



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.

Petitioner: Miriam E. Goodwin (pro per)

Motion to Terminate Mother's Visitation

		<p>MIRIAM E. GOODWIN, guardian, is petitioner.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>	
		<p>MIRIAM E. GOODWIN, maternal grandmother, was appointed guardian on 7/11/05.</p>		
Cont. from		<p>Please see petition for details.</p>		
<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 type="checkbox"/>	Order			X
<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: 5/18/15	
			Updates:	
			Recommendation:	
			File 2 - Allen	

Fifth Account and Report of Trustee and Petition of its Settlement and for Authority to pay Attorneys' fees and Trustee fees and Reimburse Costs Advanced

		D. STEVEN BLAKE , Trustee, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Please see related case on page 28.</p> <p>1. Need Order.</p> <p>Note: If the petition is granted, a status hearing will be set as follows:</p> <ul style="list-style-type: none"> Wednesday, May 18, 2016 at 9:00 a.m. in Department 303, for the filing of the sixth account. <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>
		Account period: 01/01/14 – 12/31/14	
		Accounting - \$15,067,803.78	
		Beginning POH - \$15,066,702.96	
		Ending POH - \$15,046,243.38	
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 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 type="checkbox"/>	Order	X	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Second and Final Account and Report of Former Guardian; for Allowance of Attorney Fees and Reimbursement of Costs

	DELIA GONZALEZ , former guardian, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Probate Code §2627(b) states the guardian is not entitled to discharge until one year after the ward attains majority.</p>
	Account period: 10/31/13 – 11/25/14	
Cont. from	Accounting - \$212,848.40	
<input type="checkbox"/> Aff.Sub.Wit.	Beginning POH - \$112,286.10	
<input checked="" type="checkbox"/> Verified	Ending POH - \$207,098.25	
<input type="checkbox"/> Inventory	All funds are in a blocked account.	
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.	Guardian - waives	
<input checked="" type="checkbox"/> Notice of Hrg	Attorney - \$5,115.00	
<input checked="" type="checkbox"/> Aff.Mail	(32.2 hours @ \$225/hr. for preparation of all pleadings for appointment of successor guardian of the person and estate, and for the 2 nd account)	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.	Costs - \$1,147.00	
<input type="checkbox"/> Conf. Screen	(filing fees, certified copies)	
<input type="checkbox"/> Letters	Petitioner states all funds have been transferred to the successor guardians.	
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections	Petitioner requests that once the accounting is approved she be discharged as guardian of the estate.	
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> 2620(c)	Petitioner prays for an Order:	
<input checked="" type="checkbox"/> Order	1. The second and final account and report of Petitioner as guardian be settled, allowed, and approved;	
<input type="checkbox"/> Aff. Posting	2. All acts and transactions of the guardian in the second account and report be approved;	
<input type="checkbox"/> Status Rpt	3. Payment of attorney fees of \$5,115.00 and costs of \$1,174.00 be approved;	
<input type="checkbox"/> UCCJEA	4. Discharging Petitioner as guardian of the estate.	
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: KT
		Reviewed on: 5/18/15
		Updates:
		Recommendation:
		File 5 – De La Mora

First and Final Account and Report of Administrator and Petition for its Settlement, for Allowance of Statutory Fees and Commissions and for Final Distribution

DOD: 7/1/13	RICHARD ESQUEDA , Brother and Administrator with Full IAEA without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Account period: 7/1/13-3/27/15	
	Accounting: \$237,408.40	
	Beginning POH: \$235,300.00	
	Ending POH: \$ 93,494.52 (cash)	
	Administrator (Statutory): \$7,624.17	
	Attorney (Statutory): \$7,624.17	
	Closing: \$500.00	
	Distribution pursuant to intestate succession is one-half to the decedent's surviving spouse Maria T. Esqueda and the remaining one-half in equal shares to the decedent's 8 siblings as follows:	
	Maria T. Esqueda: \$37,873.09	
	Danny L. Esqueda: \$4,734.13	
	David Esqueda: \$4,734.13	
	Lawrence J. Esqueda: \$4,734.13	
	Ernest Esqueda: \$4,734.14	
	Richard Esqueda: \$4,734.14	
	Jerry Esqueda: \$4,734.14	
	Virginia Esqueda: \$4,734.14	
	Sally Peralta: \$4,734.14	
<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	
<input 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 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: skc
		Reviewed on: 5/18/15
		Updates:
		Recommendation: SUBMITTED
		File 8 - Esqueda

