# 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)**

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| **Age: 10** | | |
| **DOB: 8-17-01** | | |
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| | **Aff.Sub.Wit.** | |
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| | **Letters** | |
| | **Duties/Supp** | |
| | **Objections** | |
| | **Video Receipt** | |
| | **CI Report** | |
| | **9202** | |
| | **Order** | x |
| | **Aff. Posting** | |
| | **Status Rpt** | |
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| | **FTB Notice** | |

**IAN REGAN**, Father, is Petitioner.

**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*

**Petitioner requests termination of the guardianship to allow him to pursue custody in Family Court. Guardianship is no longer needed for the following reasons:**

**Petitioner states** 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.

However, Petitioner states the mother recently **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**.
*[Emphasis in original.]*

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.

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 sever 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.

**SEE PAGE 2, 3**

**NEEDS/PROBLEMS/COMMENTS:**

1. **Need order.**

**Reviewed by:** skc
**Reviewed on:** 5-17-12
**Updates:**
**Recommendation:**
**File 1 - Perkins**



**Dept. 303, 9:00 a.m. Wednesday, May 23, 2012**

**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 methodone 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**

**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 Julie Negrete filed a report on 5-17-12.**

**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)**

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| **DOD: 5/21/2008** | | |
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| **Cont. from** | | |
| | **Aff.Sub.Wit.** | |
| ✓ | **Verified** | |
| ✓ | **Reappraisal** | |
| | **PTC** | |
| | **Not.Cred.** | |
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| | **Aff.Pub.** | |
| | **Sp.Ntc.** | X |
| | **Pers.Serv.** | |
| | **Conf. Screen** | |
| | **Letters** | 013009 |
| | **Duties/Supp** | |
| | **Objections** | |
| | **Video Receipt** | |
| | **CI Report** | |
| | **9202** | |
| ✓ | **Order** | |
| | **Aff. Posting** | |
| | **Status Rpt** | |
| | **UCCJEA** | |
| | **Citation** | |
| | **FTB Notice** | |

**PUBLIC ADMINISTRATOR**, Successor Administrator appointed with full IAEA on 1/30/2009, is Petitioner.

**Petitioner states:**

- Petitioner proposes to sell the only estate asset consisting of Decedent's **100% interest** in real property located on 231 F Street, Fresno;
- 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 **$5000 to $10,000** for foundation repair, **$1800** for interior and exterior painting, and **$2,500** for roof repair;
- Petitioner has no money with which to repair this sole estate asset to prepare it for sale;
- The *Reappraisal for Sale* requested by Petitioner resulted in a valuation of **$27,000.00** by the Probate Referee (filed on 3/24/2010);
- The highest offer for the property when listed was received from **GWEN MAYFIELD**, Decedent's daughter and current occupant of the residence, in the amount of **$22,500.00**, which was accepted on 3/1/2012;

***~Please see additional page~***

**NEEDS/PROBLEMS/COMMENTS:**

1. Need proof of 15 days' mailed service of the *Notice of Hearing* with a copy of the *Petition* for the Department of Health Care Services, per the *Request for Special Notice* filed 4/26/2010 pursuant to Probate Code §§ 1250 and 1252, or waiver of such notice.

**Note:** Two *Creditor's Claims* were filed by the Dept. of Health Care Services on 4/26/2010 in the amount of **$43,745.13**, and on 4/23/2010 in the amount of **$2,899.48**.

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| **Reviewed by:** LEG |
| **Reviewed on:** 5/17/12 |
| **Updates:** |
| **Recommendation:** |
| **File 2 - Percy** |

## Additional Page 2, Minnie Pearl Percy (Estate) Case No. 08CEPR00685

**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.**

**3 Charlene Winegar (CONS/PE) Case No. 08CEPR00788**

**Atty Kruthers, Heather H (for Petitioner/Conservator Public Guardian)**

**Atty LeVan, Nancy J. (Court appointed for Conservatee)**

**(1) Second and Final Account and Report of Conservator, (2) Petition for Allowance of Compensation to Conservator and Her Attorney, (3) Termination of Conservatorship (Prob. C. 1860, 1861, 2620, 2623, 2630, 2640, 2942)**

**Age: 73 years**
**DOB: 5/6/1939**

**Cont. from 041812**

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| | **Aff.Sub.Wit.** | |
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| | **Aff. Posting** | |
| | **Status Rpt** | |
| | **UCCJEA** | |
| | **Citation** | |
| | **FTB Notice** | |

**PUBLIC GUARDIAN**, Conservator, is petitioner.

Account period: 10/17/09 – 2/23-12

Accounting - **$129,097.93**
Beginning POH - **$ 95,761.18**
Ending POH - **$ 1,696.57**

Conservator - **$5,607.20**
(49.70 Deputy hours @ $96/hr and 11.00 Staff hours @ $76/hr)

Attorney - **$1,000.00** (less than allowed per Local Rule)

Bond fee - **$56.25** (o.k.)

Petitioner states the conservatee's only income derives from social security and a small annuity. She no longer has an estate to protect. Given that alternatives to conservatorship exist to address any medical issues that may arise and that the conservate's income and expenses can be managed in a less costly manner through an institutional payee, there is no longer a need for a conservatorship of the person or of the estate.

Petitioner request that due to the insufficiency of the estate to pay the fees and commissions that a lien be imposed upon the estate for any unpaid balances of the authorized fees and commissions.

**Petitioner prays for an Order:**

1. Approving, allowing and settling the second and final account.
2. Authorizing the conservator and attorney fees and commissions
3. Payment of the bond fee
4. Authorize petitioner to impose a lien on the estate for any unpaid balances of authorized fees and commissions.

