

1 Ara Balakian (Estate)

Case No. 03CEPR00598

Atty Thomas, Wm. Lanier (for Virginia Balakian – Surviving Spouse – Administrator – Petitioner)
(1) First and Final Report of Administration on Waiver of Accounting and (2)
Petition for Allowance of Compensation to Attorneys for Ordinary Services and for
(3) Final Distribution

DOD: 8-1-02		VIRGINIA BALAKIAN , Surviving Spouse and Administrator with Full IAEA without bond, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. In addition to distribution of the decedent's estate, Petitioner is also requesting that the Court confirm her own community property interest in various real property interests.</p> <p>However, the petition does not contain facts necessary for the Court to make such determination under Probate Code §13650, such as information about the marriage, the dates of acquisition of the various properties, etc.</p> <p>Further, the Spousal Property Petition and Order are <u>mandatory</u> Judicial Council Forms DE-221 and DE-226 created to be used for summary proceeding for such request in compliance with §13650, et seq.</p> <p>§13652 provides that if proceedings for the administration of the estate of the decedent are pending, a petition may be filed in the estate case without a fee.</p> <p>Therefore, need authority for this request to be considered by the Court by this petition. Alternatively, the Court may require the necessary petition in the form contemplated by the Probate Code.</p>
		Accounting is waived.	
	Aff.Sub.Wit.	I&A: \$522,500.24	
✓	Verified	(real property interests and personal property)	
✓	Inventory		
✓	PTC	POH: Real property as set forth in I&A	
✓	Not.Cred.		
✓	Notice of Hrg	Administrator (Statutory): Waived	
✓	Aff.Mail	Attorney (Statutory): \$13,450.00	
	Aff.Pub.		
	Sp.Ntc.	Distribution pursuant to intestate succession and Disclaimer of Virginia Balakian filed 4-30-03:	
	Pers.Serv.	Virginia Balakian: Certain real property interests as set forth in the petition	
	Conf. Screen	Kristie Serimian: Certain real property interests as set forth in the petition and disclaimed by Virginia Balakian	
✓	Letters	Dennis Balakian: Certain real property interests as set forth in the petition and disclaimed by Virginia Balakian	
	Duties/Supp	David Balakian: Certain real property interests as set forth in the petition and disclaimed by Virginia Balakian	
	Objections		
	Video Receipt		
	CI Report		
✓	9202		
✓	Order		
	Aff. Posting	Petitioner also requests that the court confirm Virginia Balakian's one-half community property interest in the various real property interests as set forth in the petition.	
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice	N/A	
		Reviewed by: skc	
		Reviewed on: 5-14-14	
		Updates:	
		Recommendation:	
		File	

**Petition for Removal of Personal Representative and Suspension of Powers
Pending Hearing**

DOD: 2/6/04	MARTIN WADE CHANEY , Co-Administrator, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR. Dismissal of the Petition was entered on 5/12/14.</p>
Cont. from 042914	MARTIN WAYDE CHANEY and RHONDA ANN CHANEY MALEWSKI were appointed co-administrators with full IAEA authority and without bond on 10/12/2004. Letters issued on 10/12/2004.	
<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		
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv.	W/	
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input checked="" type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
	<p>Petitioner states Rhonda Malewski currently is, and has been, in the possession and control of the file documents of the estate that she obtained from the parties' former counsel. These documents are necessary for the preparation and filing of an inventory and appraisal.</p> <p>Cause for a citation to issue to Rhonda Malewski to appear before the court exists in that, despite petitioner's attorney's written requests for the estate file documents on 2/7/14, 3/31/14, and 3/11/14 and his verbal request on 2/26/14, Rhonda Malewski refuses and continues to refuse, to provide the estate file documents.</p> <p>A citation to appear and an order suspending the powers of Rhonda Malewski is necessary because Rhonda Malewski is wrongfully neglecting the estate and is refusing to cooperate with Petitioner, thereby causing further delay in the administration and closure of the estate.</p>	
		<p>Reviewed by: KT</p> <p>Reviewed on: 5/14/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2 – Chaney</p>

Petition for Deferral of Filing Fee for Termination of Administration of an Insolvent Estate

DOD: 8/12/1999	DORIS LEE ROGERS , Administrator, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 4/29/14. As of 5/14/14 the following issues remain:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service of the Notice of Hearing on all parties entitled to notice. 3. Need proof of service of the Notice of Hearing on the Department of Health Services pursuant to the Request for Special Notice filed on 6/20/2005. 4. Need Order
Cont. from 042914	Petitioner is requesting a deferral of the filing fees for the Petition for Termination of Further Proceedings (please see page 3B).	
Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	Petitioner states and inventory and appraisal was filed. The only asset of the estate was a single parcel of real property. A buyer for the real property was obtained and the Administrator was undergoing a court confirmation of the sale when a problem with the title surfaced. Unbeknownst to the Administrator and all but one of her siblings, it was determined that the decedent conveyed title to herself and one of her daughters as joint tenants. This fact was first raised by the title company.	
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	X	
Aff.Mail	X	
Aff.Pub.		
Sp.Ntc.	X	
Pers.Serv.		
Conf. Screen		
Letters	As a result of these findings, the probate estate does not own any assets to pay expenses of administration, attorney fees, creditor's claims, or court costs.	
Duties/Supp		
Objections		
Video Receipt	Wherefore, Petitioner prays for and order of this Court that:	
CI Report		
9202		
Order	X	
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 5/14/14
		Updates:
		Recommendation:
		File 3A – Ali

Petition for the Termination of Further Proceedings and for Discharge and for Order

DOD: 8/12/1999	DORIS LEE ROGERS , Administrator, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Order includes a waiver of the filing fee. Page 3A requests the filing fee be deferred until such time as any assets may subsequently come into the estate.
Cont. from 042914	Petitioner was appointed Administrator with bond set at \$112,000.00 on 3/22/04.	
<input type="checkbox"/> Aff.Sub.Wit.	Petitioner states and inventory and appraisal was filed. The only asset of the estate was a single parcel of real property. A buyer for the real property was obtained and the Administrator was undergoing a court confirmation of the sale when a problem with the title surfaced. Unbeknownst to the Administrator and all but one of her siblings, it was determined that the decedent conveyed title to herself and one of her daughters as joint tenants. This fact was first raised by the title company.	
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	W/O	
<input type="checkbox"/> Aff.Pub.		
<input checked="" type="checkbox"/> Sp.Ntc.	W/	
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen	As a result of these findings, the probate estate does not own any assets.	
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp	The State of California, Department of Health Services filed a claim in the amount of \$32,384.13. This claim remains unpaid.	
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report	Wherefore, Petitioner prays for and order of this Court:	
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order	2. For an Order terminating the probate proceedings; and	
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA	3. Discharging the personal representative.	
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: KT
		Reviewed on: 5/14/14
		Updates:
		Recommendation:
		File 3B – Ali

4 Mariana Rosalinda Pena (GUARD/P)
Atty Lopez de Pena, Maria Laura (pro per Guardian)
Atty Flores, Anita (pro per Petitioner/mother)

Case No. 06CEPR01228

Petition for Termination of Guardianship

Age: 14 years	ANITA FLORES , mother, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.	Father: JOHNATHON PENA – deceased.	
<input checked="" type="checkbox"/> Verified	Paternal grandfather: Salvador Pena Maternal grandfather: Unknown Maternal grandmother: Elvira Fernandez	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg	Petitioner states a guardianship is no longer necessary and she is a fit and proper parent. The minor has expressed a strong desire to return to her mother. At the time of the appointment Petitioner states she was abusing substances and the guardianship was necessary. Since then she has completed a rehabilitation program and has been clean and sober since 1/17/2008. Petitioner states she is employed tutoring autistic children and is attending Fresno City College working on her prerequisites for their nursing school program. It is for these reasons she requests the court terminate the guardianship.	
<input checked="" type="checkbox"/> Aff.Mail	W/	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report	Court Investigator Jennifer Young's Report filed on 5/15/14.	
<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: 5/14/14
		Updates:
		Recommendation:
		File 4 - Pena

5 Marjorie Jean Newell (Estate)

Case No. 10CEPR00237

Atty Hemb, Richard E (for Petitioners/Co-Executors Karen Andrews & Diana Drelle)

(1) First and Final Account and Report of Executor and Petition for Settlement and (2) Allowance of Commissions and Fees and (3) Extraordinary Fees and Final Distribution

