



## 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.

<b>DOD: 10-27-11</b>		<p><b>MICHAEL JOHN PEREZ</b>, Executor with Full IAEA without bond, is Petitioner.</p> <p>Accounting is waived.</p> <p>I&amp;A: \$2,172,341.00          POH: \$2,212,298.99 (\$288,723.22 is cash)</p> <p>Executor (Statutory): Waived</p> <p>Attorney (Statutory): \$34,723.41</p> <p>Costs: \$3,259.05 (filing fees, certified copy, publication, appraisal)</p> <p><b>Petitioner states</b> the decedent's will devises the estate to a testamentary trust, which divides into a marital trust and a family trust based on the minimum dollar amount necessary to eliminate or reduce estate tax. However, this is not an estate large enough to pay an estate tax; therefore, the marital trust is not funded. The decedent's husband is now deceased (DOD 3-24-13 – see related case 13CEPR00333 at Page 3). Petitioner requests that since he is now deceased, that distribution to the decedent's two children occur free of trust pursuant to Article IV, Subparagraph 4d of the will. Although the will instructs that the residue be distributed in trust, the intent of the testator that her children receive the residue free of trust is the overriding principle. Authority provided.</p> <p><b>Distribution pursuant to decedent's will and the above request:</b></p> <p>Michael John Perez, as Executor of the Estate of Mike Perez: Decedent's community property interest in the various personal property (furniture, furnishings, and personal effects) valued at \$7,500.00.</p> <p>Michael John Perez: \$10,000.00 as equalization payment</p> <p>Michael John Perez and Marvin Jean Perez, equally, the residue of the estate</p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			
<input checked="" type="checkbox"/>	<b>Verified</b>			
<input checked="" type="checkbox"/>	<b>Inventory</b>			
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<input checked="" type="checkbox"/>	<b>Not.Cred.</b>			
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<input checked="" type="checkbox"/>	<b>Letters</b>			3-8-12
<input type="checkbox"/>	<b>Duties/Supp</b>			
<input type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input type="checkbox"/>	<b>CI Report</b>			
<input checked="" type="checkbox"/>	<b>9202</b>			
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<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input checked="" type="checkbox"/>	<b>FTB Notice</b>			
				<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 5-19-14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 1 - Perez</b></p>