**Court Investigator Julie Negrete's Report filed on 5/17/12.**

**NEEDS/PROBLEMS/COMMENTS:**

Petition request termination of the conservatorship of the person and estate. Petitioner states the conservatee no longer has an estate to protect. Petitioner further states alternatives to conservatorship [of the person] exist to address any medical issues that may arise. Therefore, there is no longer a need for a conservatorship of the person. Petition does not state what those alternatives are. Also, Petitioner was appointed conservator with medical consent and dementia powers. A doctor determined that the conservatee lacked the capacity to give informed consent to medical treatment.

**Reviewed by: KT**
**Reviewed on: 5/18/12**
**Updates:**
**Recommendation:**
**File 3 - Winegar**

**4 Joanne Pope (CONS/E)** **Case No. 08CEPR00985**

**Atty Smith, Jane T. (for Public Guardian – Conservator)**

**(1) Second Account Current and Report of Conservator and (2) Petition for Allowance of Compensation to Conservator and Attorney (Prob. C. 2620, 2623, 2640, 2942)**

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|---|---|---|
| **Age: 76** | | |
| **DOB: 7-6-35** | | |
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| | **Aff.Sub.Wit.** | |
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| | **Objections** | |
| | **Video Receipt** | |
| ✔ | **CI Report** | |
| | **9202** | |
| ✔ | **Order** | |
| | **Aff. Posting** | |
| | **Status Rpt** | |
| | **UCCJEA** | |
| | **Citation** | |
| | **FTB Notice** | |

**PUBLIC GUARDIAN**, Conservator of the Estate, is Petitioner.

Account period: 3-6-10 through 3-12-12

Accounting: $107,482.33
Beginning POH: $21,440.12
Ending POH: $3,251.59 ($2,076.59 is cash)

Conservator: $2,986.80 (17.10 Deputy hours @ $96.00/hr and 17.70 Staff hours @ $76.00/hr, itemized. Services include marshaling and protecting assets, surrender of insurance policies pursuant to court order, and sale of Conservatee's vehicle.)

Attorney: $2,000.00 (per local rule)

Bond fee: $537.42 (ok)

Due to the insufficiency of the estate, Petitioner requests an order imposing a lien against the estate for any unpaid balance of the authorized fees and commissions.

**Petitioner prays for an Order:**

1. Approving, allowing and settling the account;
2. Authorizing conservator and attorney fees and commissions;
3. Authorizing payment of the bond fee; and
4. Imposing a lien for any unpaid balances of authorized fees and commissions.

**NEEDS/PROBLEMS/COMMENTS:**

**<u>Note</u>: The Court will set status a status hearing for either:**
- **1-year account (5-15-13) or**
- **2-year account (5-14-14).**

**Reviewed by:** skc
**Reviewed on:** 5-17-12
**Updates:**
**Recommendation:**
**File 4 - Pope**



**Dept. 303, 9:00 a.m. Wednesday, May 23, 2012**

## 5 Jamie E. McGlashan (CONS/PE) Case No. 10CEPR00285

**Atty** Howk, Robert L. (for Craig MacGlashan – Son – Conservator – Petitioner)

**First Amended Petition of the First Accounting and Report of the Conservator of the Estate and Person of Jamie McGlashan (Prob. C. 2620)**

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| **Age: 89** | | |
| **DOB: 10-6-22** | | |
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| | **Aff.Sub.Wit.** | |
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| | **PTC** | |
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| | **Notice of Hrg** | X |
| | **Aff.Mail** | X |
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| | **Sp.Ntc.** | |
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| | **CI Report** | |
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| | **Status Rpt** | |
| | **UCCJEA** | |
| | **Citation** | |
| | **FTB Notice** | |

**CRAIG MACGLASHAN**, Son and Conservator with bond of $1,099,584.00, is Petitioner.

Account period: 5-24-10 through 5-31-11

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|---|---|---|
| Accounting: | $ | 1,762,874.98 |
| Beginning POH: | $ | 0.00 |
| Ending POH: | $ | 1,661,990.18 |

Conservator: Waived

Attorney (Estate planning for Conservatee's late husband): $800.00

Attorney (This accounting): not addressed

Petitioner states the current bond of $1,099,584.00 is less than the value of the estate; however, the Conservator is a member of the State Bar and the only child of the Conservatee and requests to leave the bond set at the current amount because to increase the bond is to decrease the estate.

**Petitioner requests:**

1. Notice of hearing of this account, report and petition have been given as required by State law;
2. Petitioner be directed to pay the sum of $800.00 to the Law Office of Howk and Downing, LLP;
3. The Court order that the Conservatee is not able to complete an affidavit of voter registration;
4. All acts and transactions of the Conservator as set forth in this Petition be ratified, confirmed and approved.

**NEEDS/PROBLEMS/COMMENTS:**

**SEE PAGE 2**

**Reviewed by:** skc

**Reviewed on:** 5-21-12

**Updates:**

**Recommendation:**

**File 5 - McGlashan**

1. **Petitioner states the Beginning Property on Hand is $0. As previously noted in prior Examiner Notes, the Beginning Property on Hand should be the amount of the Inventory and Appraisals.**

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|---|---|---|
| Corr. Partial #1: | $ | 550,929.64 |
| Corr. Partial #2: | $ | 110,000.00 |
| Final: | $ | 424,000.00 |
| Supp #1: | $ | 99,606.25 |
| **Total:** | **$** | **1,184,535.89** |

**Instead, Petitioner indicates $1,705,851.66 is the amount of "*Additional Property Received*" during the account period.** This appears to include the existing inventoried assets plus the interests received from the Conservatee's husband upon his death, *but with updated account totals*. *This is not a correct accounting summary*.