Petition for Order Vacating Order Confirming Sale of Real Property and Confirming Sale to New High Bidder (Probate Code §10351)

DOD: 2/8/14		<p>DIANNE E. COOLIDGE, Administrator with Limited IAEA with bond of \$27,000.00, is Petitioner.</p> <p>Petitioner states if an order confirming sale of real property has been entered but the purchaser defaults before the sale closes, the Court may vacate the original confirmation order and make an order confirming the sale to the new bidder if the petition is filed within 60 days after confirmation showing that A) the purchaser failed to complete the purchase and a bid has been made for at least the same amount on the same or better terms and in the manner prescribed in the original notice of sale, and B) the sale has not been vacated pursuant to §10350.</p> <p>The Court confirmed the sale of real property located at 1623 E. Webster in Fresno on 3/9/15 to Jose Cantor for \$45,000.00. On the eve of escrow closing, the purchaser withdrew his offer citing a "family emergency."</p> <p>The estate's agent promptly relisted the property and on 4/22/15 a written offer was received for \$46,000.00 (cash). The terms are identical except that the purchase price is \$1,000.00 greater than the previous offer.</p> <p>This petition is brought within 60 days of the entry of the Court's previous order confirming the sale on 3/9/15. The Court's previous order has not been vacated.</p> <p>Petitioner requests an order:</p> <ol style="list-style-type: none"> 1. Vacating Order Confirming Sale entered 3/9/15 to Jose Cantor for \$45,000.00 2. Confirming the sale of the real property located at 1623 E. Webster as follows: Buyer: Sergio Madrigal, an unmarried man Purchase Price: \$46,000.00 Terms: As is, where is, except for title, subject to court confirmation, cash 3. For all other orders the Court deems just and proper. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: This petition was originally set for 6/4/15; however, pursuant to Order Approving Ex Parte Application for Order Shortening Time entered 5/6/15, the matter was reset for 5/21/15.</p> <p>Note: Petitioner previously requested that the Court order the proceeds to be placed into a blocked account in lieu of increased bond. A status hearing for the filing of the receipt for blocked account was continued to 6/11/15.</p>	
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
		<p>Reviewed by: skc</p> <p>Reviewed on: 5/18/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 10 - Coolidge</p>		

First and Final Report of Administration, Petition for Final Distribution and for Allowance of Statutory Attorneys Fees on Waivers of Accounting and Notice

DOD: 6/13/14	DENNIS A. TURMON , Executor with Full IAEA without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Accounting is waived.	
	I&A: \$905,903.85	
	POH: \$273,381.59 cash plus real property valued at \$600,000.00	
<input type="checkbox"/> Aff.Sub.Wit.	Executor (Statutory): Waived	
<input checked="" type="checkbox"/> Verified	Attorney (Statutory): \$21,118.08	
<input checked="" type="checkbox"/> Inventory	Closing: \$3,000.00	
<input checked="" type="checkbox"/> PTC	Distribution pursuant to Decedent's will:	
<input checked="" type="checkbox"/> Not.Cred.	James N. Lang: \$100.00	
<input checked="" type="checkbox"/> Notice of Hrg	Dennis A. Turmon: A 50% undivided interest in accounts totaling \$124,581.76 cash plus a 50% undivided interest in certain real property in Selma.	
<input checked="" type="checkbox"/> Aff.Mail	Sondra Lee Patzkowski: A 50% undivided interest in accounts totaling \$124,581.76 cash plus a 50% undivided interest in certain real property in Selma.	
<input 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 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: skc
		Reviewed on: 5/18/15
		Updates:
		Recommendation: SUBMITTED
		File 11 - Turmon