**Probate Status Hearing Re: Filing of First Account**

	<p><b>EDWARD J. CRABLE</b>, through his parents, Mark Crable and Patricia Crable filed a petition to approve a Special Needs Trust for the benefit of Edward J. Crable.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>		
<p><b>Cont. from 120613, 012414, 030714, 050214</b></p>	<p>Order approving the Edward J. Crable Special Needs Trust and appointing <b>Patricia Crable</b> as Trustee with bond of \$11,000.00 was signed on 9/25/12.</p>	<p>1. <b>Need first account.</b></p> <p>2. It appears from the Declaration of Trustee, Patti Crable that the attorney has received fees without a court order allowing said fees. Paying attorney fees without a court order is in violation of Section 10.4 of the Trust, Local Rule 7.19 B and CA Rules of Court, Rule 7.903(c)(8).</p>		
<table border="1"> <tr> <td data-bbox="105 491 162 533"></td> <td data-bbox="162 491 402 533"><b>Aff.Sub.Wit.</b></td> </tr> </table>			<b>Aff.Sub.Wit.</b>	<p>Bond of \$11,000.00 was filed on 12/3/12.</p>
	<b>Aff.Sub.Wit.</b>			
<table border="1"> <tr> <td data-bbox="105 533 162 575"></td> <td data-bbox="162 533 402 575"><b>Verified</b></td> </tr> </table>			<b>Verified</b>	<p>Notice of Status Hearing for the filing of the First Account was mailed to attorney Jay T. Jambeck on 5/2/13 ordering him to be present on 12/6/13.</p>
	<b>Verified</b>			
<table border="1"> <tr> <td data-bbox="105 575 162 617"></td> <td data-bbox="162 575 402 617"><b>Inventory</b></td> </tr> </table>			<b>Inventory</b>	<p><b>Minute order from 12/6/13 states</b> the court notes that Jay Jambeck failed to appear notwithstanding the notice that was sent to him on 5/2/13. The Court orders that Jay Jambeck to be personally present on 1/24/14 or appear by CourtCall if the first account is not filed by the next hearing.</p>
	<b>Inventory</b>			
<table border="1"> <tr> <td data-bbox="105 617 162 659"></td> <td data-bbox="162 617 402 659"><b>PTC</b></td> </tr> </table>			<b>PTC</b>	<p><b>Minute order from 1/24/14</b> states no appearances. The Court orders Jay Jambeck to be personally present on 3/7/14 or appear via CourtCall. The Court directs that a copy of the minute order be mailed to both addresses noted for Mr. Jambeck. Copy of minute order mailed on 2/3/14.</p>
	<b>PTC</b>			
<table border="1"> <tr> <td data-bbox="105 659 162 701"></td> <td data-bbox="162 659 402 701"><b>Not.Cred.</b></td> </tr> </table>			<b>Not.Cred.</b>	<p><b>Minute order from 3/7/14</b> states no appearances. Court sets the matter for an Order to Show Cause regarding contempt, failure to appear, and failure to file the first account. Mr. Jambeck is ordered to be personally present on 5/2/14.</p>
	<b>Not.Cred.</b>			
<table border="1"> <tr> <td data-bbox="105 701 162 743"></td> <td data-bbox="162 701 402 743"><b>Notice of Hrg</b></td> </tr> </table>			<b>Notice of Hrg</b>	
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<table border="1"> <tr> <td data-bbox="105 911 162 953"></td> <td data-bbox="162 911 402 953"><b>Conf. Screen</b></td> </tr> </table>		<b>Conf. Screen</b>		
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<table border="1"> <tr> <td data-bbox="105 1163 162 1205"></td> <td data-bbox="162 1163 402 1205"><b>9202</b></td> </tr> </table>		<b>9202</b>		
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	<b>Citation</b>			
<table border="1"> <tr> <td data-bbox="105 1415 162 1457"></td> <td data-bbox="162 1415 402 1457"><b>FTB Notice</b></td> </tr> </table>		<b>FTB Notice</b>		
	<b>FTB Notice</b>			
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<b>Reviewed on: 5/20/14</b>				
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<b>Updates:</b>				
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<b>Recommendation:</b>				
		<table border="1"> <tr> <td data-bbox="982 1528 1559 1852"><b>File 2A - Crable</b></td> </tr> </table>	<b>File 2A - Crable</b>	
<b>File 2A - Crable</b>				

**Minute order dated 5/2/14 states** counsel informs the Court that the funds were expended for educational expenses.

**Declaration of Trustee, Patti Crable filed on 5/16/14** states on 2/13/13 she deposited \$10,000.00 into 2/27/13 she cut a check to Leigh Law Group (her attorney, Jay Jambeck's Law Firm) for a portion of the amount owed to the Leigh Law Group for educational services rendered to Edward Crable for attending I.E.P. meetings and negotiating with Clovis Unified School District and ultimately receiving private school placement of Edward Crable at Logan River Academy in Logan, Utah.

Prior to attending Logan River Academy, Edward Crable was struggling severely at home and at school. Since returning from Logan River Academy, which was solely obtained by the services rendered by the Leigh Law Group, Edward has taken a 180-degree turn and is now doing well at home and at school.

The amount of \$9,250 deposited into a blocked account pursuant to the settlement agreement remains untouched to date and has accrued \$.91 in interest since its deposit. Trustee intends to eventually utilize those funds for Edward's education or to give those funds to Edward.

**Order to Show Cause Re: Contempt; Failure to Appear; Failure to File the First Account**

	<b>EDWARD J. CRABLE</b> , through his parents, Mark Crable and Patricia Crable filed a petition to approve a Special Needs Trust for the benefit of Edward J. Crable.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from 050214</b>		
<b>Aff.Sub.Wit.</b>	Order approving the Edward J. Crable Special Needs Trust and appointing <b>Patricia Crable</b> as Trustee with bond of \$11,000.00 was signed on 9/25/12.	
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>	Bond of \$11,000.00 was filed on 12/3/12.	
<b>Notice of Hrg</b>	Minute Order dated 3/7/14 set this Order to Show Cause re: contempt, failure to appear and failure to file the first account.	
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>	Order to Show Cause was mailed to Jay Jambeck on 3/12/14.	
<b>Conf. Screen</b>	<b>Minute order dated 5/2/14</b> states Counsel is admonished that if he fails to appear at the next hearing sanctions will be imposed.	
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by: KT</b>
		<b>Reviewed on: 5/20/14/14</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 2B – Crable</b>