POH should include the assets as inventoried, and *Additional Property Received* would include the Conservatee's husband's joint tenancy interests in any joint tenancy assets received at his death – not the entire value of the asset at the date of his death.

Note: Petitioner states at Page 3 Line 9 that all accounts were held in joint tenancy; *therefore, they were not part of the Conservatee's estate until the death of her husband. This is not correct. Regardless of the how accounts are held, the Conservatee's interest in those accounts is part of the conservatorship estate*.

Petitioner may be confusing conservatorship estates with decedent estate practice regarding accounts held in joint tenancy. In a decedent's estate, a joint tenancy account is not an asset of the estate because it reverted to the joint tenant upon death. However, a Conservator is responsible for the Conservatee's interest in a joint tenancy account upon appointment, and as such, the Conservatee's portion of the account is an asset of the conservatorship estate. When the joint tenant passes away, as in this case, that joint tenant's interest at his date of death a "receipt" to the conservatorship estate.

In this case, the assets inventoried included the Conservatee's 50% community property interest in various accounts and real and personal property. If held in joint tenancy, then upon the death of her husband, the conservatorship estate received his portion which would be reflected as "receipts" on the accounting. *(The "receipt" is not the entire asset.)*

***Due to the incorrect organization of assets/receipts in this accounting, Examiner is unable to determine if it balances correctly. Amended account is necessary.***

2. **Need proof of service of Notice of Hearing on this amended petition on the Conservatee and her attorney.** *Petitioner filed a Proof of Service indicating mailing of "Supplemental Responses for Admissions" to Attorney Janet Wright, but:*
*1) This does not show service of the correct document;*
*2) A "proof of service" does not meet the language requirements of Probate Code §1211 for notice of hearing; and*
*3) It was not sent to the Conservatee per Probate Code §1460 and Cal. Rules of Court 7.51(c)(2)*.

3. **Need clarification re: prayer.** Petitioner requests an order that the Conservatee is not able to complete an affidavit of voter registration. The original conservatorship order from 5-25-10 included this finding pursuant to Probate Code §1910 and Elections Code §§2208, 2209, and the minute order from the hearing on 5-25-10 was mailed to the Fresno County Election Office. It does not appear circumstances have changed. Why is this request included?

4. **Petitioner states bond is insufficient, but requests to leave as is because:** He is an attorney, he is the only child, and because much of the estate is in bonds and savings which he does not need to use to provide care for the Conservatee and because to increase bond is to decrease the estate. **Examiner notes Probate Code §2320(c)(4) and Cal. Rules of Court 7.207 require sufficient bond, including cost of recovery, for conservators of the estate.**

**Therefore, need updated calculation of the appropriate bond amount based on amended accounting per #1 above. Alternatively, the Court may require blocked accounts. Status hearing will be set for increased bond and/or proof of blocked account(s) upon clarification.**

5. **Petitioner requests to pay Attorney Howk $800.00 associated with estate planning completed for the Conservatee's late husband during his lifetime. Examiner notes that this would be a fee associated with his estate, not the Conservatee's estate. Further, the "Description of Liabilities" indicates that it is an *estimated* amount.**

   **Note:** Petitioner's previous request to establish a trust for the Conservatee was denied on 7-11-11, and Petitioner states that her husband died before he could sign the trust that was prepared for him (these requested fees). A declaration filed 6-8-11 states that rather than send a separate bill, the fees were added to the fees for the Conservatee's bill.

   **Note:** At that time, it was unclear from the itemization how much was the total associated with the husband's estate planning; however, per minute order 8-1-11, the Court considered the issue of attorney fees, and approved certain fees and stated the "$840 to be billed separately." Here, $800 is requested, but no itemization is provided.

6. **Attorney Howk does not address attorney fees associated with this account period. Need clarification.**

7. **As previously noted in prior Examiner Notes, need itemization for the following disbursements:**
   Attorney Costs: $2,743.04
   Conservator Expenses paid prior to establishment of conservatorship: $947.50

   (Attorney appears to break down the $2,743.04 by noting that "filing fees/cert. fees 4/7/10-2/2/11 were $1,975.00; however, this breakdown is not sufficient.)

8. **Numerous "inventory" lists are attached to this accounting. Need clarification as to the purpose of these lists. Are they different from the Inventory and Appraisal assets?**

9. **Examiner is not able to completely review based on these items. There may be additional issues upon review of an amended accounting per #1 above.**

**Atty** **Pape, Jeffrey B., of Pape & Shewan (for Petitioner Hellen K. Davis, Trust Beneficiary, daughter)**
**Atty** **Barrus, John E. (for Patricia A. Vaughn, Successor Trustee, daughter)**

**Petition to Compel Trustee to Account and to Marshal and Designate Property of the Trust [Prob. C. 16000, 16006, 16009, 16062, 17200(b)(7)]**

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| **DOD: 1/23/2011** | | |
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| | **Duties/Supp** | |
| | **Objections** | |
| | **Video Receipt** | |
| | **CI Report** | |
| | **9202** | |
| ✓ | **Order** | |
| | **Aff. Posting** | |
| | **Status Rpt** | |
| | **UCCJEA** | |
| | **Citation** | |
| | **FTB Notice** | |