DOD: 12/31/2009		KAREN ANDREWS and DIANA KRELLE, Co-Executors, are petitioners.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Need Amended Petition based on the following:</p> <ol style="list-style-type: none"> 1. Statutory fees were calculated incorrectly. Fee calculation includes losses on sales of \$15,684.00 as a receipt and not as a deduction. Statutory fees base also includes a social security payment of \$1,376.00. Since they payment was refunded in the disbursements it should not be included in the fee base. Therefore the correct statutory fee base is \$135,215.01 and the correct statutory fees would be \$5,056.00 2. Summary of account lists the property on hand at \$92,698.25. Schedule H (property on hand schedule) lists the property on hand at \$93,698.25. 3. Costs includes \$493.47 in "other misc. expenses." Need itemization of these expenses.
		Account period: 12/31/09 – 3/30/14	
Cont. from		Accounting - \$152,275.39	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$ 93,559.78	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$ 92,698.25	
<input checked="" type="checkbox"/>	Inventory	Executors - \$5,400.00	
<input checked="" type="checkbox"/>	PTC	(greater than statutory – see note #1)	
<input checked="" type="checkbox"/>	Not.Cred.	Attorney - \$4,000.00 (less than statutory)	
<input checked="" type="checkbox"/>	Notice of Hrg	Costs (Karen) - \$2,384.97	
<input checked="" type="checkbox"/>	Aff.Mail	(cremation, memorial service, filing fee, taxes, publication, other misc.)	
	Aff.Pub.		
	Sp.Ntc.	Costs (Diane) - \$510.63	
	Pers.Serv.	(funeral expenses)	
	Conf. Screen	Costs (attorney - \$460.00 (filing fee, certified copies)	
<input checked="" type="checkbox"/>	Letters	6/7/10	
	Duties/Supp	Creditors:	
	Objections	Coalinga Ambulance - \$471.20	
	Video Receipt	DCM - \$1,719.16	
	CI Report	Closing - \$900.00	
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
See additional page			
Reviewed by: KT			
Reviewed on: 5/15/14			
Updates:			
Recommendation:			
File 5 - Newell			

Petition states the Last Will and Testament of the Decedent indicates that her estate shall pass the same as described in the last will of her former husband, Ernest A. Newell. However, the last will of Ernest A. Newell had a similar clause to leave the residue of his estate according to his wife's last will. Accordingly neither last will provided a direction as to how the residue of the estate should be distributed. If the last will of the decedent fails provide a disposition of the estate, the laws of intestacy provide that the residue shall be distributed to the natural children of the decedent.

Proposed distribution, pursuant to agreement of heirs is to:

Janet Brumana	-	Real property
Karen Andrews	-	\$1,804.78
Diana Krelle	-	\$1,804.77
Sandra Beeby	-	\$1,804.77
Karla Brumana	-	\$1,804.77

NEEDS/PROBLEMS/COMMENTS (cont.):

4. Proposed distribution of the remaining cash, after payment of costs and creditor's claims appears incorrect. It appears the correct amount should be \$1,049.08.
5. Need date of death of deceased spouse. Local Rule 7.1.1D
6. Need order

**(1) Waiver of Accounting and (2) Petition for Final Distribution Under Will and for
 (3) Allowance for Ordinary and Extraordinary Fees to Attorney**

DOD: 10/08/11		<p>CYNTHIA GUNNER, Executor, is Petitioner.</p> <p>Accounting is waived.</p> <p>I & A - \$321,043.81 POH - total value not stated, consists of \$191,662.72 cash, \$112,000.00 promissory note, misc. personal effects</p> <p>Executor - waived</p> <p>Attorney - \$9,420.87 (statutory)</p> <p>Attorney x/o - \$3,250.00 (itemized by date for services involving redemption of stock and negotiations regarding payment terms; 12.5 hours @ \$300/hr. reduced to \$3,250.00)</p> <p>Distribution, pursuant to decedent's estate, is to:</p> <p>Cynthia Morgan-Gunner, Trustee of the Eddie H. Gunner Revocable Living Trust dated 04/01/10 - \$191,662.72 cash, promissory note from Veterinary Emergency Services, Inc. in the amount of \$112,000.00, and miscellaneous personal effects</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. The Petition proposes to distribute the entirety of the assets on hand to the Trust and does not reduce the cash on hand by the requested attorney's fees. If attorney's fees are to be paid from the cash assets of the estate, need revised Order stating the actual dollar amount of cash assets to be distributed taking into account the attorney's fees.</p> <p>2. The petition states that the all creditor's claims have been settled and/or paid, however, no satisfaction or Allowance/Rejection of Creditor's Claims have been filed for the following claims: a. Phillips, Cohen - \$22,381.05 b. Phillips, Cohen - 2,380.55 c. Perkins Mann Ev- 420.00 d. Around the Clock 7,559.50 e. FTB - 146.51</p>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail w/		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters 03/21/12		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" 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 checked="" type="checkbox"/>	FTB Notice		
		<p>Reviewed by: JF</p> <p>Reviewed on: 05/15/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 6 -Gunner</p>	

7 Theodore K. Karas (Estate)

Case No. 12CEPR01134

Atty Molsenbocker, Gary L. (for Anthony Blaine Karas – Administrator/Petitioner)

(1) First and Final Account and Report of Administrator and (2) Petition for its Settlement, for Allowance of Compensation to Attorney and for (3) Final Distribution

DOD: 10/27/12	ANTHONY BLAINE KARAS, Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Account period: 10/27/12 – 03/15/14	
Cont. from	Accounting - \$219,263.14	
<input type="checkbox"/> Aff.Sub.Wit.	Beginning POH - \$172,700.95	
<input checked="" type="checkbox"/> Verified	Ending POH - \$81,710.32 (all cash)	
<input checked="" type="checkbox"/> Inventory	Administrator - waived	
<input checked="" type="checkbox"/> PTC	Attorney - \$7,023.43 (statutory)	
<input checked="" type="checkbox"/> Not.Cred.	Attorney x/o - \$1,271.50 (to Attorney Bryan Pinion for work related to an eviction of tenant in real property asset of the estate – 2.9 hours @ \$285/hr. plus costs of \$445.00)	
<input checked="" type="checkbox"/> Notice of Hrg	Closing - \$1,000.00	
<input checked="" type="checkbox"/> Aff.Mail w/	Distribution, pursuant to decedent's estate, is to:	
<input type="checkbox"/> Aff.Pub.	Anthony Karas - \$36,207.69	
<input type="checkbox"/> Sp.Ntc.	Melissa (Karas)Nunes - \$36,207.70	
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters 02/07/13		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input checked="" 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 checked="" type="checkbox"/> FTB Notice		
		Reviewed by: JF
		Reviewed on: 05/15/14
		Updates:
		Recommendation:
		File 7 - Karas

Stephan DOD: 08/09/05	DENNIS FREEMAN, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Debra DOD: 05/13/13	Petitioner states:	<u>CONTINUED TO 06/16/14</u>
	1. Stephan F. Winter and Debra L. Winter ("Settlers") executed the Stephan F. Winter and Debra L. Winter Revocable Trust (the "Trust") on 02/16/94 in their capacity as Settlers and initial Trustees. The Trust was amended on 09/14/02.	1. Need Notice of Hearing.
Cont. from 050614	2. Bruce Bickel is the temporary trustee of the Trust pursuant to the order of this Court dated 08/30/13.	2. Need proof of service of Notice of Hearing by 3:00 pm 05/05/14.
Aff.Sub.Wit.	3. At the time the Trust was established, it was the intent of the Settlers that their assets be transferred to the Trust as evidenced by section 2.1 of the Trust.	3. Need Order.
✓ Verified	4. Concurrently with the execution of the Trust, the Settlers executed "pour-over" wills on 02/16/94 that designated that the residue of each of their estates be given to the Trustee of the Trust.	Note: Proofs of Service filed 05/05/14 indicate that a copy of the Petition was served (and Ex Parte App/Order for Order Shortening Time & Decl. of Jeffrey Pape) on interested parties, Respondent, Respondent's attorney and Bruce Bickel.
Inventory	5. On or about 02/16/94, Settlers transferred all of their personal property currently owned or acquired in the future to the Trust. Much of this property is located in decedent Debra L. Winter's home and Petitioner alleges that several items of personal property were removed by Respondent, Christopher Lull. [List of items attached to Petition]. Petitioner request the Court to confirm that the personal property of Debra Winter are assets of the Trust and subject to the management and control of Bruce Bickel, temporary trustee.	
PTC	6. On or about 02/16/94, Settlor Stephan F. Winter conveyed his residence located at 5881 Etersburg Drive in San Jose to the Trust as his separate property. Thereafter on 09/14/02 at the time the Settlers amended the Trust, the Settlers recorded a transmutation of Separate Property to Community Property acknowledging the real property was an asset of the Trust.	
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		
		Reviewed by: JF
		Reviewed on: 05/14/14
		Updates:
		Recommendation:
		File 8 - Winter
	Continued on Page 2	

7. On or about 04/18/13, Settlor Debra L. Winter sold San Jose residence and purchased another residence located at 26321 Golf Links Drive, Pioneer, CA. Petitioner alleges that a portion of the Trust's cash proceeds from the sale was used in the down payment for the new residence and within 30 days of acquiring the residence, Debra Winter passed away which prevented her from making a formal transfer to the Trust. Given these circumstances, Petitioner requests the Court to confirm that the real property commonly known as 26321 Golf Links Drive, Pioneer, CA is an asset of the Trust and is subject to the management and control of Bruce Bickel as temporary trustee.
8. Pursuant to the terms of the Trust, Debra Winter's Will, and Transmutation of Separate Property to Community Property, Petitioner believes that it was never Debra Winter's intent to defeat the purpose of the Trust by holding the real property in her individual name thus subjecting said assets to the jurisdiction of the Probate Court at her death.

