TERESA MARQUEZ

Siblings: ALEXIS GARCIA (3), JACOB (age unknown)

Petitioner states that Michael has lived with her for the past 5 years and Dominique came to live with her recently when his mother moved to Los Angeles. Mother has two younger children and feels overwhelmed caring for three children. Mother has signed a letter giving Petitioner authority to make decisions regarding the boys. The father's whereabouts are unknown. Petitioner states that temporary guardianship is necessary so that she can enroll Dominique in school near her home

NEEDS/PROBLEMS/COMMENTS:

1. **Need *Notice of Hearing*.**
2. **Need proof of personal service of *Notice of Hearing* at least 5 court days before the hearing of *Notice of Hearing* with a copy of the *Petition for Appointment of Temporary Guardian* or Consent and Waiver of Notice or Declaration of Due Diligence for:**
   - Michael Gonzales (father)
   - Yesenia Marquez (mother)
   - Michael Gonzales (minor)

Reviewed by: JF

Reviewed on: 05/03/12

Updates:

Recommendation:

File 18 - Marquez

Dept. 303, 9:00 a.m. Thursday, May 10, 2012

19 Keanu Casarez, Kobe Casarez and Isabella Blanco (GUARD/P)

Case No. 12CEPR00380

Atty Conway, James (pro per – maternal great-uncle/Petitioner)
Atty Conway, Kim (pro per – maternal great-aunt/Petitioner)

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

Keanu, 14
DOB: 10/26/10

Kobe, 6
DOB: 06/21/05

Isabella, 19 months
DOB: 10/26/10

Cont. from

	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
✓	**Pers.Serv.**	
	Conf. Screen	
✓	**Letters**	
✓	**Duties/Supp**	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
✓	**UCCJEA**	
	Citation	
	FTB Notice	

GENERAL HEARING 06/27/12

JAMES CONWAY and **KIM CONWAY**, maternal great uncle and aunt, are Petitioners.

Father (Keanu): **ABRAHAM CHAVEZ** – *Consent & Waiver of Notice filed 05/03/12*
Father (Kobe): **IRIC –** *Declaration of Due Diligence filed 05/03/12*
Father (Isabella): **SAMUEL BLANCO** – *personally served 05/03/12*

Mother: **MELISSA CASAREZ** – *personally served 05/03/12*

Paternal grandparents (all): UNKNOWN

Maternal grandfather: MICHAEL CASAREZ
Maternal grandmother: ZARITA CONWAY – *deceased*

Petitioners state that there is near constant domestic violence between the children's mother and Samuel Blanco (Isabella's father). All three children have witnessed Samuel physically abuse their mother. Mother never follows through with a restraining order and always lets Samuel return to the home. He is violent and has a history of drug use. Police and CPS have been called to the home numerous times. Petitioners state that they love the children and can provide a safe and stable home free of drugs and violence.

NEEDS/PROBLEMS/COMMENTS:

1. **Declaration of Due Diligence regarding Kobe's father (Iric) was filed 05/03/11. The Declaration does not provide any information other than his last known employer and residence are unknown. If diligence is not found, need proof of personal service at least 5 court days before the hearing of *Notice of Hearing* with a copy of the *Petition for Appointment of Guardian of the Person* or Consent and Waiver of Notice for:**
   - Iric (Kobe's father)

Reviewed by: JF
Reviewed on: 05/03/12
Updates:
Recommendation:
File 19 – Casarez & Blanco