**HELLEN K. DAVIS**, Beneficiary of the **ROSALEE O. WHEELER TRUST dated 2/13/2009**, is Petitioner.

**Petitioner states:**

- Since Rosalee O. Wheeler's death on 1/23/2011, **PATRICIA A. VAUGHN**, daughter, has been and currently is the [Successor] Trustee of the Trust; *(please refer to copy of Trust attached as Exhibit A)*;
- The Successor Trustee has never provided Petitioner with an account;
- On 12/29/2011, Petitioner demanded that the Trustee provide Petitioner with an account *(please refer to copy of email demand and Trustee's response attached as Exhibit B)*;
- Petitioner through her attorney on 1/3/12012 demanded the Trustee provide Petitioner with an account *(please refer to copy of demand letter attached as Exhibit C, and of Trustees response attached as Exhibit D)*;
- Trustee's attorney, John E. Barrus, advised Petitioner's attorney, Jeffrey B. Pape, that the accounting would not be provided by the due date of 4/2/2012 (*please refer to copy of response letter attached as Exhibit E);*
- Petitioner's attorney pointed out to Trustee's attorney that the Trustee has had over 90 days to account, has not filed an inventory in the probate estate which is severely overdue, and has advised the parties that she is taking property out of state for distribution purposes; the letter also requests that the Trustee agree to a bond of **$365,000** or a deposit of funds into a blocked account except for reasonable operating expenses; (*please refer to copy of response letter attached as Exhibit F);*
- To date, the Trustee has failed to prepare and provide Petitioner with an account;

***~Please see additional page~***

**NEEDS/PROBLEMS/COMMENTS:**

**Reviewed by:** LEG
**Reviewed on:** 5/17/12
**Updates:**
**Recommendation:**
**File 6 - Wheeler**

**Petitioner states, continued:**

- Petitioner alleges that as of the summer of 2009, the Decedent or her Trust maintained bank accounts, certificates of deposit, annuities and other financial instruments which had a value in excess of **$190,000**, and owned precious metals that exceeded **$140,000**, as well as owned multiple oil leases and royalties as late as 2007 (*please to Exhibits G and H);*
- Petitioner was recently informed by the Trustee that Decedent had no other assets other than those funds to be received in the settlement of the Arizona case of *Patricia Vaughn v. C. Richard Oldham* in the amount of **$365,000** to be released to Patricia Vaughn as Trustee; thus, a minimum of **$330,000** of Decedent's assets have not been accounted for, and the Successor Trustee has therefore failed to comply with her duty to marshal and designate the assets of the Trust;
- Petitioner alleges that Decedent entrusted the Successor Trustee, Patricia Vaughn, with access to, management of, and control of Decedent's assets and money during her lifetime;
- Petitioner further alleges that Decedent was required to file an inventory of her assets in "the Matter of the Guardianship and Conservatorship of Rosalee Shepard Wheeler, in Incapacitated Adult" *(copy of order attached as Exhibit I);*
- Petitioner believes the Arizona court-ordered inventory was never filed *(see 3/29/2012 letter from Shadle & Walsma to Attorney Pape showing Trustee's non-compliance attached as Exhibit J*);
- Petitioner believes the Successor Trustee controlled and directed the Decedent in the conservatorship action as well as other aspects of Decedent's personal and financial life; the Successor Trustee was and has been involved in a pattern of nondisclosure and obfuscation of the identity as well as amount of Decedent's assets.

**Petitioner prays for an Order:**

1. Instructing Patricia Vaughn to prepare and file with the Court an account of the Trust, which she came into possession of either before or after the death of Rosalie O. Wheeler, and which were assets of the Trust;
2. Instructing Patricia Vaughn to petition the Court for a settlement of the account and give notice of the hearing on the petition;
3. Instructing Patricia Vaughn to marshal all assets of the Trust and properly designate the assets as Trust assets; and
4. Awarding to Petitioner attorney fees and costs as allowable by law.

**7** **Millie A. Kleim (Det Succ)** **Case No. 12CEPR00317**

**Atty** **Butler, R. Frank (for Marlene A. Schmidtgall and Jeanette B. Meisner – daughters/Petitioners)**

**Petition to Determine Succession to Real Property (Prob. C. 13151)**

| | | | |
|---|---|---|---|
| **DOD: 03/01/10** | | | **MARLENE A. SCHMIDTGALL** and **JEANETTE B. MEISNER,** daughters, are Petitioners.<br><br>40 days since DOD<br><br>No other proceedings<br><br>I & A - **$80,000.00**<br><br>Decedent died intestate<br><br>Petitioners request Court determination the decedent's 100% interest in real property located at 309 West Avenue, Sanger passes to them pursuant to intestate succession. | **NEEDS/PROBLEMS/COMMENTS:** |
| | | | | |
| | | | | |
| | | | | |
| **Cont. from** | | | | |
| | **Aff.Sub.Wit.** | | | |
| ✓ | **Verified** | | | |
| ✓ | **Inventory** | | | |
| | **PTC** | | | |
| | **Not.Cred.** | | | |
| ✓ | **Notice of Hrg** | | | |
| ✓ | **Aff.Mail** | w/o | | |
| | **Aff.Pub.** | | | |
| | **Sp.Ntc.** | | | |
| | **Pers.Serv.** | | | |
| | **Conf. Screen** | | | |
| | **Letters** | | | |
| | **Duties/Supp** | | | |
| | **Objections** | | | |
| | **Video Receipt** | | | |
| | **CI Report** | | | |
| | **9202** | | | |
| ✓ | **Order** | | | |
| | **Aff. Posting** | | | **Reviewed by:** JF |
| | **Status Rpt** | | | **Reviewed on:** 05/17/12 |
| | **UCCJEA** | | | **Updates:** |
| | **Citation** | | | **Recommendation:** SUBMITTED |
| | **FTB Notice** | | | **File 7 - Kleim** |