Petitioner prays for an Order as follows:

1. The Stephan F. Winter and Debra L. Winter Revocable Trust is valid;
2. The personal property at 26321 Golf Links Drive, Pioneer, CA are assets of the Stephan F. Winter and Debra L. Winter Revocable Trust;
3. The real property commonly known as 26321 Golf Links Drive, Pioneer, CA is an asset of the Stephan F. Winter and Debra L. Winter Revocable Trust and is subject to the management and control of Bruce Bickel as temporary trustee;
4. For costs herein; and
5. For other such orders as the court deems proper.

Martha Celeste Patrick (CONS/PE)

Atty Ramirez-Baker, Donna M. (Pro Per – Daughter – Petitioner)
 Atty Rindlisbacher, Curtis D. (Court-appointed for Conservatee)
 Atty Kruthers, Heather (for Public Guardian – Temporary Conservator of the Person and Estate)
 Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820,
 1821, 2680-2682)

	<p>TEMP (PUBLIC GUARDIAN) EXPIRES 5-20-14</p>	<p>NEEDS/PROBLEMS/ COMMENTS:</p>			
<p>Cont. from 011414, 030414</p>	<p>DONNA M. RAMIREZ-BAKER, Daughter, is Petitioner and requests appointment as Conservator of the Person with medical consent powers and dementia medication and placement powers.</p>	<p><u>Court Investigator advised rights on 1-7-14</u></p>			
<table border="1"> <tr> <td data-bbox="103 491 162 533"></td> <td data-bbox="162 491 363 533">Aff.Sub.Wit.</td> <td data-bbox="363 491 412 533"></td> </tr> </table>		Aff.Sub.Wit.		<p>Voting rights affected</p>	<p><u>Voting rights affected – need minute order</u></p>
	Aff.Sub.Wit.				
<table border="1"> <tr> <td data-bbox="103 533 162 575">✓</td> <td data-bbox="162 533 363 575">Verified</td> <td data-bbox="363 533 412 575"></td> </tr> </table>	✓	Verified		<p>A Capacity Declaration was filed on 11-26-13.</p>	<p>Continued from 1-14-14, 6-4-14.</p>
✓	Verified				
<table border="1"> <tr> <td data-bbox="103 575 162 617"></td> <td data-bbox="162 575 363 617">Inventory</td> <td data-bbox="363 575 412 617"></td> </tr> </table>		Inventory		<p>Petitioner states the proposed Conservatee is diagnosed with dementia and is combative and uncooperative. According to her doctor, she needs medication to control her agitation and psychotic symptoms. She was recently evicted from her residence after failing to pay rent and keep her home habitable. However, when Petitioner took her to live in her home, she bullied and harassed Petitioner's special needs children. Petitioner contacted the social workers at St. Agnes hospital, and she was advised to bring her back there. With the help of the social workers, the proposed Conservatee was placed in a residential care facility. Petitioner was advised to seek conservatorship to secure benefits that would allow her to remain at the facility. Petitioner states the proposed Conservatee is a danger to herself and others because she drives without her license and has a long history of mental illness.</p>	<p><u>Minute Order 3-4-14: Mr. Bagdasarian is appearing as counsel for Sylvia Ramirez. Several family members are also present in the courtroom. Mr. Bagdasarian advises the Court that an agreement has been reached, but needs to be reviewed. Mr. Bagdasarian requests a continuance.</u></p>
	Inventory				
<table border="1"> <tr> <td data-bbox="103 617 162 659"></td> <td data-bbox="162 617 363 659">PTC</td> <td data-bbox="363 617 412 659"></td> </tr> </table>		PTC		<p>Petitioner also filed a declaration on 1-9-14 from Gregory Ramirez, son of proposed Conservatee, detailing the situation in the home of Sandra Ramirez in Reno, NV, where the proposed Conservatee was previously residing.</p>	<p><u>As of 5-14-14, nothing further has been filed.</u></p>
	PTC				
<table border="1"> <tr> <td data-bbox="103 659 162 701"></td> <td data-bbox="162 659 363 701">Not.Cred.</td> <td data-bbox="363 659 412 701"></td> </tr> </table>		Not.Cred.		<p>Court Investigator Samantha Henson filed a report on 1-9-14.</p>	<p>1. The Capacity Declaration states the patient has dementia, is unable to care for herself, and may benefit from dementia medication; <u>however, the boxes re capacity are not checked.</u> The Court may require clarification.</p>
	Not.Cred.				
<table border="1"> <tr> <td data-bbox="103 701 162 743">✓</td> <td data-bbox="162 701 363 743">Notice of Hrg</td> <td data-bbox="363 701 412 743"></td> </tr> </table>	✓	Notice of Hrg		<p>See Page 2</p>	<p>Reviewed by: skc</p>
✓	Notice of Hrg				
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✓	Aff.Mail	w			
<table border="1"> <tr> <td data-bbox="103 785 162 827"></td> <td data-bbox="162 785 363 827">Aff.Pub.</td> <td data-bbox="363 785 412 827"></td> </tr> </table>		Aff.Pub.			<p>Updates:</p>
	Aff.Pub.				
<table border="1"> <tr> <td data-bbox="103 827 162 869"></td> <td data-bbox="162 827 363 869">Sp.Ntc.</td> <td data-bbox="363 827 412 869"></td> </tr> </table>		Sp.Ntc.			<p>Recommendation:</p>
	Sp.Ntc.				
<table border="1"> <tr> <td data-bbox="103 869 162 911">✓</td> <td data-bbox="162 869 363 911">Pers.Serv.</td> <td data-bbox="363 869 412 911">w</td> </tr> </table>	✓	Pers.Serv.	w		<p>File 9 – Patrick</p>
✓	Pers.Serv.	w			
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✓	Conf. Screen				
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✓	Letters				
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✓	Duties/Supp				
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	Objections				
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✓	Video Receipt				
<table border="1"> <tr> <td data-bbox="103 1121 162 1163">✓</td> <td data-bbox="162 1121 363 1163">CI Report</td> <td data-bbox="363 1121 412 1163"></td> </tr> </table>	✓	CI Report			
✓	CI Report				
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✓	Order				
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	Aff. Posting				
<table border="1"> <tr> <td data-bbox="103 1289 162 1331"></td> <td data-bbox="162 1289 363 1331">Status Rpt</td> <td data-bbox="363 1289 412 1331"></td> </tr> </table>		Status Rpt			
	Status Rpt				
<table border="1"> <tr> <td data-bbox="103 1331 162 1373"></td> <td data-bbox="162 1331 363 1373">UCCJEA</td> <td data-bbox="363 1331 412 1373"></td> </tr> </table>		UCCJEA			
	UCCJEA				
<table border="1"> <tr> <td data-bbox="103 1373 162 1415">✓</td> <td data-bbox="162 1373 363 1415">Citation</td> <td data-bbox="363 1373 412 1415"></td> </tr> </table>	✓	Citation			
✓	Citation				
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	FTB Notice				

Page 2

Declaration filed 1-14-14 by Steve Ramirez indicates messages between Donna Baker and other family members regarding kidnapping charges for plans to take her.

Minute Order 1-14-14: Greg Ramirez appears via Court Call. Steven and Sandra object to the petition. At the request of Petitioner, the Court denies the petition and appoints Public Guardian Temporary Conservator of the Person and Estate. Continued to: 3-4-14.

Letters issued to the Public Guardian on 1-23-14. As of 5-14-14, nothing further has been filed.

10A Timothy Hall (Estate)

Case No. 14CEPR00194

Atty Roberts, Gregory J. (for Petitioner Bruce E. Hall)
Atty Teixeira, J. Stanley (for Objector Gwen Allen)

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

DOD: 1/25/14	BRUCE E. HALL is petitioner and requests that BRUCE E. HALL and GARY J. HALL (brothers) be appointed as Co-Administrators, with full IAEA authority and with bond set at \$400,000.00.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Wednesday, June 25, 2014 at 9:00 a.m. in Department 303, for the filing of the bond. • Wednesday, October 22, 2014 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. • Wednesday, July 15, 2015 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>
Cont. from 041614		
<input type="checkbox"/> Aff.Sub.Wit.	Full IAEA – o.k.	
<input checked="" type="checkbox"/> Verified	Decedent died intestate.	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC	Residence: Fresno	
<input type="checkbox"/> Not.Cred.	Publication: Fresno Business Journal.	
<input checked="" type="checkbox"/> Notice of Hrg	Estimated value of the Estate:	
<input checked="" type="checkbox"/> Aff.Mail	Personal property - \$160,000.00	
<input checked="" type="checkbox"/> Aff.Pub.	Real property - \$240,000.00	
<input type="checkbox"/> Sp.Ntc.	Total - \$400,000.00	
<input type="checkbox"/> Pers.Serv.	Probate Referee: Steven Diebert	
<input type="checkbox"/> Conf. Screen	Objections of Gwen Allen filed on 4/10/14 states she objects to the appointment of Bruce and Gary because they have not been involved in the family and do not know enough about the family. For example, Gary Hall was the informant on the death certificate for Timothy Hall and stated that Timothy's residence was in Menlo Park. Timothy's residence at the time of his death was in Fresno. He also stated the wrong birth date for Timothy. In the Petition filed by Bruce one of Timothy's siblings, Albert Hall, was omitted. Further, Timothy's sister is listed as "Janet Lacey, when in fact her name is Janice Lacey. Ms. Allen states Timothy Hall had her manage all things for him whenever he was away from Fresno. She was Timothy's main contact person.	
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: KT
		Reviewed on: 4/14/14
		Updates:
		Recommendation:
		File 10A – Hall

