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.

Dept. 303, 9:00 a.m. Thursday, May 26, 2016

3 Cheryl A. Smart (Estate) Case No. 12CEPR00468

Attorney: Michael J. Morris (for Petitioner Brandenburger & Davis)
Attorney: Jeffrey L. Wall (for Successor Administrator Gloria Hagopian)

Petition to Determine Heirship and Assignment of Partial Interest in Estate

DOD: 12/6/11		
Cont. from 091015, 102215 031016		
	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	

BRANDENBURGER & DAVIS, an heir search company and assignee of a portion of the interests of the paternal intestate heirs, is petitioner.

Petitioner states at the time of her death, Cheryl Smart was a widow and had no children.

Petitioner is informed and believes that Decedent died intestate.

Petitioner states Decedent was the daughter of Paul Papa and Delores Milano (copy of decedent's birth certificate is attached to the petition).

Petitioner states the Decedent's father, Paul Papa, apparently split from the Decedent's mother, after which he returned to Louisiana, where he married Jesse May Papa and had a son. The son, Daryl Jesse Papa died without issue. The Decedent had no other siblings.

The Decedent's father had four siblings all of whom predeceased the Decedent, leaving issue, as outlined in the petition.

Petitioner contends that the Decedent's estate should be divided into 10 equal shares to be divided proportionally between the surviving paternal first cousins and the issue of the predeceased paternal first cousins.

Petitioner alleges the Paternal Heirs are entitled to inherit the entire estate to the exclusion of the maternal cousins. Petitioner alleges that all of the siblings of Decedent's mother died without issue so the closest maternal heirs of the Decedent are second cousins or more remote heirs.

Please see additional page

NEEDS/PROBLEMS/ COMMENTS:

Note: Petition for Final Distribution has been filed and set for hearing on 6/29/16.

Continued from 3/10/16. Minute order states Mr. Wall will provide a declaration regarding the missing heir.

- Declaration of Administrator filed on 5/19/16 – *Please see last page.*

Reviewed by:	KT
Reviewed on:	5/24/16
Updates:	
Recommendation:	
File 3A – Smart	

3A Cheryl A. Smart (Estate) Case No. 12CEPR00468

Wherefore Petitioner prays for an order that the Court determine:

1. That each of the following individuals is entitled to a 10% share of the net distributable assets of the Decedent's estate as first cousins of the Decedent: Mary Cordaro Bonono, Antoinette Cordaro Lucero, John Joseph Cordaro, Jeanne M. Cecola, Russel Anthony Cecola, Antoinette Paula Johnson, Josephine Marie Tuminello Allee.
2. That Phillip Joseph Cecola, Jr., paternal cousin once removed, is entitled to a 10% share of the net distributable assets of the Decedent's estate through his deceased father.
3. That Raymond McFerrin, Theresa McFerrin and Mark Anthony McFerrin, first cousins once removed of the Decedent are each entitled to a 3.33% share of the distributable assets of the Decedent's estate through their predeceased father.
4. That John C. Cordaro, Joseph Allen Cordaro, Michael Anthony Cordaro, Emile Braden Cordaro, Kathy Elena Shafer and July Cordaro Aillet, first cousins once removed of the Decedent are each entitled to a 1.666% share of the distributable assets of the Decedent's estate through their predeceased mother.
5. That Petitioner is entitled to receive 1/3 of the assets distributable to each of the Paternal Heirs pursuant to written assignments.

Objections to Petition to Determine Heirship filed by Successor Administrator Gloria Hagopian on 9/3/15. Objector states the Heirship Petition alleges that the Decedent was the daughter of Paul Papa and Dolores Milano. That allegation is false as shown by the facts set forth below.

Delores Hagopian states she is the first cousin of Dolores, the predeceased mother of Cheryl Smart. Ms. Hagopian states when she was a young girl, she, along with her sisters were frequently in the home of Dolores and her parents during the 1940s. She personally observed that Dolores was very much in love with a serviceman named "Bill". She never knew Bill's last name. Ms. Hagopian states she saw Dolores and Bill in amorous situations in her parent's living room, and Dolores talked about her love for Bill frequently. While this relationship was ongoing, Dolores became pregnant with Cheryl. It was evident to her, and a logical conclusion, that Bill was the father of Cheryl. Cheryl was still *in utero* when Bill died.