DOD: 5-29-12		See petition for details.	NEEDS/PROBLEMS/COMMENTS: Note: Page B is the First Account of Trustee Lori Shibata. 1. Petitioner requests costs. The Court may require clarification or itemization. 2. Need order.				
Cont from 111314, 031815, 041615							
<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						
<input type="checkbox"/>	Order			X			
<input type="checkbox"/>	Aff. Posting						
<input type="checkbox"/>	Status Rpt						
<input type="checkbox"/>	UCCJEA						
<input type="checkbox"/>	Citation						
<input type="checkbox"/>	FTB Notice						
<table border="1" style="width: 100%;"> <tr> <td>Reviewed by: skc</td> </tr> <tr> <td>Reviewed on: 5-15-15</td> </tr> <tr> <td>Updates:</td> </tr> <tr> <td>Recommendation:</td> </tr> <tr> <td>File 12A – Lee</td> </tr> </table>			Reviewed by: skc	Reviewed on: 5-15-15	Updates:	Recommendation:	File 12A – Lee
Reviewed by: skc							
Reviewed on: 5-15-15							
Updates:							
Recommendation:							
File 12A – Lee							

12B The Michael A. Lee Declaration of Trust 5/27/11 Case No. 14CEPR00875

Atty Rube, Melvin K. (for Lori Shibata – Trustee – Petitioner)

Atty Knudson, David N. (for Alyssa Lee – Beneficiary – Objector)

First Account Current and Report of Trustee, Petition for Trustee Fee and for Settlement of First Account Current

DOD: 5/29/12		See petition for details.	NEEDS/PROBLEMS/ COMMENTS: Continued from 4/16/15. Objections were filed 5/7/15.
Cont from 041615			
<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		
<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		
<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: skc	
		Reviewed on: 5/15/15	
		Updates:	
		Recommendation:	
		File 12B- Lee	

Petition for Settlement of First and Final Account and for Final Distribution and for Allowance of Ordinary Attorneys' Fees and Reimbursement of Costs Advanced

DOD: 8/2/14	CECELIA J. PESA and CYNTHIA A. DOLAN , Co-Executors with Full IAEA without bond, are Petitioners.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Petitioner requests \$6.90 for anticipated postage to mail the distribution check to the beneficiary. Pursuant to Local Rule 7.17, mailing expenses are considered a cost of doing business and not reimbursable. Therefore, this amount has been deducted from the proposed order for total costs of \$1,628.00.</p>
	Account period: 8/2/14 - 3/17/15	
	Accounting: \$228,730.00	
	Beginning POH: \$228,519.75	
	Ending POH: \$228,730.00	
	(\$15,230.00 cash plus real property, vehicle, and misc. personal property)	
<input type="checkbox"/> Aff.Sub.Wit.	Co-Executors (Statutory): Waived	
<input checked="" type="checkbox"/> Verified	Attorney (Statutory): \$7,570.40	
<input checked="" type="checkbox"/> Inventory	(Co-Executors assume personal liability)	
<input checked="" type="checkbox"/> PTC	Costs: \$1,634.90 (lodging, filing, publication, appraisal, certified copies, recording, mailing distribution check to beneficiary Robert)	
<input checked="" type="checkbox"/> Not.Cred.	Distribution pursuant to Decedent's will:	
<input checked="" type="checkbox"/> Notice of Hrg	Robert E. Lehman Whitted: \$15,230.00	
<input checked="" type="checkbox"/> Aff.Mail	Cecelia J. Pesa: An undivided one-half interest in the real property, vehicle and misc. personal property	
<input type="checkbox"/> Aff.Pub.	Cynthia A. Dolan: An undivided one-half interest in the real property, vehicle and misc. personal property	
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<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: skc
		Reviewed on: 5/18/15
		Updates:
		Recommendation: SUBMITTED, as modified above
		File 13 - Whitted