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

DOD: 1/25/14	GWEN ALLEN , sister, is petitioner and requests appointment as Administrator with bond set at \$235,000.00	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Wednesday, June 25, 2014 at 9:00 a.m. in Department 303, for the filing of the bond. • Wednesday, October 22, 2014 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. • Wednesday, July 15, 2015 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>
	Full IAEA – o.k.	
Cont. from	Decedent died intestate.	
<input type="checkbox"/> Aff.Sub.Wit.	Residence: Fresno Publication: Fresno Business Journal.	
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg	Estimated value of the Estate:	
<input checked="" type="checkbox"/> Aff.Mail W/O	Personal property - \$ 25,000.00	
<input checked="" type="checkbox"/> Aff.Pub.	Real property - \$210,000.00	
<input type="checkbox"/> Sp.Ntc.	Total - \$235,000.00	
<input type="checkbox"/> Pers.Serv.	Probate Referee: Steven Diebert	
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: KT
		Reviewed on: 5/14/14
		Updates:
		Recommendation:
		File 10B – Hall

Joseph W. Levy DOD: 2-10-14	SHARON LEVY , Sole trustee, is Petitioner.	NEEDS/PROBLEMS/ COMMENTS:
	Petitioner states she and Joseph W. Levy created the LEVY 2009 REVOCABLE TRUST on 10-23-09. The settlors were the initial trustees and acted as co-trustees until the death of Joseph W. Levy on 2-10-14. Since then, Petitioner has been acting as the sole trustee.	
	Schedule A of the Trust describes the assets of the trust, including certain Wells Fargo Bank certificates of deposit (Item #3). On or about 2-18-10, the settlors closed the Wells Fargo Bank certificates of deposit accounts and used the proceeds of approx. \$500,000.00 to open a new Franklin Templeton Account xxx1302, thus replacing the CDs with a Franklin California Tax-Free mutual fund. However, the title of the account was inadvertently designated in the settlors' names "as community property." The value at Joseph W. Levy's death was approx. \$424,000.00.	
	Petitioner states that a declaration by the owners that they hold property in trust is sufficient to create a trust. Courts have held that a written declaration is sufficient and transfer of title is unnecessary when a settlor declares herself to be trustee of her own property. Authority cited. Petitioner states Sharon and Joseph W. Levy, as settlors and trustees, declared in the trust declaration that they set aside and held in trust their interest in the Wells Fargo Bank certificates of deposit. Although the asset is not real property, under §850(a)(3)(b), the trustee or any interested person may file a petition requesting that the court make an order where the trustee has a claim to real or personal property where title is held by another.	
	Petitioner states the settlors used trust funds (the Wells Fargo Bank certificates of deposit) to open the Franklin Templeton Account and intended for that account to be held in trust. It was only by mistake that it was not titled in the trustees' names, and the error was not discovered until the death of Joseph W. Levy. Petitioner believes the Franklin Templeton Account is an asset held in trust and is under the control of Sharon Levy as sole trustee.	
	Petitioner, as surviving settlor, intends that her one-half interest in the Franklin Templeton Account be part of the Trust estate. Also attached is a copy of Joseph W. Levy's will, which leaves everything to the trust except his personal effects.	
	Petitioner prays for an order of this Court that Franklin Templeton Account xxx1302 is property held in the Levy 2009 Revocable Trust and is subject to the management and control of Sharon Levy, trustee of the Levy 2009 Revocable Trust; and for such further orders as the Court deems proper.	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	W	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 5-14-14
		Updates:
		Recommendation:
		File 11 - Levy

Petition for Order Confirming Trust Assets; Petition for Instructions; and/or Petition for Orders Regarding Real and Personal Property (PC 850(a) and 17200

DOD: 12/10/13	NORA N. COFFMAN, trustee, is Petitioner.	NEEDS/PROBLEMS/
		COMMENTS:
	Petitioner states:	
	1. She is the duly appointed and acting trustee of the	
	GARY WILLIAM LEWIS LIVING TRUST executed on	
	06/24/13. The trust is not revocable.	
Cont. from	2. At paragraph 2 of the trust, the Settlor declared that	
Aff.Sub.Wit.	the property described in Schedule A of the trust is	
✓ Verified	transferred to the trust "for the use, benefit, and	
Inventory	enjoyment" of the beneficiaries. Schedule A lists	
PTC	among other things, the following business interests:	
Not.Cred.	a. 8.33% interest in Villa Capri Mobile Home Estates,	
✓ Notice of Hrg	LLC;	
✓ Aff.Mail	b. 7% ownership interest in Arthur Lewis Development	
Aff.Pub.	Corp. 50 Shares; and	
Sp.Ntc.	c. 125 shares of MLK Mobile Home Estates, dba Villa	
Pers.Serv.	Park	
Conf. Screen	3. In addition, on 07/02/13, the Settlor executed an	
Letters	Assignment of Business Interests for each of the above	
Duties/Supp	listed assets.	
Objections	4. Petitioner submits, that based on these facts, Settlor	
Video Receipt	intended that the property be held in the name of and	
CI Report	as an asset of his trust, and pursuant to the principles	
9202	set forth in the <u>Estate of Heggstad</u> , asks the court to	
✓ Order	find that the property was assigned to the trust and title	
Aff. Posting	is so held.	
Status Rpt	5. Petitioner alleges that the actual name of MLK Mobile	
UCCJEA	Home Estates is MLK Mobile Home Estates, Inc. and that	
Citation	after consultation with the principals of that entity, that	
FTB Notice	the Settlor actually had 25 shares in the business and	
	not 125.	
	6. Petitioner alleges that the actual name of the Arthur	
	Lewis Development Corporation is the Arthur Lewis	
	Mobile Home Development Corporation. After	
	consultation of the principals of that entity, Petitioner is	
	informed that the Settlor held only 10 shares of said	
	corporation.	
	Petitioner prays for an Order that:	
	1. An 8.33% interest in Villa Capri Mobile Home Estates,	
	LLC is an asset of the GARY WILLIAM LEWIS LIVING TRUST	
	dated 06/24/13, and is under the management and	
	control of the trustee;	
	2. Ten shares of Arthur Lewis Mobile Home Development	
	Corporation and any after-discovered shares in the	
	corporation held in the name of decedent are assets	
	of the GARY WILLIAM LEWIS LIVING TRUST dated	
	06/24/13, and is under the management and control of	
	the trustee;	
	3. Twenty-five shares of the MLK Mobile Home Estates, Inc.	
	and any after discovered shares in the corporation	
	held in the name of the decedent are assets of the	
	GARY WILLIAM LEWIS LIVING TRUST dated 06/24/13, and	
	is under the management and control of the trustee.	

DOD: 12/25/2011	HERBERT HERNANDEZ and RICHARD HERNANDEZ , were appointed Co-Administrators, with Limited IAEA authority, on 11/8/12.	NEEDS/PROBLEMS/COMMENTS: Continued from 1/10/14. Minute order states the Court is advised that efforts are being made to resolve this matter.
Cont. from 011014, 031114, 041514	The Court ordered \$50,000.00 into a blocked account.	
Aff.Sub.Wit.		
Verified	Receipt for Blocked Account (\$50,000.00) filed on 12/4/12.	
Inventory		
PTC		
Not.Cred.	Final Inventory and Appraisal filed on 1/10/14 showing the estate valued at \$27,105.00	
Notice of Hrg		
Aff.Mail	Supplemental Inventory and Appraisal no. 1 filed on 1/10/14 shows property valued at \$86,279.00	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen	Former Status Report of Gary Bagdasarian filed on 3/7/14 states a disagreement between the co-executors over the amounts of reimbursement to each of them has been resolved, and the parties are now putting together the Final Report and Account of Estate. A request is made for a continuance of 60 days (for May 14, 2014 or thereafter.)	
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT
		Reviewed on: 5/14/14
		Updates:
		Recommendation:
		File 13 – Hernandez