<b>DOD: 3-24-13</b>		<p><b>MICHAEL JOHN PEREZ</b>, Executor with Full IAEA without bond, is Petitioner.</p> <p>Accounting is waived.</p> <p>I&amp;A: \$1,800,700.17 POH: \$1,821,495.24</p> <p>Executor (Statutory): Waived</p> <p>Attorney (Statutory): \$31,007.00</p> <p>Costs: \$3,138.50 (lodging fee, filing fees, courtcall, publication, appraisal, deed searches)</p> <p><b>Petitioner states</b> the decedent's will devises the estate to a testamentary trust, which divides into trust shares to be then distributed outright to the beneficiaries if over age 21. Petitioner requests that distribution to the decedent's two children occur free of trust pursuant to Article IV, Subparagraph 4d of the will. Although the will instructs that the residue be distributed in trust, the intent of the testator that her children receive the residue free of trust is the overriding principle. Authority provided.</p> <p><b>Distribution pursuant to decedent's will and the above request:</b></p> <p>Michael John Perez: \$10,000.00 as equalization payment</p> <p>Michael John Perez and Marvin Jean Perez, equally, the residue of the estate</p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input checked="" type="checkbox"/>	<b>Inventory</b>		
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<input checked="" type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
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<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>9202</b>		
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<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input checked="" type="checkbox"/>	<b>FTB Notice</b>	<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 5-19-14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 3 - Perez</b></p>	

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

<b>DOD: 10/2/2006</b>		<p><b>JOAN GOUVEIA</b>, daughter, is petitioner and requests appointment as Administrator with Will Annexed and without bond.</p> <p>Petitioner is the sole heir and waives bond.</p> <p>Full IAEA – o.k.</p> <p>Will dated 9/1/1955</p> <p>Residence: Fresno          Publication: Fresno Business Journal</p> <p><b>Estimated value of the estate:</b>          Annual Income- \$ 1,200.00  <u>Real property- \$350,000.00</u>          Total - \$351,200.00</p> <p><b>Probate Examiner: Rick Smith</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. #5a(3) or 5a(4) of the petition was not answered re: registered domestic partner.</p> <p><b>Note:</b> If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> <li><b>Wednesday, October 22, 2014</b> at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.</li> <li><b>Wednesday, June 30, 2015</b> at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.</li> </ul> <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>
<b>Cont. from 043014</b>			
<input checked="" type="checkbox"/>	<b>Proof of Hographic Inst,</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
	<b>Notice of Hrg</b>		
	<b>Aff.Mail</b> N/A		
<input checked="" type="checkbox"/>	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		
		<b>Reviewed by: KT</b>	
		<b>Reviewed on: 5/20/14</b>	
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 4 – Gouveia</b>	



Atty LeVan, Nancy J., sole practitioner (for Petitioner Gary Morris, Jr., Beneficiary)

## Status Hearing Re: Filing of the Proof of Bond for Senior Trust

<b>DOD: 10/19/2013</b>	<b>GARY MORRIS, JR.</b> , son and Beneficiary, filed a <i>Petition for Appointment of Successor Trustee</i> on 12/19/2013.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>OFF CALENDAR</b>  <b>Proof of Bond filed 5/9/2014.</b>  1. Need proof of bond in the sum of <b>\$286,000.00</b> to be filed with the Court.
<b>Cont. from 050814</b>	<i>Order Approving Petition for Appointment of Successor Trustee of the Gary F. Morris, Sr., 2013 Trust</i> filed 4/1/2014 appoints <b>WALTER ALBERT MORRIS</b> as Successor Trustee of the Trust, and finds bond shall be filed by the Successor Trustee in an amount to be determined following filing of inventory and appraisal. Status Hearing Re filing proof of bond is set for 5/8/2014.	
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>Bond</b>	X	
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>	<i>Order Setting Bond Amount</i> was filed 4/25/2014, finding the bond amount for <b>WALTER ALBERT MORRIS</b> , Successor Trustee of the Trust, is set at <b>\$286,000.00</b> .	
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> LEG
		<b>Reviewed on:</b> 5/19/14
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 6A - Morris</b>