**Dept. 303, 9:00 a.m. Wednesday, May 23, 2012**

**8** **Samuel Marcus Adams (Estate)** **Case No. 12CEPR00326**

**Atty** **Flanigan, Philip M. (for Beverly T. Adams – wife/Petitioner)**

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

| | | |
|---|---|---|
| **DOD: 11/18/10** | | |
| | | |
| | | |
| | | |
| **Cont. from** | | |
| | **Aff.Sub.Wit.** | x |
| ✓ | **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** | |

**BEVERLY T. ADAMS,** wife/named Executor without bond, is Petitioner.

Petitioner is a resident of St. Johns, Florida

Full IAEA – OK

Will dated 05/17/01

Residence: Clovis
Publication: The Business Journal

**Estimated Value of the Estate:**
$0.00

Probate Referee: **STEVEN DIEBERT**

**NEEDS/PROBLEMS/COMMENTS:**

**CONTINUED TO 06/25/12**
**Per request of counsel**

1. Will is not self-proving. Need Affidavit of Subscribing Witness.
2. The court may require bond if the proposed personal representative resides outside California or for other good cause, even if the will waives bond, pursuant to California Rules of Court 7.201(b) and Probate Code 8571.
3. Notice of hearing to Zachary Adams, Benjamin Adams, and Nathaniel Adams was in care of Beverly Adams; notice mailed to a person in care of another is insufficient, pursuant to California Rules of Court 7.51(a)(2).

**Note:** If petition is granted, Court will set status hearings as follows:

- **October 26, 2012 at 9:00 a.m. in Dept. 303** for filing of inventory and appraisal; and
- **July 26, 2013 at 9:00 a.m. in Dept. 303** for filing of first account and/or petition for final distribution.

**Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.**

**Reviewed by:** JF

**Reviewed on:** 05/18/12

**Updates:**

**Recommendation:**

**File 8 - Adams**

## 9 Sylvia Carol Waltrip aka Sylvia Waltrip aka Sylvia C. Waltrip (Estate)

**Case No. 12CEPR00335**

**Atty** **Lucich, Nicholas L. Jr. (for David Einwalter – son/Petitioner)**

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

| | | |
|---|---|---|
| **DOD: 03/17/12** | | |
| | | |
| | | |
| | | |
| **Cont. from** | | |
| | **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** | |

**DAVID EINWALTER,** son, is Petitioner and requests appointment as Administrator without bond.

Full IAEA – OK

All heirs waive bond.

Decedent died intestate

Residence: Tollhouse
Publication: The Business Journal

**Estimated Value of the Estate:**

| | | |
|---|---|---|
| Personal property | - | $ 5,000.00 |
| Real property | - | 200,000.00 |
| **Total** | **-** | **$205,000.00** |

Probate Referee: **RICK SMITH**

**NEEDS/PROBLEMS/COMMENTS:**

**Note:** The Court will set status hearings as follows:

- **October 26, 2012 at 9:00 a.m. in Dept. 303** for filing of inventory and appraisal; and
- **July 26, 2013 at 9:00 a.m. in Dept. 303** for filing of first account and/or petition for final distribution.

**Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.**

**Reviewed by:** JF
**Reviewed on:** 05/18/12
**Updates:**
**Recommendation:** SUBMITTED
**File 9 - Waltrip**



**Dept. 303, 9:00 a.m. Wednesday, May 23, 2012**

**10 Mary Jane Carais (Estate)** **Case No. 12CEPR00337**

**Atty HardCastle, Wayne (of Hanford for Albert W. Miller – Petitioner)**

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

| | | |
|---|---|---|
| **DOD: 11/30/11** | | |
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| | | |
| **Cont. from** | | |
| | **Aff.Sub.Wit.** | s/p |
| ✓ | **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** | |

**ALBERT W. MILLER,** brother-in-law/named Executor without bond, is Petitioner.

Full IAEA – OK

Will dated 07/05/11

Residence: Fresno
Publication: The Business Journal

**Estimated Value of the Estate:**

Personal property - $195,623.97
Annual income - 5,868.72
**Total - $201,492.69**

Probate Referee: **RICK SMITH**

**NEEDS/PROBLEMS/COMMENTS:**

1. **The Petition is not marked at item 5(a)(7) or (8) regarding issue of a predeceased child.**

**Note:** If petition is granted, Court will set status hearings as follows:

- **October 26, 2012 at 9:00 a.m. in Dept. 303** for filing of inventory and appraisal; and
- **July 26, 2013 at 9:00 a.m. in Dept. 303** for filing of first account and/or petition for final distribution.

**Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.**

| |
|---|
| **Reviewed by:** JF |
| **Reviewed on:** 05/18/12 |
| **Updates:** |
| **Recommendation:** |
| **File 10 - Carais** |



