



## ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

**1 Dylan Kyle Perkins - Guardianship**

**Case No. 01CEPR00751**

**Atty McCracken, Terri (for Ian Regan – Father – Petitioner)**

**Atty Harris, Richard A. (for Jessica Walzberg – Mother – Objector)**

**Atty Lockie, Jeffrey Daniel and Pamela Suzanne (Pro Per – Maternal Grandparents – Guardians)**

**Petition for Termination of Guardianship (Prob. C. 1460, 1601, 2626, 2627, 2636)**

<b>Age: 10</b>	IAN REGAN, Father, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note:</b> Court Investigator to file report.  <b>1. Need order.</b>
<b>DOB: 8-17-01</b>	JEFFREY DANIEL and PAMELA SUZANNE LOCKIE, Maternal Grandparents, were appointed Guardians on 1-3-02. - Personally served 4-2-12	
	Mother: JESSICA WALZBERG - Personally served 3-28-12 - Filed Objections on 4-25-12	
<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	<b>Petitioner requests termination of the guardianship to allow him to pursue custody in Family Court. Guardianship is no longer needed for the following reasons:</b>	
<b>Aff.Mail</b>	<b>Petitioner states</b> he is the biological father and has filed a Petition to Establish Parental Relationship in Family Court that is currently pending. Petitioner states guardianship is no longer necessary because Dylan has been residing with him since January 2012 and he has an active role in Dylan’s life. The mother is currently attending an outpatient drug rehabilitation program in the San Luis Obispo area and has had some daytime visits with Dylan.	
<b>Aff.Pub.</b>	However, Petitioner states the mother recently <b>abducted him on 3-6-12, removed him from school and took him over to the SLO area to reside with her without consent or notification from Petitioner or the Guardians.</b>	
<b>Sp.Ntc.</b>	<i>[Emphasis in original.]</i>	
<input checked="" type="checkbox"/> <b>Pers.Serv.</b>	Petitioner provides six pages of text messages between himself and the mother dated 3-6-12 beginning with the mother informing Petitioner that she was picking him up for a couple of hours and would return him later. She then “starts rambling” about Dylan not being happy and begging to stay with her, and later describes statements regarding picking Dylan up from school, lying to her dad, admitting to drug use and being a “functional alcoholic.” Petitioner is concerned about domestic violence incidents Dylan has witnessed between the mother and her husband.	
<b>Conf. Screen</b>	Petitioner states Ms. Lockie (Guardian) went to San Luis Obispo to pick Dylan up on 3-8-12, but the sheriff there is giving her a hard time because the guardianship judgment was in 2002, and they have not given her custody back. Petitioner fears for Dylan’s safety and well-being while in the mother’s care based on her drug problem, which is so severe she is in a rehabilitation program, and her dangerous behavior in just ripping Dylan out of school and taking him to be with her contrary to her agreement with the Guardians and what is in Dylan’s best interest.	
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>	x	
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		

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**Petitioner states** he and the mother never had a dating relationship, but had a sexual encounter that led to the conception of Dylan. He went into the military thereafter and was aware of her pregnancy, but did not know he was the father until he returned home and voluntarily took a paternity test. In 2006 Petitioner went to reserve status and moved back to Fresno. Since then, Dylan has resided with Petitioner most weekends.

Petitioner states Jessica (Mother) lived with Ms. Lockie (Guardian) until her current marriage, approx. four years ago. When she moved from Ms. Lockie's home, she took Dylan with her. Towards the end of 2011, Jessica and her husband were exhibiting behavior that put Ms. Lockie on notice that they may be using drugs again, such as items missing from their home, including Dylan's guitar, tv, game console, and other household furniture and furnishings. Petitioner also started noticing missing items from Jessica's home.

Petitioner states Ms. Lockie received information that Jessica's husband, Ben Walzburg, was committing crimes by stealing other people's property in Sanger, CA through home invasion robberies and that is when Ms. Lockie took the children with her even though she did not have guardianship of Gwenie. Jessica and her husband have been renting a home from her grandfather and are behind on the rent, but have not vacated the premises although they are currently staying in San Luis Obispo at a rehab program ("supposedly"). However, Jessica moved Dylan's school and had Dylan clean out his desk, but they never notified his Guardian, Ms. Lockie. **Ms. Lockie alleges she has no knowledge of the planned abduction.**

Thereafter, Jessica and her husband went to the SLO area to stay with his parents and attend an outpatient methadone rehabilitation program and the children have been visiting Jessica on weekends transported by Jessica's father and monitored by her in-laws.

Petitioner states Dylan has been attending Gibson elementary in Fresno since Kindergarten and it is the only school he knows and is used to.

As stated above, Jessica is temporarily residing in the SLO area (Arroyo Grande) to attend a program. Dylan had been staying with her in Fresno and visiting Petitioner every weekend until her drug abuse was discovered and then he came to live with Petitioner permanently. The current Guardians feel Dylan should be with Petitioner rather than them if appropriate.

Dylan is aware of his mother's drug problem and has made statements like "they are not doing drugs anymore" and he has seen his mom cooking something that looks like sugar and has seen a straw and a plate that she uses for drugs. Dylan led Ms. Lockie to the house where Jessica and her husband were buying drugs. Petitioner states their drug of choice is Oxycontin. Dylan is also aware of the missing items from the home. Jessica has told Petitioner "I am a better mother on drugs."

