



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.

Amended Petition for Appointment of Probate Conservator of the Person and Estate

		TEMP (PERSON ONLY) EXPIRES 5-15-14	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator advised rights on 3-4-14.</p> <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Thurs 7-10-14 at 9:00a.m. in Dept. 303 for the filing of the bond and • Thurs 10-9-14 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Thurs 10-8-15 at 9:00a.m. in Dept. 303 for the filing of the first account. <p>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.</p> <p>Reviewed by: skc</p> <p>Reviewed on: 5-15-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 10 – Snavely</p>
		BRYAN SNAVELY and BRAD SNAVELY, sons, are Petitioners, and request appointment as Co-Conservators of the Person and Estate with bond set at \$712,848.00.	
Cont from 040914		Capacity Declaration of Don H. Gaede, M.D. filed 03/03/2014.	
<input type="checkbox"/>	Aff.Sub.Wit.	Voting rights NOT affected.	
<input checked="" type="checkbox"/>	Verified	Estimated value of the Estate: Personal property - \$550,000.00 Annual income - \$95,400.00 Real property - \$1,500,000.00	
<input type="checkbox"/>	Inventory	Petitioners state they have been informed by the proposed conservatee's primary care physician that the proposed conservatee suffers from dementia. His house smells of rodent feces and urine. Food in the refrigerator and freezer is beyond expiration dates. He stores tools with sharp edges and blades in the house. The proposed conservatee cannot care for himself, prepare meals and maintain his residence in a clean and safe condition.	
<input type="checkbox"/>	PTC	The proposed conservatee attempts to pay his bills, but places written checks with statement and does not mail payment. P.G.&E is threatening to shut off power because of unpaid bills. He makes impulsive purchases when watching television and responds unquestioningly to "investment offers" received in the mail. Recently he agreed to sell some real property for at least \$40,000 less than what it is worth in a transaction where the real estate agent represents both buyer and seller.	
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
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<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 type="checkbox"/>	FTB Notice		

SEE ADDITIONAL PAGES

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Report of Attorney Bagdasarian for Conservatee filed on 03/07/2014 states he has reviewed the Petition for Appointment of Probate Conservator of the Person filed 01/28/2014, the Court Investigator Investigation to Establish Temporary Conservatorship, the Confidential Supplemental Information filed 01/28/2014, the Amended Petition for Appointment of Temporary Conservator of the Person and Estate filed 02/28/2014 and Amended Capacity Declaration. Attorney Bagdasarian has discussed the Petition with J. Stanley Teixeira, the Attorney for the proposed Conservators Brian Snavelly and Brad Snavelly.

Attorney Bagdasarian visited the proposed Conservatee on 03/03/2014 and discussed with him the matters raised in the Petitions for Appointment of the Probate Conservator of the Person and Estate. In speaking with the proposed Conservatee, he was extremely adamant that he did not feel that he required the conservatorship of the person and estate to be imposed upon him and asked that it be dismissed. Mr. Snavelly's son has now moved in with him and is providing the necessary care the he needs. Mr. Snavelly handles most to his own banking matters and property issues and wants to continue to do the same. While the capacity declaration indicated a mild dementia, Mr. Snavelly does not believe that should effect his ability to handle his own health issues and manage his assets.

Court Investigator Julie Negrete filed a report and a supplemental report on 03/04/2014.