**Dept. 303, 9:00 a.m. Wednesday, May 23, 2012**

## 11A Alyssa Ortiz, Alfredo Leon, Jaylen Ortiz and Agustin Leon (GUARD/P)

**Case No. 12CEPR00145**

**Atty Garcia, Elsa (pro per Petitioner/Paternal aunt)**

**Petition for Appointment of Guardian of the Person (Prob. C. 1510) – Elsa Garcia**

| | | |
|---|---|---|
| **Alyssa age: 9 years DOB: 8/24/2006** | | |
| **Alfred age: 5 years DOB: 2/11/2003** | | |
| **Jaylen age: 3 years DOB: 5/11/2008** | | |
| **Agustin age: 2 years DOB: 5/19/2009** | | |
| **Cont. from 041112** | | |
| | **Aff.Sub.Wit.** | |
| ✓ | **Verified** | |
| | **Inventory** | |
| | **PTC** | |
| | **Not.Cred.** | |
| ✓ | **Notice of Hrg** | |
| ✓ | **Aff.Mail** | W/ |
| | **Aff.Pub.** | |
| | **Sp.Ntc.** | |
| ✓ | **Pers.Serv.** | W/ |
| | **Conf. Screen** | |
| | **Letters** | |
| ✓ | **Duties/Supp** | |
| | **Objections** | |
| | **Video Receipt** | |
| ✓ | **CI Report** | |
| | **9202** | |
| | **Order** | |
| | **Aff. Posting** | |
| | **Status Rpt** | |
| ✓ | **UCCJEA** | |
| | **Citation** | |
| | **FTB Notice** | |

**THERE IS NO TEMPORARY.**
**Temporary was denied.**

**ELSA GARCIA,** paternal aunt, is petitioner.

Father: **JOSE AGUSTIN LEON** – *consents and waives notice.*

Mother: **ROSEANNA ORTIZ –** *personally served on 2/27/12*.

Paternal grandfather: Agustin Leon
Paternal grandmother: Petra Garcia Aumada
Maternal grandfather: Deceased
Maternal grandmother: Irene Orona – *served on 2/21/12.*

**Petitioner states** the mother is not a fit parent. When the mother was arrested on 2/3/12 Petitioner picked up the children. At the time the home where they were living was dirty and there was no food in the refrigerator.

**Court Investigator Charlotte Bien's Report filed on 3/29/12**

**NEEDS/PROBLEMS/COMMENTS:**

**This petition is as to ALYSSA and ALFRED only.**

**Continued from 4/11/12. Minute order states** Alex Villagomez is also present in court. Roseanna Ortiz objects to the petition. The Court order the Court Investigator to follow up with Ms. Villagomez and CPS worker Maria Orosco. Ms. Ortiz is ordered to get into contact with the Court Investigator. Court takes note that Ms. Ortiz left in a hurry before the proceedings were finished.

1. **Need proof of service of the *Notice of Hearing* along with a copy of the Petition or *Consent and Waiver of Notice* or *Declaration of Due Diligence* on:**
   a. **Agustin Leon (paternal grandfather)**
   b. **Petra Aumada (paternal grandmother)**

**Reviewed by: KT**
**Reviewed on: 5/18/12**
**Updates:**
**Recommendation:**
**File 11A – Ortiz & Leon**



**Dept. 303, 9:00 a.m. Wednesday, May 23, 2012**

## 11B Alyssa Ortiz, Alfredo Leon, Jaylen Ortiz and Agustin Leon (GUARD/P)

**Case No.** **12CEPR00145**

**Atty** **Villagomez, Guadalupe Garcia (pro per Petitioner/paternal aunt)**

**Petition for Appointment of Guardian of the Person (Prob. C. 1510) - Guadalupe Garcia Villagomez**

| | | |
|---|---|---|
| **Alyssa age: 9 years DOB: 8/24/2006** | | |
| **Alfred age: 5 years DOB: 2/11/2003** | | |
| **Jaylen age: 3 years DOB: 5/11/2008** | | |
| **Agustin age: 2 years DOB: 5/19/2009** | | |
| **Cont. from 041112** | | |
| | **Aff.Sub.Wit.** | |
| ✓ | **Verified** | |
| | **Inventory** | |
| | **PTC** | |
| | **Not.Cred.** | |
| ✓ | **Notice of Hrg** | |
| ✓ | **Aff.Mail** | W/ |
| | **Aff.Pub.** | |
| | **Sp.Ntc.** | |
| ✓ | **Pers.Serv.** | W/ |
| | **Conf. Screen** | |
| | **Letters** | |
| ✓ | **Duties/Supp** | |
| | **Objections** | |
| | **Video Receipt** | |
| ✓ | **CI Report** | |
| | **9202** | |
| | **Order** | |
| | **Aff. Posting** | |
| | **Status Rpt** | |
| ✓ | **UCCJEA** | |
| | **Citation** | |
| | **FTB Notice** | |

**TEMPORARY EXPIRES ON 4/11/12**

**GUADALUPE CARCIA VILLAGOMEZ,** paternal aunt, is petitioner.

Father: **JOSE AGUSTIN LEON** – *consents and waives notice.*

Mother: **ROSEANNA ORTIZ –** *personally served on 2/12/12.*

Paternal grandfather: Agustin Leon
Paternal grandmother: Petra Garcia Aumada
Maternal grandfather: Deceased
Maternal grandmother: Irene Orona – *served on 2/16/12.*

**Petitioner states** the mother and the father are incarcerated.

**Court Investigator Charlotte Bien's Report filed on 3/29/12.**

**Court Investigator Charlotte Bien's Supplemental Report filed on 5/21/12**

**NEEDS/PROBLEMS/COMMENTS:**

**This petition is as to JAYLEN and AGUSTIN only.**

**Continued from 4/11/12. Minute order states** Alex Villagomez is also present in court. Roseanna Ortiz objects to the petition. The Court order the Court Investigator to follow up with Ms. Villagomez and CPS worker Maria Orosco. Ms. Ortiz is ordered to get into contact with the Court Investigator. The Court suggests Ms. Ortiz take children to visit their siblings at Ms. Vilagomez's home. Court takes note that Ms. Ortiz left in a hurry before the proceedings were finished.