Request for Visitation as to Sean Pottorff (No document filed – set by Minute Order)

	TEMP EXPIRES 5/21/15 (PATRICIA and DANIEL ADAMS)	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> Trial re guardianship is set for 7/7/15 with a 1-day estimate.
	SEAN POTTORFF , non-relative, filed a petition for guardianship on 10/27/14.	
Aff.Sub.Wit.	PATRICIA and DANIEL ADAMS , maternal grandparents, filed a competing petition for guardianship on 11/7/14.	
Verified		
Inventory		
PTC		
Not.Cred.	At hearing on 4/29/15, the Court set the petitions for trial on 7/7/15, and also set this hearing Re: Request for Visitation as to Sean Pottorff. Temporary guardianship granted to Mr. and Mrs. Adams was extended to 5/21/15.	
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.	Sean Pottorff filed a declaration in support of visitation on 5/6/15, and numerous additional declarations in support of visitation have been filed.	
Pers.Serv.		
Conf. Screen		
Letters	Patricia and Daniel Adams, maternal grandparents and competing petitioners, filed a declaration in opposition of visitation.	
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 5/18/15
		Updates:
		Recommendation:
		File 14A - Adams

15A Gallardo Family Trust 2011

Case No. 15CEPR00080

Atty Larson, Timothy J.; Johnson, Summer; of Dowling Aaron (for Petitioner Angela J. Gallardo, Successor Co-Trustee)

Atty Thirkell, Edward D., of San Mateo (for Respondent/Objector Kenneth R. Gallardo, Co-Trustee)
Atty Thompson, Timothy L., of McCormick Barstow (by Notice of Association filed 3/25/2015, also for Respondent/Objector Kenneth R. Gallardo, Co-Trustee)

Petition to Remove Co-Trustee; Accept Co-Trustee Resignation; and Appoint Neutral Third Party Trustee

Judith DOD: 10/2/2012	ANGELA J. GALLARDO , daughter and Successor Trustee, is Petitioner.		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Page 15B is Kenneth Gallardo's <i>Petition for Change of Venue, etc.</i></p> <p>Continued from 4/23/2015. <i>Minute Order</i> states counsel requests continuance for further discussions and possible dismissal. If all parties verify to the Examiner via email that progress is being made towards settlement, then the 5/21/2015 hearing may come off calendar and no appearance will be necessary on that date, but the 7/30/2015 hearing date would remain.</p>
Ray DOD: 9/10/2014			
Cont. from 031615, 040815, 042315			
	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	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
<p>Petitioner requests the Court order the removal of the Co-Trustee, KENNETH R. GALLARDO, son, and only thereafter accept Petitioner's resignation as Co-Trustee, and appoint a neutral third party trustee to administer the Trust, based upon the following:</p> <ul style="list-style-type: none"> On 9/12/2011, Ray and Judith Gallardo executed the GALLARDO FAMILY TRUST (copy attached as Exhibit A), and they also executed pour-over Wills (copies of wills attached as Exhibits B and C); The pour-over Wills are substantively identical and provide that upon the death of Ray and Judith, the assets of his or her respective estate were to pour over into the Trust; The Trust designated Ray and Judith as initial Co-Trustees; after Judith's death on 10/2/2012, Ray became sole Trustee; Trust provides that in the event the office of Trustee becomes vacant, Ken and Angela are to serve as Successor Co-Trustees; The main assets of the Trust consist of real property in Bass Lake; Gallardo Investment Corp. which owns among other items, commercial real property in Oakhurst; insurance proceeds; Schwab Account; Ameritrade Account; credit union accounts; bank accounts; and miscellaneous items of tangible personal property; Venue is proper in Fresno Superior Court because Fresno County is the residence of the Petitioner, one of the Co-Trustees of the Trust; <p>~Please see additional page~</p>			
			<p>Reviewed by: LEG</p>
			<p>Reviewed on: 5/18/15</p>
			<p>Updates:</p>
			<p>Recommendation:</p>
			<p>File 15A - Gallardo</p>