6A

Atty LeVan, Nancy J., sole practitioner (for Petitioner Gary Morris, Jr., Beneficiary)

Ex Parte Petition for Order Confirming Real Property as a Trust Asset

DOD: 10/19/2013		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p style="text-align: center;"><b>OFF CALENDAR</b></p> <p>Order Confirming Real Property as a Trust Asset was filed 5/12/2014.</p>
Cont. from		
	Aff.Sub.Wit.	
	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	
		Reviewed by: LEG
		Reviewed on: 5/19/14
		Updates:
		Recommendation:
		File 6B – Morris

	<p><b>ANTHONY KINSEY</b>, a conserved adult, by and through his Conservator, <b>IAN KINSEY</b>, is Petitioner.</p> <p>Petitioner seeks an order under Probate Code §§3600-3613 to establish a Special Needs Trust (SNT) with the proceeds of a litigation settlement resulting from a car accident. No legal proceedings were actually filed as the matter was resolved via mediation with the Honorable Howard Broadman.</p> <p>Petitioner has a disabling condition and receives Supplemental Security Income (SSI) and Medi-Cal benefits in order to meet his basic needs. Because these benefits are needs-based, outright distribution of assets to Petitioner will result in losing eligibility for public benefits unless the assets are directed to a SNT.</p> <p><b>Petitioner requests that the Trustee of the SNT be:</b></p> <ol style="list-style-type: none"> <li>1) ordered to pay to attorney Paul Pimentel the sum of \$70,000.00 for attorney's fees and \$10,167.00 for costs incurred in the litigation settlement;</li> <li>2) ordered to pay the law firm of Philip M. Flanigan the sum of \$6,990.00 for attorney's fees and \$870.00 in costs in connection with the conservatorship;</li> <li>3) ordered to deposit the remaining litigation settlement funds into a blocked account; and</li> <li>4) authorized to invest trust assets in mutual funds and US Government bonds with a maturity date later than five years.</li> </ol> <p>The petition details the proposed beneficiary's eligibility for special needs trust under applicable law. See petition for details.</p> <p style="text-align: center;"><b><u>SEE ADDITIONAL PAGES</u></b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>This petition cannot go forward as filed. Petitioner may wish to research applicable law regarding settlement of claims on behalf of a Conservatee and establishment of special needs trusts.</u></p> <p>As previously noted, substituted judgment in the conservatorship matter appears necessary to create a special needs trust under the circumstances. Examiner is not aware of authority for a Conservatee to bring a petition to create a special needs trust by and through his Conservator.</p> <p><u>Further, it does not appear that the conservator had authority to settle/release a claim on the conservatee's behalf. See Probate Code §2500 et seq., specifically 2504, 2505, and other applicable law. See also the various orders appointing Conservator. Need authority re Settlement dated 2-6-13 attached as Exhibit A and signed by attorneys whose names are not legible.</u></p> <p>Pursuant to the Inventory and Appraisal filed in the conservatorship matter 12CEPR01097 on 5-2-13, settlement funds were "received" by the conservatorship estate. Need clarification re the status of the funds. It appears that in connection with the conservatorship, the Court was recently informed that funds have <u>not</u> been received. <u>This is inconsistent with what was filed.</u> Need clarification: Has money been received, and if so, where is it being held and under what title?</p> <p>Need authority for the request for <u>extensive</u> attorney fees for Attorney Pimentel <u>via this SNT petition</u>. No description or itemization is provided.</p> <p>Due to these issues, these Examiner Notes do not include a specific review of the actual proposed trust document at this time; however, Examiner notes that it appears somewhat different from what was previously submitted, or other requirements such as bond, investment authority, etc., at this time, because as stated above the petition is not appropriately before the Court.</p> <p>Reviewed by: skc</p> <p>Reviewed on: 5-20-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 10 – Kinsey</p>
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