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

Age: 6		<u>TEMPORARY EXPIRES 05/20/2014</u>		NEEDS/PROBLEMS/COMMENTS: 1. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> • Paternal Grandparents (Unknown) – Unless the Court dispenses with notice.
		RUBEN ANTHONY ESTRADA , non-relative, is Petitioner.		
		Father: UNKNOWN , Court dispenses with notice per minute order dated 03/26/2014		
Cont. from		Mother: JAMIE CASTILLO , personally served on 03/26/2014		
	Aff.Sub.Wit.		Paternal grandparents: UNKNOWN	
✓	Verified		Maternal grandfather: JOSEPH COLE - <i>deceased</i> Maternal grandmother: KIMBERLY COLE – <i>Consent & Waiver of Notice filed 03/14/14</i>	
	Inventory		Siblings: ISAIAH ESTRADA, LEGEND DAVIS	
	PTC		Petitioner alleges that he is Aiden's step-brother's father and that Aiden has lived with him and his brother for several years. Aiden's father is unknown and his mother is not able to care for him or provide a stable home due to drug abuse and legal issues. She currently has an active warrant for her arrest on identity theft and related charges and is classified as a fugitive according to the Court. Petitioner alleges that Aiden has been in his sole care for the past 2 years and that he is the only father Aiden knows.	
	Not.Cred.		Petitioner requests that service to the father and the paternal grandparents be waived. Petitioner states the biological father is unknown, there is no father listed on the child's birth certificate. Paternal grandparents are also unknown.	
✓	Notice of Hrg		DSS Social Worker Irma Ramirez's report filed 05/19/2014.	
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.	w/		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
				Reviewed by: LV
				Reviewed on: 05/15/2014
				Updates: 05/19/2014
				Recommendation:
				File 15 - Castillo

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

Age: 18	<u>NO TEMPORARY REQUESTED</u>		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court investigator advised rights regarding Conservatorship of the Person on 03/12/14. Need advisement of rights re Conservatorship of the Estate.</p> <p>Voting rights affected, need minute order.</p> <ol style="list-style-type: none"> 1. Petitioner is requesting that the Court waive the requirement of filing of an Inventory & Appraisal, however, there does not appear to be any authority for waiving the filing of the Inventory & Appraisal. 2. Petitioner states that the estate meets the requirements stated in Probate Code § 2628 and therefore requests that bond and the requirement of filing accountings be waived. Petitioner does not state whether the funds will be placed in a blocked account. It has been the practice of the Court to waive accountings after the filing of the first account.
	<p>SHARON KAYE SOVERN, maternal grandmother, is Petitioner and requests appointment as Conservator of the Person with medical consent powers and as Conservator of the Estate without bond.</p>		
Cont. from 040814	<p>Estimated Value of the Estate:</p> <p>Personal property - \$15,090.00</p> <p>Annual income - 8,880.00</p> <p>Total - \$23,970.00</p>		
<input type="checkbox"/> Aff.Sub.Wit.	<p>Voting rights affected.</p>		
<input checked="" type="checkbox"/> Verified	<p>Petitioner alleges that Jade is autistic and cannot independently care for his day to day needs. He is unable to communicate his needs or carry on a conversation. He speaks in simple one to two word sentences. He sometimes becomes agitated and can be aggressive if he is pushed. Petitioner states that Jade inherited a small amount of money and due to the small amount and Jade's low income, Petitioner requests appointment without bond and requests that the Court waive the filing of an Inventory & Appraisal and accountings.</p>		
<input type="checkbox"/> Inventory	<p>Court Investigator Julie Negrete filed a report on 04/02/14.</p>		
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail w/			
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input checked="" type="checkbox"/> Pers.Serv. w/			
<input checked="" type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input checked="" type="checkbox"/> Video Receipt			
<input checked="" type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input checked="" type="checkbox"/> Citation			
<input checked="" type="checkbox"/> CVRC Notice			
			<p>Reviewed by: JF</p>
			<p>Reviewed on: 05/14/14</p>
			<p>Updates:</p>
			<p>Recommendation:</p>
			<p>File 16 – Graff</p>

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

DOD: 12/07/2013	THOMAS BRESSLER , son/named executor without bond, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Copy of the Will is not attached to the petition as required. Note: If the petition is granted status hearings will be set as follows: <ul style="list-style-type: none"> • Tuesday, 07/14/2015 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.
	Full IAEA – o.k.	
	Will dated: 05/10/1993	
Cont. from 041514	Final Inventory and Appraisal filed 03/11/2014	
<input type="checkbox"/> Aff.Sub.Wit.	Residence: Fresno	
<input checked="" type="checkbox"/> Verified	Publication: The Fresno Bee	
<input type="checkbox"/> Inventory	Estimated value of the Estate:	
<input type="checkbox"/> PTC	Personal property \$80,114.74	
<input type="checkbox"/> Not.Cred.	Real property \$130,000.00	
<input checked="" type="checkbox"/> Notice of Hrg	Total \$210,114.74	
<input checked="" type="checkbox"/> Aff.Mail w/o	Probate Referee: Rick Smith	
<input checked="" type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
	Reviewed by: LV	
	Reviewed on: 05/14/2014	
	Updates:	
	Recommendation:	
	File 17 – Bressler	

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

Age: 2		<u>TEMPORARY EXPIRES 05/20/2014</u>		NEEDS/PROBLEMS/COMMENTS:	
		DANIEL A. PEREZ , maternal grandfather, is Petitioner.		1. Need Notice of Hearing.	
Cont. from		Father: DEANDRE JOHNSON		2. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:	
<input type="checkbox"/>	Aff.Sub.Wit.			<ul style="list-style-type: none"> • Deandre Johnson (Father) • Connie D. Perez (Mother) 	
<input checked="" type="checkbox"/>	Verified	Mother: CONNIE D. PEREZ		3. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:	
<input type="checkbox"/>	Inventory	Paternal grandparents : UNKNOWN		<ul style="list-style-type: none"> • Paternal Grandparents (Unknown) • Leticia Pena (Maternal Grandmother) 	
<input type="checkbox"/>	PTC	Maternal grandmother: LETICIA PENA		4. Page #5 of the Guardianship Petition – Child Information Attachment (GC 210(CA)) which pertains to whether the child has Native American Ancestry was not completed. Need declaration with page #5 attached.	
<input type="checkbox"/>	Not.Cred.				
<input type="checkbox"/>	Notice of Hrg	<input checked="" type="checkbox"/>	Petitioner alleges that he has cared for the minor since birth. The mother sleeps all day, goes out all night and does not care about the needs of the minor. The mother abuses drugs and leads a lifestyle that is not stable.		
<input type="checkbox"/>	Aff.Mail	<input checked="" type="checkbox"/>			
<input type="checkbox"/>	Aff.Pub.				
<input type="checkbox"/>	Sp.Ntc.				
<input type="checkbox"/>	Pers.Serv.	<input checked="" type="checkbox"/>			
<input checked="" type="checkbox"/>	Conf. Screen		Court Investigator Charlotte Bien's report filed 05/02/2014.		
<input checked="" type="checkbox"/>	Letters				
<input checked="" type="checkbox"/>	Duties/Supp				
<input type="checkbox"/>	Objections				
<input type="checkbox"/>	Video Receipt				
<input checked="" type="checkbox"/>	CI Report				
<input type="checkbox"/>	9202				
<input checked="" type="checkbox"/>	Order				
<input type="checkbox"/>	Aff. Posting				
<input type="checkbox"/>	Status Rpt				
<input checked="" type="checkbox"/>	UCCJEA				
<input type="checkbox"/>	Citation				
<input type="checkbox"/>	FTB Notice				
				Reviewed by: LV	
				Reviewed on: 05/15/2014	
				Updates:	
				Recommendation:	
				File 18 - Perez	

Age: 3	TEMPORARY EXPIRES 05/20/2014	NEEDS/PROBLEMS/COMMENTS:
	GENERAL HEARING 07/10/2014	
	MELISSA AVENA , non-relative, is petitioner.	<p>1. Need proof of personal service five (5) days prior to the hearing of the Notice of Hearing along with a copy of the Temporary Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:</p> <ul style="list-style-type: none"> • Juan Rodriguez (Father) • Vanessa Hernandez (Mother)
Cont. from	Father: JUAN RODRIGUEZ	
<input type="checkbox"/> Aff.Sub.Wit.	Mother: VANESSA HERNANDEZ	
<input checked="" type="checkbox"/> Verified	Paternal Grandfather: Unknown	
<input type="checkbox"/> Inventory	Paternal Grandmother: Rosa Rodriguez	
<input type="checkbox"/> PTC	Maternal Grandfather: Joseph Hernandez	
<input type="checkbox"/> Not.Cred.	Maternal Grandfather: Joan Hernandez	
<input type="checkbox"/> Notice of Hrg	Siblings over 12: Larissa Morales, Anthony Morales, Britney Morales	
<input type="checkbox"/> Aff.Mail	Petitioner states: minor has been with the petitioner since 09/29/2013, prior to that the petitioner's mother was caring for the child. Petitioner alleges that the mother, Vanessa Hernandez, has been involved with drugs and prostitution, she does not have a job nor the means to care of the child. The father of the minor has a family of his own and does not want to be a part of the minor's life. Temporary guardianship is need as the child is not up to date with his immunizations.	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LV
		Reviewed on: 05/16/2014
		Updates:
		Recommendation:
		File 19 - Rogriguez

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

Age: 8		<p align="center">GENERAL HEARING 07/10/2014</p> <p>RENEE COVINGTON, maternal grandmother, is petitioner.</p> <p>Father: UNKNOWN</p> <p>Mother: ROBIN DENISE GLASPIE, nominates petitioner, consents and waives notice</p> <p>Paternal Grandparents: Unknown</p> <p>Maternal Grandmother: Melvin Johnson</p> <p>Petitioner states: the minor has lived in her home since he was born. The mother began using drugs. Petitioner was asked to take legal guardianship of the child.</p> <p>Petitioner asks that the Court excuse her from noticing the father as he is unknown.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service five (5) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Temporary Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> • Father (Unknown)
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg x		
<input type="checkbox"/>	Aff.Mail n/a		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv. x		
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: LV	
		Reviewed on: 05/16/2014	
		Updates:	
		Recommendation:	
		File 20 - Covington	