When Dolores was still pregnant with Cheryl, and after Bill died, she stated dating Paul, who was also a serviceman. Ms. Hagopian states she remembers that Paul and Dolores never lived together.

Cheryl was born in 1945. Cheryl was initially Cheryl Papa. Ms. Hagopian states she remembers Dolores saying she wanted Cheryl to have a last name other than Milano, but Dolores also said Cheryl was not Paul's child.

Ms. Hagopain states Dolores stated in her presence that Paul proposed marriage to Dolores and wanted her to go with him to Louisiana. Dolores said she rejected the proposal, because she said she wanted to stay in Fresno. Very shortly after that, Paul returned to Louisiana and Ms. Hagopian never saw him again. Dolores said Paul got married in Louisiana and started a family there.

Please see additional page

3A Cheryl A. Smart (Estate) Case No. 12CEPR00468

Objections continued:

Dolores told Ms. Hagopian that she had to get a job to support herself and Cheryl, because Paul did not provide any support for Cheryl. It is her recollection that Paul never acted as if he were the father of Cheryl.

Ms. Hagopian further recalls that after Paul left the Fresno area, Dolores changed Cheryl's name to Pope, because she said she did not want Cheryl to have Paul's name any more.

Ms. Hagopian states she has no recollection and does not believe that a ceremony of marriage ever took place between Dolores and Paul. Dolores to Ms. Hagopian's recollection never used Papa as a surname.

Wherefore, Gloria Hagopian, as Successor Administrator of the estate and as Objector in this proceeding, prays that this Court order:

1. That Paul Papa was not the father of Decedent.
2. That neither Brandenburger & Davis, nor any of the relatives of Paul Papa, are entitled to any share of the Estate of Cheryl Ann Smart, Deceased.

Points and Authorities in Support of Objection filed on 9/3/15.

Request for Judicial Notice filed 9/9/15. Objector requests the Court take Judicial Notice of:

1. The Standard Certificate of Marriage of Paul Papa and Delores Milano certifying marriage on October 28, 1944 issued by the County of Fresno, California. (Exhibit A)
2. The Certificate of Live Birth of Cheryl Ann Papa, nee Milano on June 10, 1945 issued by the County of Fresno, California. (Exhibit B)
3. The Interlocutory Decree of Divorce entered by the Superior Court of California, County of Fresno, in the dissolution of marriage between Dolores Papa and Paul Papa awarding physical custody of Cheryl Ann Papa and child support to Dolores Papa on January 20, 1947. (Exhibit C)

Response to Administrator's Objection to Petition to Determine Heirship filed on 9/9/15. The single point raised in the objection to this Petition is that Paul Papa and Dolores Milano were not married and, therefore, there is no presumption that Paul Papa was the father of the decedent, Cheryl A. Smart. Paul Papa and Dolores Milano were married in Fresno, California on October 28, 1944. Pursuant to Family Code §7611, Cheryl A. Smart, nee Papa, is presumed to be the child of Paul Papa.

The evidence is both clear and consistent that Paul Papa was the father of Cheryl A. Smart, nee Papa.

Please see additional page

3 Cheryl A. Smart (Estate) Case No. 12CEPR00468

Response to Administrator's Objection to Petition to Determine Heirship filed on 9/9/15 (cont):