Petitioner requests the Court remove Co-Trustee KENNETH R. GALLARDO for the following reasons:

- **Ken is unfit to Administer the Trust:** Ken possesses qualities inapposite to the essential qualities of a trustee, and accordingly is unfit to administer the Trust; on 2/4/2014, Ken was convicted by a San Mateo County jury of two counts of offering false evidence and one count of forgery for offering to the Court forged copies of checks made to his wife in opposition to San Mateo County Department of Child Support Service's (DCSS) request that his wages be garnished for failure to pay child support; following DCSS request to subpoena his bank records, Ken promptly paid his child support arrearages; bank records confirmed the checks Ken offered had never been cashed and endorsements were forgeries by Ken of his wife's signature; *(copy of People's Sentencing Memorandum attached as Exhibit D; Probations Officer's Report dated 4/16/2014 attached as Exhibit E shows Ken continued to be delinquent on child support at the time of sentencing)*; as a consequence of Ken's perjury to the San Mateo Court and his financial issues stemming from his child support obligations, Ken is unfit to administer the Trust, lacks the appropriate fiduciary temperament and Petitioner requests his removal;
- **Hostility Amongst the Co-Trustees Impairs Administration:** Hostility has arisen between the Co-Trustees such that the administration of the Trust and management of its assets has come to a virtual standstill; Ken has taken and continues to take unilateral action with respect to many aspects of the trust administration without prior consultation with Petitioner or her attorneys; following Ray's death, Petitioner and Ken began discussions concerning collection and distribution of Trust assets; Petitioner forwarded an informal property to Ken in late September 2014 for collection and distribution; on 10/1/2014, counsel for Petitioner sent Ken a proposed "Asset Allocation Schedule" setting forth a proposed distribution of Trust assets, over which Petitioner and Ken engaged in intensive discussions for 3 months; each time Co-Trustees appeared to be in agreement, Ken would change his mind causing negotiations to begin anew (though Angela also changed her mind on certain issues but was more cooperative); Co-Trustees have been unable to work together; Attorney Johnson sent a letter dated 1/8/2015 to Ken requesting his assistance with joint collection of liquid trust assets (copy attached as Exhibit F), but Ken never returned the documents as requested.
- **Ken Continues to take Unilateral Action without Knowledge or Consent of Angela:** Ken has taken the following actions without informing Angela or seeking her consent: *[please refer to Pages 5 to 6, items (a) through (j) for description of unilateral actions involving Trust assets]*; Ken exhibits none of the qualities of a Co-Trustee as fiduciary charged with exhibiting scrupulous good faith and unwavering candor; Ken's demonstrated pattern of unilaterally taking action on behalf of the Trust exhibits his inability to fairly administer the Trust through to distribution, and taken in their totality they demonstrate there is good caught grant relief to Petitioner.
- **Petition to Accept Co-Trustee Resignation:** Petitioner brings this action to ensure the intent of her parents is realized free from deadlock, deceitful conduct and waste of trust assets, and has serious concerns that Ken will abscond with Trust assets, justifiable concerns in light of Ken's felony conviction and unilateral acts; Petitioner would like to resign as Co-Trustee if the Court orders Ken's removal as Co-Trustee, and if he is removed, Petitioner would like to resign as Co-Trustee and requests the Court accept her resignation after his removal.
- **Petition to Appoint Neutral Third Party Trustee:** Should the Court order Ken's removal and subsequently accept Petitioner's resignation, Petitioner requests the Court appoint **BRUCE D. BICKEL**, professional fiduciary, as neutral third-party successor trustee *[Consent to Act filed 2/26/2015]*;
- **BRUCE D. BICKEL'S Consent to Act filed 2/26/2015]**; Petitioner believes a neutral third party would be trusted by the beneficiaries and be able to obtain acceptable appraisals, and appropriately marshal and distribute assets.