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

Age: 2		<p align="center"><u>GENERAL HEARING 07/10/2014</u></p> <p>RENEE COVINGTON, paternal grandmother, is petitioner.</p> <p>Father: DONTAE MARQUICE COVINGTON, Deceased</p> <p>Mother: MELVINA JOHNSON, nominates petitioner, consents and waives notice</p> <p>Paternal Grandfather: Unknown</p> <p>Maternal Grandfather: Melvin Johnson</p> <p>Maternal Grandmother: Sandra Fireson</p> <p>Petitioner states: the minor has been in her care since birth, the father is deceased, the mother is using drugs. Child Protective Services stepped in and tried to remove the minor from his mother. At a Team Decision Making meeting held by CPS a safety plan was made where petitioner was asked to take care of the minor and obtain legal guardianship.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg x		
<input type="checkbox"/>	Aff.Mail n/a		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv. n/a		
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: LV	
		Reviewed on: 05/16/2014	
		Updates:	
		Recommendation:	
		File 21 – D. Covington	

1A Dale W. Balagno Revocable Trust
Armo, Lance E. (for Joseph Balagno – Beneficiary)
Atty Gromis, David Paul (for Nicholas Kovacevich – Former Trustee)
Atty Kruthers, Heather (for Public Administrator)
Atty Motsenbocker, Gary L. (for Mary Pond – Respondent)

Case No. 13CEPR00389

Accounting Declaration for Original Successor Trustee

<p>Dale W. Balagno DOD: 3-16-13</p> <hr/> <p>Cont 041014</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 15%;"><input type="checkbox"/></td> <td>Aff.Sub.Wit.</td> <td></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Verified</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Inventory</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>PTC</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Not.Cred.</td> <td></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Notice of Hrg</td> <td></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Aff.Mail</td> <td>W</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Aff.Pub.</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Sp.Ntc.</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Pers.Serv.</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Conf. Screen</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Letters</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Duties/Supp</td> <td></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Objections</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Video Receipt</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>CI Report</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>9202 Order</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Aff. Posting</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Status Rpt</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>UCCJEA</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>Citation</td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td>FTB Notice</td> <td></td> </tr> </table>	<input type="checkbox"/>	Aff.Sub.Wit.		<input checked="" type="checkbox"/>	Verified		<input type="checkbox"/>	Inventory		<input type="checkbox"/>	PTC		<input type="checkbox"/>	Not.Cred.		<input checked="" type="checkbox"/>	Notice of Hrg		<input checked="" type="checkbox"/>	Aff.Mail	W	<input type="checkbox"/>	Aff.Pub.		<input type="checkbox"/>	Sp.Ntc.		<input type="checkbox"/>	Pers.Serv.		<input type="checkbox"/>	Conf. Screen		<input type="checkbox"/>	Letters		<input type="checkbox"/>	Duties/Supp		<input checked="" type="checkbox"/>	Objections		<input type="checkbox"/>	Video Receipt		<input type="checkbox"/>	CI Report		<input type="checkbox"/>	9202 Order		<input type="checkbox"/>	Aff. Posting		<input type="checkbox"/>	Status Rpt		<input type="checkbox"/>	UCCJEA		<input type="checkbox"/>	Citation		<input type="checkbox"/>	FTB Notice		<p>NICHOLAS KOVACEVICH, Former Trustee, is Petitioner.</p> <p>Account period: Not stated Accounting: \$ 5,623.90 Beginning POH: \$ 0.00 Ending POH: \$ 2,290.74 (transferred to Public Administrator)</p> <p>Petitioner states from 3-19-13 through 7-9-13, as stated in the detailed time charges attached to the Petition for Payment of Attorney's Fees and Payment of Trustee's Fees dated 10-28-13, Petitioner met with beneficiaries, reviewed files, marshaled assets, responded to his counsel's requests, responded to opposing counsel's requests for three of the beneficiaries, and was present at every hearing at this courthouse, for a total of 91.4 hours between 3-19-13 and 9-12-13. Since 9-13-13, he has been present at a total of five hearings, which has taken another five hours of his time (5 hours @ \$180/hr is \$900.00) that is owed to Petitioner. As described in the prior petition, Petitioner spent 24.9 hours through 9-9-13 on this trust situation, and since then, has attended four hearings @ \$240.00/hr and prepared this accounting (over two hours. Therefore, Petitioner has an additional 6 hours of time for an additional \$1,440.00. Petitioner also used \$100.00 of his own monies to open a trust account at Chase Bank.</p> <p>Petitioner provides a summary of assets totaling \$1,211,862.00 including cash, investment and retirement accounts, insurance, and misc. personal property. The list includes POD and joint tenant accounts.</p> <p>Petitioner states on 9-30-13, he transferred \$2,290.74 to the Public Administrator in accordance with his agreement to allow the Public Administrator to become the trustee.</p> <p>On 5-1-14, Attorney Lance Armo, attorney for Joesph Balagno, Linda Balagno, and Lori Jo Brown, filed an <u>unverified</u> Objection to the accounting. Please see objection for details.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: This Accounting Declaration does not contain a prayer; however, pursuant to §1064(b), the filing of an account shall be deemed to include a petition requesting its approval.</p> <ol style="list-style-type: none"> The petition does not state the name and address of each person entitled to notice pursuant to §17201. Notice of Hearing was served only on the attorneys and not on the beneficiaries directly pursuant to §17203 and Cal. Rules of Court 7.51. Petitioner provides a copy of the trust; however, the Property Schedule referenced in the trust is not attached to this petition. <p>However, a copy of the Property Schedule <i>was attached</i> to a Declaration previously filed by Joseph Balagno on 6-19-13.</p> <p>In this accounting, Petitioner states the beginning property on hand was zero; however, according to the Property Schedule, the decedent's tangible personal property and specific accounts and stock were designated as trust assets.</p> <p>Further, the Public Administrator's Inventory and Appraisal indicates various assets other than what was provided by Mr. Kovacevich.</p> <p>Examiner notes that the trust is somewhat vague in that although these specific accounts are listed, it does indicate that beneficiary designated accounts are not trust assets.</p> <p>The Court may require further clarification as to the beginning property on hand for the <u>trust</u> as opposed to all of the assets of the decedent.</p> <p>Reviewed by: skc</p> <p>Reviewed on: 5-15-15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1A – Balagno</p>
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<input type="checkbox"/>	FTB Notice																																																																			

1B Dale W. Balagno Revocable Trust
Atty Armo, Lance E. (for Joseph Balagno – Beneficiary)
Atty Gromis, David Paul (for Nicholas Kovacevich – Former Trustee)
Atty Kruthers, Heather (for Public Administrator)
Atty Molsenbocker, Gary L. (for Mary Pond – Respondent)