		<p>KEVIN S. CAMPBELL, beneficiary, is Petitioner.</p> <p>Petitioner states he is an income and principal beneficiary of The Jerry W. Campbell and Billie J. Campbell Irrevocable Trust dated March 28, 1991. The trust is irrevocable.</p> <p>Petitioner states DAVID E. ASH is the duly appointed and acting trustee. Petitioner states the trustee has not made any report of information whatsoever concerning the trust for the period starting with commencement of the trust on 3-28-91 until 8-3-00. For the period 8-3-00 until 2-1-09, the trustee provided incomplete and handwritten information (see attached copies). All of this incomplete and handwritten information is written so sloppily that it is difficult or impossible to comprehend. Moreover, because no information has been provided concerning the trust from 3-28-91 through 8-3-00, there is no context for understanding what little incomplete information has been provided.</p> <p>Petitioner states that on or about 7-1-13 Petitioner delivered by facsimile a written request for information pursuant to Probate Code §§ 16062 and 16063. To date, the trustee has failed and refused to prepare and provide Petitioner with the requested account.</p> <p>Petitioner prays for an order:</p> <p>1) Compelling David E. Ash as trustee to prepare and file with this Court an account of the trust since its commencement on 3-28-91, including copies of any and all documents that support, substantiate, or evidence any item set forth in the accounting;</p> <p>2) Instructing David E. Ash to petition this Court for the settlement of the account and give notice of the hearing on the petition;</p> <p>3) For such attorney fees and costs as may be allowable by law; and</p> <p>4) For all other orders the Court deems proper.</p>	<p>NEEDS/PROBLEMS/COMMENTS: Continued from 4-9-14. As of 5-15-14, nothing further has been filed. The following issues remain:</p> <p>1. Probate Code §17201 requires the petition to list <u>all persons entitled to notice</u>. Petitioner lists the other <u>living beneficiaries</u>; however, need clarification: Does this list include <u>all persons entitled to notice</u> pursuant to §17203?</p> <p>For example, it appears that according to the terms of the trust, spouses and issue of beneficiaries may also be entitled to notice. Some of the beneficiaries are deceased. Is anyone else entitled to notice?</p> <p>2. Need dates of death per Local Rule 7.1.1.D. for:</p> <ul style="list-style-type: none"> - Jerry W. Campbell (trustor) - Billie J. Campbell (trustor) - Randall Campbell (deceased beneficiary) - Ricky Campbell (deceased beneficiary) - Jennifer Campbell (deceased beneficiary) <p>3. The attached copy of the trust is blank at various pertinent sections, such as the amount initially transferred, the appointment of a trustee, the amount initially received by the trustee, and Schedule A. Need clarification: Is a complete copy of the trust available?</p> <p>4. According to the terms of the trust, the trust was to be split into six <u>separate</u> trusts for each beneficiary upon the deaths of the trustors. However, Petitioner appears to be requesting accounting for the original trust since its inception through the present.</p> <p>The Court may require clarification regarding the requested account period and for which trusts.</p> <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>
Cont from 040914			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 5-15-14
			Updates:
			Recommendation:
			File 11 - Campbell

NEEDS/PROBLEMS/COMMENTS (Continued):

5. Probate Code §17000(b)(7)(B) allows petition under this section if the trustee has failed to provide the requested information within 60 days after the beneficiary's reasonable written request.

Petitioner states he faxed a request to the trustee on or about July 1, 2013, and to date the trustee has failed and refused to prepare and provide the requested account.

However, the copy of the letter at Exhibit C does not indicate any fax number or designation (i.e., "sent via facsimile") or fax confirmation data on the page, and Petitioner also does not indicate whether the communication was followed up via regular or certified mail, or telephone call, or whether he was able to confirm receipt of the fax.

Further, the copies of the ledger information provided by the trustee appear to be dated as late as November 2013, which is after the date of the request. This indicates that the copies may have been provided in response to the request.

If so, need clarification as to whether reasonable written request was made after receipt of the ledgers in response to the letters, providing time for response pursuant to Probate Code §17000(b)(7)(B).

6. The copy of the letter at Exhibit C is addressed to David Ash at an address on Locust Avenue; however, Notice of Hearing for this matter was sent to an address on Herndon Avenue. The Court may require clarification or continuance for proper notice.
7. The proposed order includes his filing costs and attorney fees in the amount of \$1,500.00. The Court may require an itemized declaration regarding the fees from the attorney.

		TEMP EXPIRES 5-21-14	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator advised rights on 4-4-14.</p> <p>Voting rights affected - Need minute order</p> <p>Note: It appears that all issues previously noted have been cured.</p>
		<p>ALICIA DIAZ-REYES, Sister, is Petitioner and requests appointment as Conservator of the Person with medical consent powers.</p>	
Cont from 041614		Voting rights affected	
<input type="checkbox"/>	Aff.Sub.Wit.	A Capacity Declaration was attached to the petition.	
<input checked="" type="checkbox"/>	Verified	Petitioner states the proposed Conservatee is diagnosed with Waardenberg Syndrome and SCA-2 and also suffers from seizures. When last tested, she functioned at the cognitive ability of a 5-6 year old child. The proposed Conservatee requires constant care and is never left alone. She is nonverbal but knows certain basic signs in American Sign Language. The proposed Conservatee attends high school special education in Fresno. She is considered severely developmentally delayed. Petitioner believes her cognitive abilities have decreased since her last assessment, which was several years ago.	
<input type="checkbox"/>	Inventory	Court Investigator Samantha Henson filed a report on 4-9-14.	
<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.		
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<input type="checkbox"/>	UCCJEA		
<input checked="" type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: skc	
		Reviewed on: 4-15-14	
		Updates:	
		Recommendation:	
		File 16 – Duarte	