~Please see additional page~

Second Additional Page 15A, Gallardo Family Trust 2011 Case No. 15CEPR00080

Petitioner requests the Court issue an Order:

1. Removing Ken as Co-Trustee of the Trust;
2. Accepting Petitioner's resignation as Co-Trustee of the Trust;
3. Appointing **BRUCE D. BICKEL** as sole successor trustee of the Trust; and
4. For costs incurred herein.

Special Appearance; Petition for Change of Venue; and Objection to Petition to Remove Co-Trustee, Accept Co-Trustee Resignation, and Appoint Neutral Third Party Trustee; and Request for Stay of Proceedings filed by KENNETH R. GALLARDO, Co-Trustee, on 3/2/2015 states [only in relation to the Objection to Petition to Remove Co-Trustee, Accept Co-Trustee Resignation, and Appoint Neutral Third Party Trustee, which should have been a separately filed pleading distinct from the Petition for Change of Venue and Request for Stay of Proceedings]:

- Kenneth R. Gallardo (Respondent), as Successor Co-Trustee, **specialy appears** [emphasis in original] before this Court in order to object to Angela Gallardo's *Petition to Remove Co-Trustee, Accept Co-Trustee Resignation, and Appoint Neutral Third Party Trustee* on the basis that Petitioner improperly filed her petition in Fresno County since venue is proper in San Mateo County where the Trust is actually being administered;
- Respondent was contacted by Petitioner's attorney, Timothy Larson, on 9/18/2014 informing him that he know of Respondent's felony convictions and that he could have Respondent removed as Co-Trustee, and attempted to persuade Respondent to reach a settlement agreement on the distribution of assets; Respondent stated he was willing to work on negotiating a settlement;
- Attached as Exhibit D is a set of copies of emails sent between Respondent and Petitioner's attorneys, which show Petitioner's attorneys communicated with Respondent in his role a co-trustee during the period before he retained counsel; after Respondent retained counsel, the cooperation of Petitioner's attorneys ceased and they filed their petition for removal;
- Respondent's attorney sent a letter to Petitioner's attorney on 1/21/2015 (copy attached as Exhibit E) describing the events since the passing of the settlors including the trust administration done by Kenneth, and stating his preference for mediation as possible resolution; without responding to the letter, Petitioner's attorneys filed their petition for removal;
- Mr. Larson claims to represent Petitioner in her role as co-trustee, though all of his efforts on Petitioner's behalf concern her share of the estate and thus he has represented her in her role as beneficiary;
- Petitioner and Mr. Larson have thus far not participated in any Trust administration, which to date has been accomplished by Respondent.

Declaration of Kenneth Gallardo in Support of Special Appearance attached as Exhibit C reiterates points in the objection, and states that at no time did Petitioner's attorney Timothy Larson tell him that the co-trustees had certain obligations in administering his parents' Trust; Mr. Larson never mentioned the need to open a trust bank account for the co-trustee to use in paying bills and depositing funds received; the only subject matter of all communications with Mr. Larson was the distribution of trust assets between his sister and him; Mr. Larson's tone in all of their conversations has been hostile; he has provided Mr. Larson with various records concerning trust assets; since his father's death on 9/10/2014, he has performed [trust administration acts set forth on Page 3 and 4 of Declaration]; he has been wholly responsible for the basic trust administration; Petitioner and her attorneys have been working on the case for nearly 6 months, but it was not until he retained counsel in January 2015 that a 120-day notice, a certificate of trust, and an affidavit of death of trustee were prepared.