**Petitioner states** a personal injury lawsuit was threatened but never filed as the parties agreed to mediate the dispute before the Honorable Howard Broadman. As a result of the mediation, settlement was reached. See Exhibit A. The defendant's insurance company has agreed to pay \$250,000 and the defendant agreed to pay \$100,000 for a total settlement of \$350,000. After payment of attorney fees, medical liens, and expenses from settlement, Anthony will received \$257,681.50. An outright distribution will disqualify Anthony from both SSI and Medi-Cal; therefore, to preserve these benefits, Petitioner requests to deposit the funds to a special needs trust. Citations provided re special needs trusts as safe harbor. Petitioner seeks an order that the settlement funds be paid to the trustee of the Anthony Kinsey Special Needs Trust.

Petitioner also seeks an order that \$80,167.00 be paid to Attorney Pimentel for attorney fees and costs; that \$4,291.50 be paid to the California Dept. of Health Care Services to satisfy the medical liens incurred following the automobile accident, \$7,860.00 be paid to Attorney Flanigan in connection with this and the conservatorship matter, and that the remainder be deposited to the SNT and that Petitioner be authorized to sign the SNT as grantor. Petitioner further seeks permission to invest the SNT in mutual funds and US Government bonds with maturity dates later than five years.

The proposed trustee is Ian Kinsey. Peittioner requests the Court order blocked account in lieu of bond.

**Petitioner prays that the Court make the following findings and order:**

1. That all notices have been given as required by law;
2. That the Court establish the ANTHONY KINSEY SPECIAL NEEDS TRUST, the Petitioner is directed to execute it, and the Court has continuing jurisdiction over the ANTHONY KINSEY SPECIAL NEEDS TRUST;
3. That IAN KINSEY shall serve as initial trustee of the ANTHONY KINSEY SPECIAL NEEDS TRUST with a reduced bond required under the direction that funds be deposited into a blocked account;
4. That Petitioner ANTHONY KINSEY has a disability that substantially impairs his ability to provide for his own care or custody and constitutes a substantial handicap;
5. That Petitioner ANTHONY KINSEY is likely to have special needs that will not be met without the trust;
6. That money to be paid to the trust does not exceed the amount that appears reasonably necessary to meet ANTHONY KINSEY's special needs;
7. That payment of all monies due plaintiff ANTHONY KINSEY by and through his Conservator IAN KINSEY shall be paid to the trustee of the ANTHONY KINSEY SPECIAL NEEDS TRUST;
8. That any proceeds of the settlement award received by plaintiff's attorney before the hearing of this petition and deposited into the attorney's attorney/client trust account shall not be considered received by ANTHONY KINSEY for public benefit eligibility purposes;
9. That the assets of the trust are unavailable to the beneficiary and shall not constitute a resource for ANTHONY KINSEY's financial eligibility for Medi-Cal, SSI, regional center assistance, or any other program of public benefits;
10. That the trustee provide the Court with a biennial account and report beginning one year after the date of approval and every two years thereafter;
11. That the trustee is authorized to invest in mutual funds and in US government bonds with maturity dates later than five years;
12. That the Court approve and direct the Trustee to pay Attonrey Pimentel \$80,167.00 as compensation for services rendered in the litigation settlement and as reimbursement for out-of-pocket expenses incurred while performing those services;
13. That the Court approve and direct the Trustee to pay the Califonria Department of Health Care Services the sum of \$4,291.00 as payment for a medical lien incurred following the automobile accident;
14. That the Court approve and direct payment of \$6,990.00 to the attorney for services and \$870.00 for costs;
15. That such other and further orders be issued by the Court as it may deem just and proper.