2. **Need proof of service of the *Notice of Hearing* along with a copy of the Petition or *Consent and Waiver of Notice* or *Declaration of Due Diligence* on:**
   c. **Agustin Leon (paternal grandfather)**
   d. **Petra Aumada (paternal grandmother)**

| |
|---|
| **Reviewed by: KT** |
| **Reviewed on: 5/18/12** |
| **Updates:** |
| **Recommendation:** |
| **File 11B – Ortiz & Leon** |

**12 Carlo Guzman (GUARD/P)** **Case No. 12CEPR00266**

**Atty Leon, Porfirio Guzman (pro per Petitioner/maternal uncle)**

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

| | | | |
|---|---|---|---|
| **Age: 13 years**<br>**DOB: 9/8/1998** | | | **THERE IS NO TEMPORARY.**<br>**No temporary was requested.**<br><br>**PORFIRIO GUZMAN LEON**, maternal uncle, is petitioner.<br><br>Father: **UNKNOWN**<br><br>Mother: **ANA MARIA GUZMAN LEON** – deceased<br><br>Paternal grandparents: Unknown<br>Maternal grandfather: Francisco Guzman – deceased<br>Maternal grandmother: Maria Guzman – consents and waives notice.<br><br>Minor: Carlos Guzman – consents and waives notice.<br><br>**Petitioner states** he has been caring for the minor since the mother died in 2004. Mom never told him anything about the father. Petitioner states he has cared for the minor like a son. He needs a guardianship to continue to make legal decisions for the minor.<br><br>**Court Investigator Julie Negrete's Report filed on 5/15/12.** | **NEEDS/PROBLEMS/COMMENTS:** |
| | | | |
| | | | |
| | | | |
| **Cont. from** | | | |
| | **Aff.Sub.Wit.** | | |
| ✓ | **Verified** | | |
| | **Inventory** | | |
| | **PTC** | | |
| | **Not.Cred.** | | |
| | **Notice of Hrg** | | |
| | **Aff.Mail** | N/A | |
| | **Aff.Pub.** | | |
| | **Sp.Ntc.** | | |
| | **Pers.Serv.** | | |
| ✓ | **Conf. Screen** | | |
| ✓ | **Letters** | | |
| ✓ | **Duties/Supp** | | |
| | **Objections** | | |
| | **Video Receipt** | | |
| ✓ | **CI Report** | | |
| | **9202** | | |
| ✓ | **Order** | | |
| | **Aff. Posting** | | **Reviewed by: KT** |
| | **Status Rpt** | | **Reviewed on: 5/18/12** |
| ✓ | **UCCJEA** | | **Updates:** |
| | **Citation** | | **Recommendation:** |
| | **FTB Notice** | | **File 12 - Guzman** |



**Dept. 303, 9:00 a.m. Wednesday, May 23, 2012**

**13 Nathaniel Alcala (GUARD/P)** **Case No. 12CEPR00276**

**Atty Mendoza, Carmelita Narez (pro per Petitioner/paternal grandmother)**

**Atty Nino, Rosalinda (pro per Objector/mother)**

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

**Age: 1 year**
**DOB: 3/7/2011**

**Cont. from**

| | | |
|---|---|---|
| | 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 | |
| ✓ | CI Report | |
| | 9202 | |
| ✓ | Order | |
| | Aff. Posting | |
| | Status Rpt | |
| ✓ | UCCJEA | |
| | Citation | |
| | FTB Notice | |

**Temporary Expires 5/23/12**

**CARMELITA NAREZ MENOZA,** paternal grandmother, is petitioner.

Father: **MIGUEL ALCALA, JR.**

Mother: **ROSALINDA NINO**

Paternal grandfather: not listed
Maternal grandparents: not listed

**Petitioner states** the father is incarcerated and mother is homeless and using drugs.

**Objections of Rosalinda Nino, mother, filed on 4/18/12.** Mother states she is Nathaniel's mother and has a right to have him. She states she can provide all his belongings. She states her son has all the love he needs and everything he needs.

**Court Investigator Jennifer Young's Report filed on 5/17/12.**

**NEEDS/PROBLEMS/COMMENTS:**

1. **Need *Notice of Hearing*.**
2. **Need proof of personal service of the *Notice of Hearing* along with a copy of the *petition* or *Consent and Waiver of Notice* or *Declaration of Due Diligence* on:**
   a. **Miguel Alcala, Jr. (father)**
   b. **Rosalinda Nino (mother)**
3. **Need proof of service of the *Notice of Hearing* along with a copy of the *petition* or *Consent and Waiver of Notice* or *Declaration of Due Diligence* on:**
   a. **Paternal grandfather (not listed)**
   b. **Maternal grandparents (not listed.**
4. **Petition does not include the names and addresses of the paternal grandfather and the maternal grandparents, as required.**

**Reviewed by: KT**

**Reviewed on: 5/18/12**

**Updates:**

**Recommendation:**

**File 13 - Alcala**



**Dept. 303, 9:00 a.m. Wednesday, May 23, 2012**

## 14 Venus Rose Hamilton (GUARD/P) Case No. 12CEPR00426

**Pro Per** **Sosa, Luciana Gomez (Pro Per Petitioner, maternal aunt)**

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

| | | |
|---|---|---|
| **Age: 1 ½ years** | | |
| **DOB: 10/15/2010** | | |
| | | |
| | | |
| **Cont. from** | | |
| | **Aff.Sub.Wit.** | |
| ✓ | **Verified** | |
| | **Inventory** | |
| | **PTC** | |
| | **Not.Cred.** | |
| ✓ | **Notice of Hrg** | |
| | **Aff.Mail** | |
| ✓ | **Pers.Serv.** | |
| | **Sp.Ntc.** | |
| | **Aff.Pub.** | |
| ✓ | **Conf. Screen** | |
| | **Aff. Posting** | |
| ✓ | **Duties/Supp** | |
| | **Objections** | |
| | **Video Receipt** | |
| | **CI Report** | |
| | **9202** | |
| ✓ | **Order** | |
| ✓ | **Letters** | |
| | **Status Rpt** | |
| ✓ | **UCCJEA** | |
| | **Citation** | |
| | **FTB Notice** | |