**Petitioner states** when Dylan came to live with him, his grades were suffering and his self-esteem was low. Since then, he has gained confidence and his grades have improved tremendously. Dylan was playing sports, but quit because his mother did not get him to practices and games on a regular basis. At times, he even missed school because Jessica would oversleep.

**Based on the foregoing, Petitioner is requesting termination of the guardianship to allow him to pursue custody in the Family Court. Guardianship is no longer needed for the reasons stated herein.**

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**JESSICA WALZBERG (Mother) filed Objections on 4-25-12.** Mother states the sole reason for guardianship was so that her parents could provide insurance for Dylan. Notwithstanding, she has always been able to be the primary care parent, taking full responsibility for his medical, educational, and day to day needs. Prior to Petitioner commencing the family law proceedings, Dylan exclusively resided with Mother outside of Guardians' residence for nearly six years. Petitioner was not involved in the first five years of Dylan's life and has never been involved or taken initiative to become involved in any decisions impacting Dylan's life.

**SEE PAGE 3**

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Mother states that she would like the guardianship orders to remain in effect until she is able to establish custody and visitation orders awarding her custody of Dylan and naming her as the primary custodial parent. She is agreeable to terminating the guardianship on the condition she is named the primary custodial parent. She believes this is in Dylan's best interest and consistent with the arrangement Dylan has become accustomed to throughout his life.

Mother is also agreeable to working out a shared co-parenting arrangement with Mr. Regan so that his visits may continue; however, she is not agreeable to Petitioner being awarded primary custody. Mother states Dylan has had difficulties adjusting to the two overnight visits per week with Petitioner and has expressed extreme discomfort with pending extended periods of time with him.

Mother states she did not abduct Dylan as alleged by Mr. Regan. Dylan has resided with her exclusively for nearly six years. Upon being served with notice of the Family Law case, she returned Dylan to her mother's custody and has had regular contact with him.

Mother is agreeable to maintaining Fresno as her residence and allowing Dylan to complete the school year at Gibson Elementary. Many of the statements made by Petitioner are false and objectionable hearsay, and are addressed in her response in the Family Law action.

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Court Investigator Jennifer Daniel to file report.

Atty Kruthers, Heather H., of County Counsel's Office (for Petitioner Public Administrator)

**Petition for Court Authorization to Sell Real Property of the Estate  
(Prob. C. 10589)**

<b>DOD: 5/21/2008</b>		<p><b>PUBLIC ADMINISTRATOR</b>, Successor Administrator appointed with full IAEA on 1/30/2009, is Petitioner.</p> <p><b>Petitioner states:</b></p> <ul style="list-style-type: none"> <li>• Petitioner proposes to sell the only estate asset consisting of Decedent's <b>100% interest</b> in real property located on 231 F Street, Fresno;</li> <li>• The three-bedroom one bath home located on the property is in poor condition and sits across from a freeway; the walls have holes and mold, and the house exterior has a crack; the basement is flooded and smells of mold and mildew; repair estimates are <b>\$5000 to \$10,000</b> for foundation repair, <b>\$1800</b> for interior and exterior painting, and <b>\$2,500</b> for roof repair;</li> <li>• Petitioner has no money with which to repair this sole estate asset to prepare it for sale;</li> <li>• The <i>Reappraisal for Sale</i> requested by Petitioner resulted in a valuation of <b>\$27,000.00</b> by the Probate Referee (filed on 3/24/2010);</li> <li>• The highest offer for the property when listed was received from <b>GWEN MAYFIELD</b>, Decedent's daughter and current occupant of the residence, in the amount of <b>\$22,500.00</b>, which was accepted on 3/1/2012;</li> </ul> <p align="center">~Please see additional page~</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need proof of 15 days' mailed service of the <i>Notice of Hearing</i> with a copy of the <i>Petition</i> for the Department of Health Care Services, per the <i>Request for Special Notice</i> filed 4/26/2010 pursuant to Probate Code §§ 1250 and 1252, or waiver of such notice.</p> <p><b>Note:</b> Two <i>Creditor's Claims</i> were filed by the Dept. of Health Care Services on 4/26/2010 in the amount of <b>\$43,745.13</b>, and on 4/23/2010 in the amount of <b>\$2,899.48</b>.</p>
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input checked="" type="checkbox"/>	<b>Reappraisal</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> W/		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b> X		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b> 013009		
<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 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>		
		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 5/17/12</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 2 - Percy</b></p>	

**Petitioner states, continued:**

- A *Notice of Proposed Action* was mailed, and before the 3/20/2012 date for the proposed action, an objection was received by County Counsel in a phone call from **WILLIAM CHARLES WORTHAM**, one of Decedent's sons; his objection was not to the price, but rather that it was being sold to his sister;
- Because of the objection that was made, the sale cannot be completed without a hearing and order of the Court pursuant to Probate Code § 10589;
- The CA Dept. of Health Services has a lien on the estate, and all residual proceeds of the estate will go to pay the Decedent's medical expenses that had been paid by the estate;
- There will be nothing left to distribute to any of the heirs [Decedent's 8 children];
- Petitioner therefore requests to proceed with the sale as follows:
  - Gwen Mayfield to take title as her sole and separate property;
  - **6%** commission in the amount of **\$1,350** to be split between buyer's and seller's agents;
  - Property sold on "AS IS" basis except as to title and is to be a cash sale.

**Petitioner prays for an order that the Court authorize Petitioner as Successor Administrator of the estate to sell the real property to Gwen Mayfield for \$22,500.00.**