<b>Age: 66</b>	<b>STATE DIRECTOR OF DEVELOPMENTAL SERVICES</b> , was appointed conservator on 06/07/76.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> If the Petition is granted, please set a status hearing, as follows:</p> <ul style="list-style-type: none"> <li><b>Thursday, July 24, 2014 at 9:00am</b> in Dept. 303 for confirmation of receipt of transfer</li> </ul>
	Court Investigator <b>DINA CALVILLO</b> filed a Petition for Transfer on 04/15/14 requesting this proceeding be transferred to Ventura County because the conservatee has resided there for over 10 years, and it is presumed pursuant to Probate Code § 2215 that transfer of the Conservatorship case to the county of residence is in the best interests of the conservatee.	
<b>Cont. from</b>	Court Investigator further recommends that the fees and costs related to this transfer be waived.	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>		
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
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<input type="checkbox"/> <b>Pers.Serv.</b>		
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<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input checked="" type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 05/20/14
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 12 - Griffis</b>

	TERI LYN JACKSON was appointed Guardian of the Estate on 10-12-10 with funds to be placed into blocked accounts. Letters issued on 10-12-10.	NEEDS/PROBLEMS/COMMENTS:  <u>Continued from 5-19-14</u>  <b>Minute Order 5-19-14: No appearances. The Court will consider eliminating this accounting as well as any subsequent accountings so long as proof of the blocked account is provided. Matter continued to 5-22-14. The Court orders Teri Lyn Jackson to be present on 5-22-14.</b>  A copy of the minute order was mailed to Ms. Jackson on 4-17-14.  ( <u>Examiner's Note</u> : The Receipts for the four Blocked Accounts were filed on 12-27-10.)  <u>Note</u> : The Guardian was previously represented by Attorney Erin Childs; however, the attorney was relieved as counsel pursuant to order filed 6-20-12, and the Guardian is now self-represented.  1. The Second Account Current is now due. Need Second Account.
Cont from 041714	The First Account was settled on 2-2-12 and the Court set this status hearing for the filing of the Second Account.	
Aff.Sub.Wit.		Reviewed by: skc
Verified		Reviewed on: 5-19-14
Inventory		Updates:
PTC		Recommendation:
Not.Cred.		File 13 – Pelley
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		

Pro Per Burrell, Danielle (Pro Per Petitioner, maternal aunt)

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

<b>Age: 10 years</b>		<p style="text-align: center;"><b>TEMPORARY EXPIRES 5/22/2014</b></p> <p><b>DANIELLE BURRELL</b>, maternal aunt, is Petitioner.</p> <p>Father: <b>UNKNOWN</b>; <i>Court dispensed with further notice to the father per Minute Order dated 4/3/2014.</i></p> <p>Mother: <b>TACHELLE BURRELL</b>; <i>Declaration of Due Diligence filed 5/12/2014.</i></p> <p>Paternal grandfather: Unknown Paternal grandmother: Unknown</p> <p>Maternal grandfather: George L. Burrell, Jr.; <i>consents and waives notice.</i> Maternal grandmother: Darlene Moore Burrell; <i>deceased.</i></p> <p><b>Petitioner states</b> the child has lived with her off and on since his birth due to the mother being incarcerated on several occasions, and the mother has now lost her apartment and is unable to properly care for the child, to keep up with his monthly doctor visits for medical issues, and to send him to school on a daily basis. Petitioner states the mother does not have a place of her own and stays various places with friends. Petitioner states the mother was picked up by the Fresno Police Department on 8/15/2013 for warrants, and the child was given back to Petitioner rather than sending him to CPS. Petitioner states she is stable and provides for his needs, takes him to his monthly doctor visits, and makes sure he goes to school.</p> <p><b>Court Investigator Charlotte Bien's Report was filed on 5/5/2014.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Need proof of personal service of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian, or Consent to Appointment of Guardian and Waiver of Notice</i> for                     <ul style="list-style-type: none"> <li>• Tachelle Burrell, if Court does not find due diligence based upon Petitioner's <i>Declaration of Due Diligence</i> filed 5/12/2014.</li> </ul> </li> <li>2. Need proof of service by mail of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian, or a Declaration of Due Diligence</i>, for:                     <ul style="list-style-type: none"> <li>• paternal grandparents</li> </ul> </li> </ol>	
<b>Cont. from</b>				
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<input checked="" type="checkbox"/>	<b>Duties/Supp</b>			
<input type="checkbox"/>	<b>Objections</b>			
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<input checked="" type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			
		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 5/19/14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 15 - Burrell</b></p>		