Respondent states, continued:

- Probate Code § 17002(b) states that if the principal place of administration of the trust cannot be determined under 17002(a), the principal place of administration of the trust is the residence or usual place of business of any of the co-trustees;
- Here, the principal place of administration of the Trust is San Mateo County because the day-to-day activities of the Trust have been carried out there by Kenneth Gallardo, the trustee who has solely been responsible for the administration of the Trust;
- Fresno County is wholly unrelated to the day-to-day administration of the Trust; neither Ray nor Judith Gallardo, the Settlers, lived in Fresno County at the time of their deaths, or ever, nor is there any real property of the Trust located in Fresno County;
- The only connection that the Trust has to Fresno County is that one beneficiary and co-trustee has residence there;
- However, Petitioner has not engaged in any trust administration and no trust administration has taken place in Fresno County;
- Instead, Petitioner's actions in relation to the Trust have all been as a beneficiary, forcing Respondent to administer the Trust by himself;
- Therefore, the correct venue for this action is San Mateo County (*attached as Exhibit F are copies of bank records and documents showing trust administration occurring in San Mateo County by Respondent*);
- **Trust Administration to Date:** Respondent, Kenneth Gallardo, has since his father's death on 9/10/2014, performed [see pages 5 to 7 listing 19 administration acts completed; see also trust administration acts set forth on Page 3 and 4 of Declaration of Kenneth Gallardo]; he has been wholly responsible for the basic trust administration to date;
- Petitioner and her attorneys have been working on the case for nearly 6 months, but it was not until Respondent retained counsel in January 2015, nearly 5 months after the death of Ray, that a 16061.7, 120-day notice, certificate of trust, and affidavit of death of trustee were prepared;
- Petitioner, Angela Gallardo, has consistently thwarted and delayed any efforts to administer the Trust; instead, Petitioner and her attorneys' entire focus has been on negotiating a favorable settlement agreement for Petitioner;
- Even after settlement negotiations broke down, Petitioner's focus is still not on the administration of the Trust, but is to make good on the threats made to Respondent regarding his removal as Co-Trustee;
- Respondent has been serving as Trustee for nearly 6 months and while Petitioner made clear that they knew of Respondent's legal troubles and their ability to seek removal as trustee, they have not acted on it until now;
- In the interim, they have depended on Respondent for the entirety of the Trust administration to date; for Petitioner to initiate settlement talks while hanging the threat of removal over Respondent's head, then petition for removal when Respondent retains counsel, after allowing Respondent to administer the Trust entirely by himself for months, indicates a disregard for the estate's assets, which cannot afford this costly litigation;
- **Stay of Proceedings:** Generally, the filing of a motion for change of venue operates as a *supersedeas* or stay of proceedings, and the Court cannot rule on other substantive issues while the motion for change of venue is pending; Respondent asks that the Court stay the proceedings in this case and refuse to rule on any substantive issues while this motion for change of venue is pending.

~Please see additional page~

Respondent prays for an Order:

1. Finding Fresno County an improper venue for these proceedings;
2. Transferring the proceedings to the Superior Court of San Mateo County;
3. Staying proceedings in the matter while this change of venue petition is pending.

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

DOD: 10/21/14	CATHRYN J. CUMMINGS , daughter, is petitioner and requests appointment as Administrator with Will Annexed and with bond set at \$176,000.	<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 24, 2015 at 9:00 a.m. in Department 303, for the filing of the bond. • Wednesday, October 21, 2015 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. • Wednesday, July 20, 2016 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 043015	Full IAEA – o.k.	
<input type="checkbox"/> Aff.Sub.Wit.	S/P	
<input checked="" type="checkbox"/> Verified	Lost Will dated: 6/30/2005	
<input type="checkbox"/> Inventory	Residence: Fresno	
<input type="checkbox"/> PTC	Publication: Fresno Business Journal	
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg	Petitioner states her mother expressed a desire to have her estate in order. To accomplish this she prepared a will. She wanted her estate to go equally to her three daughters. She gave a copy to each of her daughters.	
<input checked="" type="checkbox"/> Aff.Mail	W/	
<input checked="" type="checkbox"/> Aff.Pub.	Decedent never mentioned a desire to change her will. Petitioner's sister, Petty J. Wayte, thought she has the original, but she could not locate it after decedent's death. Additional, Peggy J. Wayte was involved in an accident that impaired her ability to search for the original will.	
<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	Estimated value of the estate: Personal property - \$160,000.00	
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting	Probate Referee: Steven Diebert.	
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: KT
		Reviewed on: 5/18/15/15
		Updates:
		Recommendation:
		File 17- Chester