The Declaration of Gloria Hagopian is not persuasive for several reasons:

a. The statement attributed to the decedent's mother, Dolores, are hearsay and do not qualify as an exception to the hearsay rule.
b. The statements of Ms. Hagopian regarding the relationship between Dolores and "Bill" lack credibility in light of the fact that Paul and Dolores were married more than 8 months before Cheryl was born. In its best light, the recollection of events that occurred 70 years ago when Ms. Hagopian was 10 years old. Clearly Dolores was not pregnant by "Bill" before his death and then began dating Paul, since Paul and Dolores were married more than 8 months before Cheryl was born. Dolores may not have even known she was pregnant when she married Paul.
c. Paul and Dolores divorced in 1947. Paragraph 3 of the divorce decree refers to Cheryl as a child of the marriage and provides for the payment of support. Reference to the Court file shows that contrary to the declaration of Ms. Hagopian, Paul Papa did pay child support for Cheryl including a lump sum in 1957 to catch up back support due.
d. When Cheryl died, Ms. Hagopian was the informant on Cheryl's death certificate. She listed Paul Pope as Cheryl's father. With the passage of time she may have forgotten Cheryl's father was Paul Papa and not Paul Pope.

Wherefore, the Petitioner prays for the order requested in the Petition to Determine Heirship.

Declaration of Administrator, Gloria Hagopian, filed on 5/19/16 states she is the first cousin to Dolores Milano, the predeceased mother of Decedent, Cheryl Smart. Dolores lived in Fresno and had several siblings, but only one of her siblings had any children. That one sibling was Emil Milano.

Ms. Hagopian states she was well acquainted with Emil Milano and to the best of her recollection, he lived in Fresno all of his life. He died in 1999.

Emil told her he worked for a shipping company. He informed her that the ships he worked on traveled back and forth to Japan throughout the 1960s and it was during that time he met a Japanese woman there with whom he fathered a child. Ms. Hagopian does not know if he ever married the woman, but he said he kept contact with her and visited both her and the child on the occasions when he was in Japan. When she heard him speak about the child, Emil referred to him as "Michael Milano." Based on the facts stated, Michael Milano would be a first cousin to the decedent, Cheryl Smart.

When Michael Milano was in his late teens he traveled to Fresno twice to visit his father. Ms. Hagopian states she remembers those visits because he came to her home in Fresno. She states she recalls his approximate age because he was about 4 years younger than her son. Thus, Michael would have been born about 1960.

After those two occasions she state she never saw Michael again. She does not presently know how to locate Michael Milano. Inquiry has been made of her cousins, and none of them have an address for Michael Milano.

5 Chung Irrevocable Trust Case No. 14CEPR00626

Attorney **Tekunoff, Daniel J. and Paul Pimentel (for Petitioner Robert Chung)**
Attorney **Krbechek, Randolf (for Respondent Susan Hanley)**

Probate Status Hearing Re: Resolution of the Case and Surcharge Issue

Helene Chung DOD 10-6-2012		
Cont. from 092415, 011416, 042116		
	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	X
	UCCJEA	
	Citation	
	FTB Notice	

ROBERT CHUNG, Beneficiary and named successor trustee, filed a *Petition for Removal of Trustee, Accounting, Surcharge to Trustee for Damage to Estate, Damages for Breach of Fiduciary Duty, and Appointment of Successor Trustee* on 7/16/2014.

At the Hearing on 09/02/14 *[Judge Oliver]*, no Response having been filed and no appearances made by Respondent, the Court granted the Petition.

On 10/01/14, Respondent, **SUSAN HANLEY,** filed a Notice of Motion and Motion for Order Setting Aside and Vacating Order Removing Trustee and supporting documents.

On 10/21/14 *[Judge Oliver]*, the Court vacated its previous Order removing Susan Hanley as trustee.

Verified Answer to Petition for Removal of Trustee, etc. was filed by Susan Hanley on 11/06/14.

Minute Order from hearing on 12/02/14 set the matter for trial on 03/13/15.

Minute Order from trial on 03/13/15 set this status hearing re Resolution of the Case and Issue of Surcharge and states: Parties have reached an agreement as to the removal of the Trustee and have a formal written resignation; a written stipulation is being circulated for signatures.

***Status Conference Statement* filed by Attorney Krbechek for Susan Haley on 4/19/2016 for the previous status hearing states:** Counsel recently received the information needed to prepare the accounting from his client. However, counsel requires additional time to tabulate and compile the information, and therefore requests a brief extension — not more than **30 days** — to complete and file the accounting.