Petition to Establish Fact, Date, and Place of Marriage

		<p><b>MARIO CHAVEZ</b> and <b>ARMINDA CHAVEZ</b>, are Petitioners.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b> <u>CONTINUED FROM 05/08/14</u></p> <ol style="list-style-type: none"> <li>Petitioners do not state that they obtained a marriage license for the 01/18/92 ceremony. <b>Family Code §§ 420 et seq., states that before solemnizing a marriage, the officiant shall require the presentation of the marriage license, and that upon solemnizing the marriage, the officiant shall return the endorsed marriage license to the county recorder within 10 days after the ceremony.</b></li> <li>Need Order.</li> </ol> <p>If a valid license was not obtained, need authority for Court order establishing fact of marriage.</p>
		<p><b>Petitioners state</b> that they were initially married on 01/02/87. That marriage was recorded with the Fresno County Clerk on 01/05/87. Subsequent to the marriage, Mario discovered that he was not divorced from his previous wife, Cecilia Misquez. Mario and Cecilia filed a Joint Petition for Summary Dissolution of Marriage and on 03/22/88, the Fresno Superior Court entered a Final Judgment of Dissolution of Marriage. Mario and Arminda renewed their wedding vows on 01/18/92. Petitioners were ignorant to the fact that the initial marriage on 01/02/87 was invalid until they discovered that their marriage was not valid in February 2014.</p>	
<b>Cont. from 050814</b>		<p><b>Petitioners request</b> the Court to acknowledge the facts, date and place of the marriage ceremony on 01/18/92 as the actual true record of the marriage of Arminda Chavez and Mario Chavez. The ceremony was officiated by Father Francis Tasy at St. Anthony of Padua Church in Reedley. The ceremony was witnessed by Marcos Perez and Sylvia Perez.</p>	
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<input type="checkbox"/>	Order	x	
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<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 05/19/14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 19A - Chavez</b></p>	

**Hearing Re: Waiver of Court Fees**

		<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
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<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 05/20/14
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 19B - Chavez</b>

Hearing Re: Waiver of Court Fees

		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Confidential</u></p>
Cont. from		
	Aff.Sub.Wit.	
	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
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	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: 05/20/14
		Updates:
		Recommendation:
		File 19C - Chavez

Cont. from 032114, 042114, 051914		IAN KINSEY, brother, was appointed Conservator of the <b>Estate</b> on 1/29/2013 with bond set at <b>\$15,000.00</b> .	<b>NEEDS/PROBLEMS/COMMENTS:</b> <u>Minute Order 4-21-14: No appearances. Personal appearance by Mr. Whelan and Mr. Flanigan required if blocked account receipt not filed.</u>  <u>Minute Order 5-19-14: The Court is advised that there is no blocked account as the funds have not been received. Continued to 5-22-14</u>  <u>Examiner's Note: I&amp;A filed on 5-2-13, over a year ago, reflects cash of \$250,000.00. Need clarification.</u>  <u>Note: An amended petition in the Special Needs Trust matter 14CEPR00028 is Page 7 of this calendar.</u>
Aff.Sub.Wit.			
Verified		IAN KINSEY, brother, was appointed Conservator of the <b>Person</b> on 9/17/2013 (Letters of Conservatorship of the Person issued on 9/25/2013.)	1. <u>Proof of Bond of \$15,000.00</u> filed on 2/6/2013 is <b>insufficient</b> for this Conservatorship Estate, as required under Probate Code § § 2320 and CA Rule of Court 7.207. Probate Code § <b>2320.1</b> provides that when the Conservator has knowledge of facts from which the Conservator knows or should know that the bond posted is less than the amount required under section 2320, the Conservator <b>and</b> the Attorney shall make an ex parte application for an order increasing the bond to the amount required under section 2320.
Inventory	✓		
Increased Bond	X	<b>Proof of Bond in the sum of \$15,000.00 was filed 2/6/2013, and Letters of Conservatorship of the Estate issued on 2/28/2013.</b>	Accordingly, Probate Code § 2320 requires that the Conservator file proof of additional bond in the sum of <b>\$260,000.00</b> , in order to bring total bond to <b>\$275,000.00</b> , the bond amount sufficient pursuant to Probate Code § 2320 and CA Rule of Court 7.207.
Accounting	X		
Notice of Hrg	X	<b>Final Inventory and Appraisal filed 5/2/2013</b> shows an estate consisting of all cash in the sum of <b>\$250,000.00</b> .	It is noted that the <u>Minute Order dated 9/17/2013</u> from the <u>Status Hearing Re: Increase of Bond</u> that Mr. Flanigan informed the Court that Mr. [Ian] Kinsey <b>will not be able to get a bond</b> .
Aff.Mail	X		
Aff.Pub.		<b>Pursuant to Probate Code § 2620(a), first account was due on 2/28/2014.</b>	However, the duty remains upon Attorney Philip Flanigan and/or Attorney Brian Whelan as well as the Conservator to either comply with Probate Code § 2320.1 for increase in bond, or to request an alternative protection such as placing Conservatee's funds into a blocked account. <b>~Please see additional page~</b>
Sp.Ntc.	X		
Pers.Serv.		<b>Minute Order dated 1/29/2013</b> from the hearing on the petition for appointment of Conservator of the Estate set the matter for Status Hearing on 3/21/2014 for filing of the first account of the conservatorship.	<b>Reviewed by: LEG/skc</b>
Conf. Screen			
Letters		<b>Order</b>	<b>Reviewed on: 5-20-14</b>
Duties/Supp			
Objections		<b>9202</b>	<b>Updates:</b>
Video Receipt			
CI Report		<b>Order</b>	<b>Recommendation:</b>
Aff. Posting			
Status Rpt	X	<b>FTB Notice</b>	<b>File 10 – Kinsey</b>
UCCJEA			
Citation			
FTB Notice			