Petitioner: Lashon Rena Newsome (pro per)

Petition for Appointment of Temporary Guardian of the Person

		GENERAL HEARING 6/10/15	NEEDS/PROBLEMS/COMMENTS:
		LASHON RENA NEWSOME , maternal grandmother, is petitioner.	<ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service of the Notice of Hearing along with a copy of the temporary petition or Consent and Waiver of Notice or Declaration of Due Diligence on: <ol style="list-style-type: none"> a. Unknown father b. Shavon Newsome-Nichols 3. UCCJEA is incomplete. The form does not list the minor's residence information from 10/15/14 to 1/29/15.
		Please see petition for details.	
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		
<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: KT
			Reviewed on: 5/18/15
			Updates:
			Recommendation:
			File 19 - Newsome

Petition for Probate of Will and for Letters Testamentary: Authorization to Administer Under the Independent Administration of Estates Act

DOD: 7/9/14		<p>DR. MARY MARGARET HADCOCK, Daughter and named executor without bond, is Petitioner.</p> <p>Full IAEA – ok</p> <p>Will dated 12/21/93</p> <p>Residence: Fresno Publication: Business Journal</p> <p>Estimated value of estate: Personal property: \$400,000.00</p> <p>Probate Referee: Rick Smith</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. The will does not appear to be self-proving. Need Proof of Subscribing Witness pursuant to Probate Code §8220.</p> <p><u>Note:</u> If granted, the Court will set status hearings as follows:</p> <ul style="list-style-type: none"> • Wed, Oct. 21, 2015 for filing the Inventory and Appraisal • Wed Aug. 24, 2016 for filing the first account or petition for final distribution. <p>If proper items are on file prior to the filing dates pursuant to local rules, the status dates may come off calendar.</p>	
<input type="checkbox"/>	Aff.Sub.Wit.			x
<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 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: skc	
			Reviewed on: 5/18/15	
			Updates:	
			Recommendation:	
			File 23 – Wurth	

Petition for Appointment of Probate Conservator of the Person

		See petition for details.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need Court Investigation, advisement of rights. 2. Petitioner requests dementia powers at #1k, but did not attach the mandatory Attachment Requesting Special Orders Regarding Dementia (GC-313). Need clarification: Are dementia powers (medication and/or placement) requested? If so, need Attachment GC-313 to be filed and served with the petition on interested persons. <u>Note:</u> If dementia powers are requested, an attorney must be appointed to represent the proposed Conservatee pursuant to Probate Code §2356.5(g). 3. Need Capacity Declaration in support of medical consent powers and dementia powers, if requested. 4. Need Citation and proof of personal service of Citation with a copy of the petition (and dementia attachment) on the proposed Conservatee at least 15 days prior to the hearing pursuant to Probate Code §1824. 5. Need Notice of Hearing and proof of service of Notice of Hearing with a copy of the petition (and dementia attachment) on all relatives at least 15 days prior to the hearing pursuant to Probate Code §1822. 6. Need Video Receipt pursuant to Local Rule 7.15.8.A. <p>Reviewed by: skc</p> <p>Reviewed on: 5/18/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 25 – De Torres</p>
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	X	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt	x	
	CI Report	x	
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation	x	
	FTB Notice		