NEEDS/PROBLEMS/COMMENTS:

Continued from 4/21/2016.
Minute Order states Mr. Krbechek recently received the information needed for the accounting; requests 30 days. No appearance is necessary at the status hearing if the petition is filed at least two court days prior.

Note for background.
Minute Order dated 1/14/2016 from a previous hearing states Mr. Pimentel represents that a sale of the real property is supposed to be pending; he is unsure if it has closed or not, but once it has sold the parties should attend mediation. The Court directs Mr. Pimentel to contact the agent for an update and to start the mediation process forthwith.

Reviewed by: JF / LEG
Reviewed on: 5/24/16
Updates:
Recommendation:
File 5 – Chung

8A Daniel J. and Virginia L. Duggan Revocable Trust Case No. 15CEPR00308

Attorney Perryman, Mark D. (for Petitioner Mark Duggan) (Substitution filed 4/15/16)
Attorney Pimentel, Paul J. (for Respondent Daniel J. Duggan)

Petition for Findings and Orders to Compel an Accounting or Provide Information on the Trust: Confirm the Creation and Funding of Trust B; and Instructions on Validity of Trust Amendment

Virginia L. Duggan
DOD: 4/17/12

Cont. from 050515, 070715, 081115, 092915, 111015, 010716, 031016, 041416, 051216

	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	W
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	X
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

MARK DUGGAN, Remainder Beneficiary of Trust B, the irrevocable trust created under the Daniel J. Duggan and Virginia L. Duggan Revocable Living Trust dated 5/31/11, is Petitioner.

Petitioner seeks findings and orders to compel an accounting and provide information on the Trust B, confirm the creation and funding of Trust B, and that a trust amendment dated 6/29/12 (after the death of Settlor Virginia L. Duggan) applies only to Trust A.

Petitioner states Daniel and Virginia, husband and wife, executed the Daniel J. Duggan and Virginia L. Duggan Revocable Living Trust on 5/31/11. Virginia is Petitioner's mother. Daniel is Petitioner's adopted father. The trust provides that if either co-trustee should resign, become incapacitated, or die then the surviving trustee would become the sole trustee. Further, the trust provides that upon the death of one of the trustors, the trust was to be split into revocable Trust A and irrevocable Trust B, which was designated to hold the portion of the trust estate not allocated to revocable Trust A, portions from revocable trust A added upon the death of the surviving trustor, and other additions.

Virginia passed away 4/17/12. Over a year has passed since Virginia's death and Mark still has not received any information on his beneficial share of Trust B. Mark sent Daniel emails and letters requesting information and accounting, which went unanswered for some time. On 8/8/14, by and through his attorneys, Mark sent a letter to Daniel's attorney requesting, among other things, compies of the trust, amendments, and a full, complete, and accurate accounting that complies with Probate Code §§ 16063 and 1060 from 4/17/12 to the present date. The letter also stated that Mark agreed to Daniel's proposed allocation of real properties to Trust B.

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS:

Minute Order 5/12/16: Continued to the date of the accounting.

Page A: Petition for Findings and Orders to Compel an Accounting, etc.

Page B: First and Final Account of Trust B by Daniel J. Duggan, Successor Trustee

Page C: Petition for Breach of Trust: Instructions, Redress, and Removal/Suspension of Trustee

The following issues remain noted for reference:

1. **Need notice to Therese Tiab, the second named successor trustee, pursuant to Probate Code §17203.**
2. **Need order. See Local Rule 7.1.1.F.**

Reviewed by: skc
Reviewed on: 5/24/16
Updates:
Recommendation:
File 8A - Duggan

Petitioner states (Cont'd): Mark requested that Daniel record the deeds of the assets allocated to reflect that the assets were a part of Trust B and execute a promissory note for $125,000.00 with Trust B as the holder and Trust A as the maker of the note. Properties include:

1. 6022 North Marty Ave., APN 106-362-06S
2. 1697 East Los Altos, APN 408-253-13
3. 6750 North Millbrook, APN 408-281-07
4. 2020 South Mary, APNs 468-341-03 and 04
5. 2003-2009 South Sarah, APNs 468-341-14 and 18

On 8/12/14, counsel for Daniel sent a letter that stated he would forward the request to Daniel and provide information as requested. On 8/15/14, Counsel for Daniel mailed the Notification by Trustee pursuant to Probate Code §16061.7 and a copy of the Trust to Mark. The Notification indicated that the trust was amended on 6/29/12, after Virginia's death. Mark did not receive the amendment or the accounting requested.