## Page 2 (NEEDS/PROBLEMS/COMMENTS CONT'D)

2. Pursuant to Probate Code § 2328, Conservator should be required to deposit the entirety of Conservatorship estate funds, or a portion of the funds taking into account the **\$15,000.00** posted bond, into a blocked account for the Conservatorship Estate, with no withdrawals except upon Court order. Probate Code § 2328 provides, in pertinent part, that if the Conservatorship Estate has property which has been deposited with a financial institution, the Court may order that the property shall not be withdrawn except on authorization of the Court, and may either (1) exclude the property deposited in determining the amount of required bond or reduce the amount of the bond to be required with respect to the property deposited to such an amount as the Court determines is reasonable; or (2) If a bond has already been furnished or fixed, reduce the amount of bond to such an amount as the Court determines is reasonable.
3. Attorney **PAUL PIMENTEL** formerly represented the Conservator Ian Kinsey for the petition for appointment of Conservator of the Estate. Mr. Pimentel no longer represents Ian Kinsey, per *Substitution of Attorney* filed 5/24/2013 by Attorney **BRIAN WHELAN**, showing that Mr. Whelan represents Ian Kinsey as Conservator of the Estate as of 5/22/2013.

Attorney **PHILIP FLANIGAN** represented Ian Kinsey for the petition for appointment of Conservator of the Person, and appears to remain as attorney for Ian Kinsey as Conservator of the Person, as well as in his petition for order establishing special needs trust (Page 10).

**Need clarification of the current attorney representation of the Conservator as to the Person and the Estate**, based upon the statement of Attorney Flanigan at the hearing on 9/17/2013 regarding Conservator's inability to obtain bond, which appears to show Attorney Flanigan as the attorney responsible for the Conservator of the Estate obtaining bond.

4. Need first account of the conservatorship estate, or a verified Status Report and proof of service of notice of this Status Hearing with a copy of the Status Report to all interested parties pursuant to Local Rule 7.5(B).
5. Need proof of service of notice of the Status Hearing with a copy of the verified Status Report to Attorney Paul Pimentel, pursuant to the *Request for Special Notice* filed 1/27/2014.

**Note:** It is unclear from the *Minute Order* of 9/17/2013 whether Attorney Flanigan was holding himself out as representing the Conservator Ian Kinsey for both his role as Conservator of the Person and the Estate, since the *Minute Order* shows Attorney Brian Whelan was also present at that hearing and made no statements regarding bond. If Attorney Whelan no longer represents Ian Kinsey as Conservator of the Estate, then Mr. Whelan should file a *Substitution of Attorney* demonstrating that to the Court.