**General Hearing set for 7/10/2012**

**LUCIANA GOMEZ SOSA**, maternal grandmother, is Petitioner.

Father: **UNKNOWN**; *Declaration of Due Diligence filed 5/17/2012;*

Mother: **CARMEN MARTINEZ VILLANUEVA**; *personally served 5/17/2012;*

Paternal grandfather: Unknown *Declaration of Due Diligence filed 5/17/2012;*
Paternal grandmother: Unknown *Declaration of Due Diligence filed 5/17/2012;*

Maternal grandfather: Martin Louis Villanueva
Maternal grandmother: Maria Inez Estela Gomez

**Petitioner states** she has been in the child's life since birth and has had the child in her care since March 2011 when the mother gave her the child stating she could not care for the child, and the mother is currently incarcerated for possibly four years for carjacking. Petitioner states that though the child's doctor has been allowing her to receive medical care, Petitioner has been told that she must provide proof of guardianship to continue having the child seen by the doctor. Petitioner states that since she had the child for the year 2011, she claimed her on her 2011 tax return and she needs to show proof of guardianship of the child to the IRS.

**Petitioner requests** to be excused from giving notice to (1) the father and paternal grandparents because she has never met the father and does not know his name, and (2) the maternal grandmother because she was deported and she has made no communication with Petitioner, therefore she has no idea of her whereabouts.

**NEEDS/PROBLEMS/COMMENTS:**

**Note:** *Declarations of Due Diligence* were filed 5/17/2012 for the father and paternal grandparents stating Petitioner never met them. However, the child's last name of "Hamilton" suggests the mother knows the father's identity, and the Court may require Petitioner to perform further diligence in the form of checking the child's birth certificate and asking the mother for the father's name, then doing a search based upon that name.

**Reviewed by:** LEG

**Reviewed on:** 5/18/12

**Updates:** 5/21/12

**Recommendation:**

**File 14 - Hamilton**

## 15 James Rodriguez & Desiree Rodriguez (GUARD/P) Case No. 12CEPR00430

**Pro Per** **Rodriguez, Carol J. (Pro Per Petitioner, paternal grandmother)**

**Petition for Appointment of Temporary Guardian of the Person (Prob. Code 2250)**

| | | |
|---|---|---|
| **James Age: 3 years DOB: 10/27/2008** | | |
| **Desiree Age: 2 years DOB: 4/22/2010** | | |
| | | |
| | | |
| **Cont. from** | | |
| | **Aff.Sub.Wit.** | |
| ✓ | **Verified** | |
| | **Inventory** | |
| | **PTC** | |
| | **Not.Cred.** | |
| | **Notice of Hrg** | X |
| | **Aff.Mail** | |
| | **Pers.Serv** | X |
| | **Sp.Ntc.** | |
| | **Aff.Pub.** | |
| ✓ | **Conf. Screen** | |
| | **Aff. Posting** | |
| ✓ | **Duties/Supp** | |
| | **Objections** | |
| | **Video Receipt** | |
| | **CI Report** | |
| | **9202** | |
| | **Order** | |
| | **Letters** | |
| | **Status Rpt** | |
| ✓ | **UCCJEA** | |
| | **Citation** | |
| | **FTB Notice** | |

**TEMPORARY GRANTED EX PARTE EXPIRES 5/23/2012**

**General Hearing set for 7/12/2012**

**CAROL J. RODRIGUEZ**, paternal grandmother, is Petitioner.

Father: **ADAM RODRIGUEZ, SR.**; *Declaration of Due Diligence filed 5/11/2012;*

Mother: **JULIE RODRIGUEZ;** *Declaration of Due Diligence filed 5/11/2012;*

Paternal grandfather: Mark A. Rodriguez; *consents and waives notice;*

Maternal grandfather: Anthony Martinez; Maternal grandmother: Cynthia Lopez

**Petitioner states** she has had the children in her care since 4/20/2012 after the father left the children with a friend on 4/15/2012 and did not return to pick them up. Petitioner states both parents are addicts living on the streets and their behavior has been irrational and unstable. Petitioner states the mother has been admitted several times on a 5150 hold and evaluation, and the father has been arrested two times recently for possession. Petitioner states she fears the parents might come for the children while under the influence of drugs and the children might come to harm. Petitioner states she has not been able to bring the children to the doctor because she cannot contact the parents for authority to proceed with medical care.

**NEEDS/PROBLEMS/COMMENTS:**

1. ***If Court does not find due diligence***, need *Notice of Hearing* and proof of five (5) court days' notice by personal service of the *Notice of Hearing* with a copy of the *Petition for Appointment of Temporary Guardian*, or *Consent to Appointment of Guardian and Waiver of Notice*, for:
   - Carol J. Rodriguez, mother;
   - Adam Rodriguez, Sr., father.

**Reviewed by:** LEG

**Reviewed on:** 5/18/12

**Updates:**

**Recommendation:**

**File 15 - Rodriguez**