Again, on 8/26/14, Mark's counsel wrote a letter requesting the trust documents that Daniel had failed to provide and again requested accounting. Daniel's counsel sent a letter that the accounting should be completed within about two weeks. Mark received a trust accounting for the period of 10/1/13 through 6/30/14, but the accounting did not conform to Probate Code §16063.

To date, Daniel has not furnished accounting that complies with the probate code, or the trust amendments. Further, he has not provided a copy of the appraisal report for the values of the real property that were to be allocated to Trust B. Daniel has provided copies of the recorded deeds showing that the appropriate properties were allocated to Trust be except for 2020 South Mary and 2003-2009 South Sarah. Daniel has also not provided an executed promissory note for $125,000.00 naming Trust B as the holder and Trust A as the maker of the note.

Petitioner provides authority and prays for relief as follows:

1. Finding that Trust B became irrevocable on 4/17/12;
2. Finding that the 6/29/12 amendment is not applicable to Trust B;
3. Finding that any amendment made after 4/17/12 is not applicable to Trust B;
4. Compelling the trustee to provide an accounting from 4/17/12 to present that complies with Probate Code §16063;
5. Compelling the trustee to provide all amendments to the trust;
6. Confirming the transfer of the following properties to the trust:
   - 6022 North Marty Ave., APN 106-362-06S
   - 1697 East Los Altos, APN 408-253-13
   - 6750 North Millbrook, APN 408-281-07
7. Instructing the trustee to transfer the following properties to Trust B:
   - 2020 South Mary, APNs 468-341-03 and 04
   - 2003-2009 South Sarah, APNs 468-341-14 and 18
8. Instructing the trustee to execute a promissory note for $125,000.00 with Trust B as the holder and Trust A as the maker of the note;
9. Approving the division of the trust into Trust A and Trust B;
10. For attorneys' fees and costs as permitted by law; and
11. For such other relief the court deems just and proper.

9 **Erik Lanuza (GUARD/E)** **Case No. 15CEPR01109**

Attorney **Sablan, Stacy F. (for Guardian Rosalia Lanuza)**

Status RE: Filing of the Inventory and Appraisal

				NEEDS/PROBLEMS/COMMENTS:
				OFF CALENDAR **Final I&A filed 5/12/16**
Cont. from 040716, 051216				
	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			**Reviewed by:** skc
	Status Rpt			**Reviewed on:** 5/24/16
	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 9- Lanuza**

10 Linda Thompson Garett (Estate) Case No. 15CEPR01171

Administrator Garrett, Christopher James (Pro Per Administrator)

Probate Status Hearing RE: Filing of the Inventory and Appraisal

DOD: 10/13/15				NEEDS/PROBLEMS/COMMENTS:
				OFF CALENDAR
				Final I&A filed 5/5/16
Cont. from 050516				
	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			Reviewed by: skc
	Status Rpt			Reviewed on: 5/24/16
	UCCJEA			Updates:
	Citation			Recommendation:
	FTB Notice			File 10- Garett

Dept. 303, 9:00 a.m. Thursday, May 26, 2016

11 Linda Susan Moreno (CONS/P) Case No. 15CEPR01212

Petitioner: Juanita Louise Moreno (pro per – mother)

Petition for Appointment of Probate Conservator

			Temporary Expires 5/26/16
			JUANITA MORENO, mother, is Petitioner
			Please see petition for details.
Cont. from 021116, 040716			**Court Investigator filed a report on 02/05/16.**
	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	X	
✓	**CI Report**		
	9202		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
✓	**Citation**		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

Court Investigator advised rights on 01/25/16.

Voting rights affected, need minute order.