Case No. 13CEPR00389

Petition for Payment of Attorney's Fees and Payment for Trustee's Fees

<p>Dale W. Balagno DOD: 3-16-13</p>	<p>NICHOLAS KOVACEVICH, Successor Trustee, is Petitioner.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
<p>Cont. from 011614, 022714, 041014</p>	<p>Petitioner states:</p>	<p><u>Examiner's Note:</u> On 9-9-13, per Corrected Minute Order, Mr. Kovacevich agreed to step down and the Court directed that any fees come before the Court. Accordingly, this petition was filed on 11-1-13.</p>
<p><input type="checkbox"/> Aff.Sub.Wit.</p>	<ul style="list-style-type: none"> Dale W. Balagno died on 3-16-13. The trust provides names Petitioner as first successor trustee. 	<p>This petition requests attorney and trustee fees totaling \$22,428.00. However, at this point, the value of the trust/assets has not been provided to the Court so Examiner does not have a basis for review other than hourly rates and services.</p>
<p><input checked="" type="checkbox"/> Verified</p>	<ul style="list-style-type: none"> On 4-23-13, Petitioner provided information on the trust estate to his attorney, David Gromis. 	<p>Examiner notes that the original petition of Joseph Balagno alleged inappropriate conveyance of trust assets and also alleged that Mr. Kovacevich has refused to provide a list of assets. The Court granted that petition on 9-9-13, that petition was granted and Mr. Kovacevich stepped down, and the Court set status hearing on 12-9-13 regarding Assets and Accounting. This petition for fees was filed and has been continued to this date. On 2-21-14, the trustee filed an Accounting (See Page A) that was set for 4-10-14.</p>
<p><input type="checkbox"/> Inventory</p>	<ul style="list-style-type: none"> On 9-9-13, Petitioner agreed to allow the Public Administrator to become the Trustee. 	
<p><input type="checkbox"/> PTC</p>		
<p><input type="checkbox"/> Not.Cred.</p>		
<p><input checked="" type="checkbox"/> Notice of Hrg</p>		
<p><input checked="" type="checkbox"/> Aff.Mail W</p>	<p>Attorney: \$5,976.00</p>	
<p><input type="checkbox"/> Aff.Pub.</p>	<p>Exhibit A is a schedule of the attorney's billing in this proceeding from 4-23-13 through 9-9-13. All services were reasonable and necessary in representing Mr. Kovacevich. 24.9 hours @ \$240/hr.</p>	
<p><input type="checkbox"/> Sp.Ntc.</p>		
<p><input type="checkbox"/> Pers.Serv.</p>		
<p><input type="checkbox"/> Conf. Screen</p>		
<p><input type="checkbox"/> Letters</p>		
<p><input type="checkbox"/> Duties/Supp</p>	<p>Successor Trustee: \$16,452.00</p>	
<p><input type="checkbox"/> Objections</p>	<p>Exhibit B is a schedule of the successor trustee's services provided to the estate from 3-19-13 through 9-9-13. All services were reasonable and necessary in his role as successor trustee. 91.4 hours @ \$180/hr.</p>	
<p><input type="checkbox"/> Video Receipt</p>		
<p><input type="checkbox"/> CI Report</p>		
<p><input type="checkbox"/> 9202</p>		
<p><input type="checkbox"/> Order X</p>	<p>Petitioner requests an order:</p>	<p>Reviewed by: skc</p>
<p><input type="checkbox"/> Aff. Posting</p>	<p>1. Directing the Public Guardian to pay David Paul Gromis, Attorney at Law, the sum of \$5,976.00 from the trust estate for legal services rendered to Nick Kovacevich while he was acting as trustee for the D.W. Balagno Trust dated 3-6-13;</p>	<p>Reviewed on: 5-15-14</p>
<p><input type="checkbox"/> Status Rpt</p>	<p>2. Directing the Public Guardian to pay Nick Kovacevich, CPA, the sum of \$16,452.00 for time spent and for services rendered to the D.W. Balagno Trust dated 3-6-13 as the successor trustee; and</p>	<p>Updates:</p>
<p><input type="checkbox"/> UCCJEA</p>	<p>3. For such other relief as the Court deems just and proper.</p>	<p>Recommendation:</p>
<p><input type="checkbox"/> Citation</p>		<p>File 2B – Balagno</p>
<p><input type="checkbox"/> FTB Notice</p>		

1C Dale W. Balagno Revocable Trust

Case No. 13CEPR00389

Atty Armo, Lance E. (for Petitioners Joseph Balagno, Linda Balagno, and Lori Jo Brown)
Atty Gromis, David Paul (for Nicholas Kovacevich – Former Trustee)
Atty Kruthers, Heather (for Public Administrator)
Atty Motsenbocker, Gary L. (for Mary Pond – Respondent)

First Amended Petition for Court Order to Determine Title and Require Transfer of Personal Property to Petitioner

DOD: 3-16-13	JOSEPH BALAGNO, LINDA BALAGNO, and LORI JO BROWN , Beneficiaries, are Petitioners.	NEEDS/PROBLEMS/COMMENTS:
	Petitioners state the trust corpus consists primarily of bank and investment accounts held with several banking institutions, cash, and other personal property. The beneficiaries and "interested persons" are: Petitioners, MARY E. POND , a former personal acquaintance of the decedent, and former successor trustee NICHOLAS KOVACEVICH , who was removed by the Court. The FRESNO COUNTY PUBLIC ADMINISTRATOR is the current Successor Trustee.	<u>SEE ADDITIONAL PAGES</u>
Cont. from 022714, 041014	Petitioners allege that the former trustee has wrongfully conveyed certain property of the trust to Ms. Pond without accounting, notice or acknowledgment to Petitioners. Petitioners also believe that other accounts, insurance proceeds, and personal property have been wrongfully distributed to Ms. Pond by the former trustee, or individually retained by the former trustee without notice or accounting after having demanded such information. Additionally, Petitioner believes the former trustee allowed mailing addresses and ownership of several bank and investment accounts to be changed shortly prior to the decedent's death to that of Ms. Pond from the decedent's address without notice to beneficiaries. Only upon contacting the various institutions did Petitioner learn of such.	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
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Duties/Supp		
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Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	<u>SEE ADDITIONAL PAGES</u>	Reviewed by: skc Reviewed on: 5-15-15 Updates: Recommendation: File 2C – Balagno

Page 2

Petitioners state Ms. Pond was the decedent's girlfriend for nearly 15 years and was never added to his estate until shortly before his demise, not to mention ever informed of the financial wherewithal of the decedent. The decedent had stated to his family shortly before his passing that his estate was "all set up" as he had transfer-on-death (TOD) completed for most of his assets that did not include Ms. Pond. However, Ms. Pond still added herself to bank accounts, financial investment and life insurance accounts, and liquidated an \$80,000 annuity shortly before his death. The testamentary plan created by the decedent shortly before his death coincidentally was also identical and matching to a plan prepared on behalf of Ms. Pond at the same time, and by the same person, who is not a licensed attorney.

Petitioners state Ms. Pond excluded close family members from the decedent's final hours of life, including his children, as she did not want them to interfere with her plan of manipulating him to sign the necessary forms for transfers, etc.

Petitioners provide descriptions of various accounts and assets including estimated balances and questions about disposition. See petition for details.

Petitioners state Ms. Pond and Mr. Kovacevich refused to provide copies of documents authorizing Ms. Pond's name to be added to the various accounts whether as owner, TOD, or beneficiary. She also refused to provide proof that the decedent authorized her to change the mailing address of the bank account statements from Decedent's home to her address exclusively, and refused to reply to questions asking how/why she changed the mailing addresses.

KARA BALAGNO (relationship not stated) was present in the hospital room on one occasion in which she was told by the decedent clearly and unequivocally: "Ms. Pond was only to be added to this one account and none others." The account initially had a mailing address to the decedent's home, but after Ms. Pond's name was added, the mailing address was changed to her address. Shortly before his passing, the decedent informed his family that Ms. Pond could "only" be added to this one bank account in order to pay the "health expense bills" of the decedent, although she took the liberty of adding herself to multiple accounts. Thereafter, Ms. Pond withdrew, transferred, and liquidated hundreds of thousands of dollars from the decedent's accounts to her own, claiming such transfers and withdrawals do not need to be accounted for because they were not part of the trust estate.

Additionally, Petitioners state Ms. Pond and Mr. Kovacevich have provided conflicting statements about where the decedent's guns are, and Petitioners further believe that the decedent provided the safe combination to Mr. Kovacevich, who opened the safe and accumulated the contents thereof without recording or transcribing any inventory. Ms. Pond and Mr. Kovacevich now deny the existence of various items in the safe, which were removed and are not vanished. For example, the decedent informed his children that the safe contained \$100,000 in "cash." Ms. Pond uttered to a friend that she had discovered over \$80,000 and had "better go home and count the rest." Ms. Pond now declares there was only \$47,000 cash in the safe. Petitioners state there were also several pieces of jewelry, bonds, and other items in the safe that Ms. Pond denies. The decedent's timeshare has not been accounted for See petition for details.

SEE ADDITIONAL PAGES

Page 3

Petitioners state there are other issues as well and allege that Ms. Pond obtained and sold stocks that the decedent owned and concealed such information without accounting to the family. Petitioners state Ms. Pond was reimbursed \$12,000 for funeral expenses by Mr. Kovacevich without evidencing proof of expenses. Ms. Pond's name was added to a 2007 pickup truck shortly before the decedent's death, which truck contained all of the decedent's work tools and equipment, and which was never returned to the family.

Demand has been made repeatedly for account and information, but none has been provided. Petitioners believe Ms. Pond has taken most of the decedent's possessions and sold them or given them away. Ms. Pond has two safes in her home that are believed to contain many of the decedent's possessions that she has unlawfully taken and kept from the family.

It was alleged that Mr. Kovacevich, who has been removed, and Ms. Pond, were working so close together that they were acting as one and the same in theory. Petitioners state that Joseph Balagno is still the personal representative of the estate of Dale Balagno. Probate Code §850(a)(2)(C) provides that the personal representative may file a petition requesting that the court order where the decedent died in possession of, or holding title to, real or personal property, and the property or some interest therein is claimed to belong to another. In this matter, Ms. Pond claims an interest in much of the assets of the estate, and Petitioners believe she is in possession of the assets mentioned above. She and the former trustee have refused and failed to provide any information or instruction of the decedent authorizing her claims. Petitioners believe Ms. Pond will claim she was "told" by the decedent to take such assets, however, fails for several reasons.

Petitioners state the decedent dated Ms. Pond for nearly 15 years and never told her she could share in his wealth, and she didn't learn of it until she changed the mailing addresses on his accounts. She uttered statements to friends and relatives confirming such newly acquired knowledge, and shortly before he died, said to family members: "I wish he would hurry and die as I have a trip planned." During his final days, Ms. Pond tried over and over to get the decedent to marry her. The decedent obviously refused. Ms. Pond also lied to the family that he was restricted to "bed rest" only they later learned that he was supposed to get up and walk around. The day before he died the Decedent told his daughter Linda that he believes "Mary has done wrong things and you need to fix them immediately." He told his entire family his desire and wishes for his estate.

Mary E. Pond must be ordered by this Court to transfer all assets herein mentioned and provide copies of statements, canceled checks, and financial records for every account she either withdrew, transferred, wired, or deposited funds of the decedent. Ms. Pond clearly exerted undue influence, pressure and coercive conduct towards the decedent in his last days and hours with intent to obtain his assets to the detriment of his family.

SEE ADDITIONAL PAGES

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Petitioners pray for an order as follows:

1. The Court grant and distribute the vehicles along with all cash, guns, jewelry, bonds, coins, and other items located in the safe and removed by Ms. Pond and/or the former trustee to Petitioners as the representatives of the estate;
2. The Court grant and distribute all investment accounts as set forth herein to Petitioners as representatives of the estate;
3. The Court grant and distribute all bank accounts as set forth herein to Petitioners as representatives of the estate;
4. The Court grant and distribute all bonds and insurance proceeds as set forth herein to Petitioners as representatives of the estate;
5. For costs of suit incurred, and
6. For such other relief as the Court may deem just and proper.

NEEDS/PROBLEMS/COMMENTS:

1. Notice of Hearing filed 1-23-14 indicates service on attorneys only, and further indicates that a copy of the amended petition was not served with the notice. The Court may require amended service with copies, including direct notice to the interested persons pursuant to Cal. Rules of Court 7.51.
2. Notice of Hearing filed 1-23-14 does not indicate that a copy of the amended petition was served with the notice pursuant to Probate Code §851.
3. Petitioners request distribution of specific assets to them as personal representatives of the decedent's estate; however, there is no probate estate open for this decedent and there has been no personal representative appointed.

Petitioner Joseph Balagno previously requested, and the Court granted, that the Public Administrator be appointed as the trustee of the decedent's trust.

Need clarification: Are the petitioners alleging that these assets are assets of the TRUST, or are they now alleging that these are assets of the ESTATE, for which a probate will be filed?

4. It appears Petitioner is requesting that the Court make findings as to undue influence/financial abuse of the decedent prior to his death, which would be a civil action under the W&I code. The Court may require authority for proceeding as requested.

Note: An Accounting filed by the former Trustee Nicholas Kovacevich filed 2-21-14 is set for hearing on 4-10-14. Therefore, the Status Hearing for the filing of the accounting has been taken off calendar.

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Response of Mary Pond filed 2-14-14 states:

Dale Balagno died 3-16-13 and up to the date of his death was the sole trustee of the D.W. Balagno Revocable Trust dated 3-6-13. The respondent and the decedent lived together in a close committed relationship for 15 years in the respondent's home. The decedent moved into the respondent's home in the late 1990s and resided there until his death. During the time he lived there, Respondent provided food, clothing and shelter to the decedent, as he represented to her that he had limited resources and lived on a small monthly fixed income – in effect, "poverty-stricken."

Respondent was aware that the decedent owned several houses prior to entering the relationship, and allowed his son to live in one of them. He had his mail delivered to that address and would go over frequently to "check on the house" and review the mail. The decedent was secretive about his affairs; however, Respondent trusted him and was not suspicious about his misrepresentations until he asked his son Joe to pick up his mail at "the house" a month or so before his death. At this time, he shared the fact that he had significant investment account and a number of bank accounts with substantial balances as well as other assets. Respondent was shocked and felt betrayed. She became upset with the decedent as she had often ended up paying for most occasions over the years.

Respondent states that when the decedent realized she was upset with him, he became contrite and remorseful and told her that he planned "to make things right by her." He stated that he intended to pay off the mortgage on her house and make substantial gifts of cash and personal property. He thereafter contacted the bank and made the necessary arrangements to transfer funds to Ms. Pond and to name her on some accounts. The bank personnel became aware of his concerns and objectives in as much as he told them what he intended to do and expressed concern about what his "children" would try to do to Ms. Pond after he was gone. All transfers and naming her on accounts took place while he was fully competent to make gifts.

Respondent states that contrary to the assertions of the petitioner, the successor trustee did not become trustee or act in that capacity until the decedent died on 3-16-13, and contrary to the groundless assertions and sheer speculations made by the petitioners, he did not transfer title of any assets to the respondent nor did he change the address of the decedent's mail to the home of the respondent. The transfers and the change of address were accomplished by the decedent alone or pursuant to his permission and on his instructions.

Respondent states the decedent did not hold his children in very high esteem and for the most part was disappointed in them. He seldom spoke of them and they seldom visited. For the most part, he had a favorable relationship with his grandchildren and great grandchildren. He did speak to his children on the phone on occasions, but this contact was sporadic and limited.

Respondent denies assertions that she unduly influenced the decedent in any manner at any time and denies that she isolated him from his family and that she attempted to influence him against his children. Respondent asserts that for reasons best known to him, the decedent had issues with his children and on many occasions expressed displeasure with the manner that he had been treated by them or with their behavior or conduct.

SEE ADDITIONAL PAGES

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Respondent asserts that the decedent had no “emotional problems” that would have subjected him to being “easily influenced by the Respondent.” Respondent affirmatively contends that the decedent knew his own mind and was subject to holding strong and unwavering opinions, including the poor relationships he had with his children. He was rational in his thinking and beliefs and knew his own mind. If anything, he was concerned with what “his children” might do to Respondent after he passed away.

Respondent denies allegations made by the petitioners that she is a disqualified transferee under §850 et seq., and states the decedent was competent to make decisions, determinations and designations as he saw fit for the ultimate disposition of his estate.

Respondent denies that she exerted undue influence on the decedent to induce him to execute the trust and/or his last will and testament, and further denies that she participated, advised or arranged the execution of these documents. The decedent dictated the terms to a third party of his own choosing and arranged for their completion and execution.

Respondent is informed based on said information and alleges that the Court has no jurisdiction in this proceeding in regard to the will, as that matter is not properly before the Court in that a petition to admit the will to probate has not been filed.

Respondent objects to this matter in as much as the pleadings were not verified and are therefore not property before the court.

Respondent denies the petitioners' unfounded assertions regarding the decedent's lacking capacity to execute the documents or make gifts and transfers prior to his death.

As to Paragraphs 6-31, Respondent objects as they are not in the proper form, are unsubstantiated, unmitigated, supposition, and/or suspicions, with no basis in fact, reason or law to support them; they are assumptions.

Pursuant to CCP §431.30(d) this answering respondent generally denies each and every allegation in the complaint and further specifically denies that the petitioners are entitled to the relief sought. Affirmative defenses listed. See response.

Respondent requests judgment by the Court that:

- 1. Petitioners take nothing pursuant to their First Amended Petition;**
- 2. The request to invalidate alleged transfers to Respondent be denied as there is no basis in law or fact requiring restoration of the decedent's property to his trust and/or estate;**
- 3. The request of the petitioners to find the “2013” trust invalid due to undue influence and/or incompetency be denied;**
- 4. Find that it has no jurisdiction to rule in regard to the validity of the decedent's last will and testament as that matter is not properly before the court;**
- 5. Find that the respondent did not exercise undue influence over the decedent;**
- 6. Deny the Petitioners' request for attorney fees and costs;**
- 7. The request by the petitioners to invalidate all documents purporting to make dispositive distributions to the respondent assets be denied; and**
- 8. For such other orders as the Court deems just and proper.**

Dept. 303, 9:00 a.m. Tuesday, May 20, 2014

1D Dale W. Balagno Revocable Trust

Case No. 13CEPR00389

Atty Armo, Lance E. (for Petitioners Joseph Balagno, Linda Balagno, and Lori Jo Brown)
Atty Gromis, David Paul (for Nicholas Kovacevich – Former Trustee)
Atty Kruthers, Heather (for Public Administrator)
Atty Motsenbocker, Gary L. (for Mary Pond – Respondent)

Settlement Conference

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Examiner Notes are not provided for Settlement Conference; however, the following history is provided for quick-reference:</p> <ul style="list-style-type: none"> On 10-15-13, the Public Administrator was appointed as trustee of the trust. I&A totals \$508,608.78 consisting of \$190,252.88 cash, \$2,850.00 in California unclaimed property, and the remainder includes guns, jewelry, vehicles, motorcycles, and stocks. Joseph Balagno (beneficiary) filed a Petition to Determine Title, etc., under Probate Code §850, and later filed an amended petition which was heard on 2-27-14. Page C. Separately, Nicholas Kovacevich (trustee) filed a petition for trustee and attorney fees, but had not yet filed an accounting. This was heard on 1-16-14 and continued to 2-27-14. Page B. Nicholas Kovacevich then filed an accounting on 2-21-14 that was set for 4-10-14. Page A. On 2-27-14, the two pending matters were continued to meet up with the accounting petition on 4-10-14; however, the Court also set a Settlement Conference for 4-7-14 for the two pending matters. On 4-7-14, the Settlement Conference was continued to 5-20-14. On 5-1-14, Lance Armo, attorney for Joseph Balagno, Linda Balagno, and Lori Jo Brown, filed an unverified objection to the trustee's accounting.
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Aff.Sub.Wit.		
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Video Receipt		
CI Report		
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Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
Reviewed by: skc		
Reviewed on: 5-15-14		
Updates:		
Recommendation:		
File 2D - Balagno		