1. Need Conservatorship Video Viewing Receipt

Reviewed by: JF/KT

Reviewed on: 5/24/16

Updates:

Recommendation:

File 11- Moreno

Dept. 303, 9:00 a.m. Thursday, May 26, 2016

12 DeAndra Lemarr Rogers (CONS/P) Case No. 15CEPR01213

Petitioner: Willie Jean Bass (pro per)

Petition for Appointment of Probate Conservator

			NO TEMPORARY REQUESTED
			WILLIE JEAN BASS, mother, is petitioner
			Please see petition for details.
Cont. from			
	Aff.Sub.Wit.		**Court Investigator filed a report on 02/04/16.**
✓	**Verified**		
	Inventory		**Court Investigator Supplemental Report filed on 5/9/16**
	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		

NEEDS/PROBLEMS/COMMENTS:

Court Investigator advised rights on 01/22/16.

Voting rights affected, need Minute Order.

1. Signature of Dr. Patrick Golden on the Capacity Declaration filed on 1/14/16 is not dated.
2. Capacity Declaration filed on 1/14/16 is incomplete at #4 proposed conservatee's name and #4a. the date the physician last saw the proposed conservatee.
3. Need proof of service, 30 days prior to the hearing, of the Notice of Hearing along with a copy of the Petition on:
   a. Central Valley Regional Center.

Reviewed by:	KT
Reviewed on:	5/24/16
Updates:	
Recommendation:	
File 12- Rogers	

Dept. 303, 9:00 a.m. Thursday, May 26, 2016

13A Nellie Lopez aka Nellie Bermudez Lopez (Estate) Case No. 15CEPR01217

Attorney **Ramirez, Edward R. (for Petitioner Jesus Lopez)**
Attorney **Pimentel, Paul J. (for Objector and Competing Petitioner Cristina Silvestri)**

Petition for Letters of Administration; Authorization to Administer Under IAEA

DOD: 3/20/08		
Cont. from 012616, 022316, 032916		
	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	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

JESUS LOPEZ, Former Spouse, is Petitioner and requests appointment as Administrator with Full IAEA without bond. (Order includes blocked account for proceeds of sale.)

Full IAEA – ok

Decedent died intestate

Residence: Clovis
Publication: Business Journal

Estimated value of estate:
Annual income: $7,200.00
Real property: $61,000.00 (Decedent's one-half interest, valued at $100,000.00, less $39,000.00, which is one-half of the encumbrance)

Probate Referee: Rick Smith

Petitioner states at the time of the decedent's death, they were already divorced, but were co-owners of certain real property located at 3518 Cleveland Street, Selma, CA 93662. The estate owns a one-half interest in said real property. As far as Petitioner is aware, the real property is the only asset of the estate. Before the decedent passed, Petitioner, the decedent, and some of their children were living at the Selma property. When Petitioner left for Mexico a few months before her passing, their children agreed to make the monthly house payment while they all lived there. In 2008 after Petitioner returned from Mexico, he discovered that the payment was not made and the house was being processed for foreclosure. Petitioner borrowed money to get the loan current. His adult children continued to physically live in the home and trashed the place and did not make payments. In 2009, he finally got possession back of the home and had to spend a substantial amount of time and money to get the property back to a habitable state. His children did not care about the property and do not talk to him. He does not have priority above his children, but they have no intention of helping him with the property. Petitioner's goal is to get appointed and sell the property so that he can get his share of the proceeds and give the children their shares.

NEEDS/PROBLEMS/COMMENTS:

<u>Note</u>: Page B is a competing petition filed by Cristina Silvestri, daughter.

1. **This estate was opened with a fee waiver. Upon appointment and/or prior to any distribution, all court fees may be due pursuant to Cal. Rule of Court 7.5(d).**
2. **Need declinations to serve from the decedent's four children: Ricardo Lopez, Cristina Silvestri, Jesus Lopez, Jr., Robert Lopez. (Per Minute Order 3/29/16, Mr. Ramirez represents that declinations will not be signed.)**
3. **Need bond of $68,200.00.**

<u>Note</u>: If granted, the Court will set status hearings:

- **Thursday, July 14, 2016 for filing of bond $68,200.00.**
- **Thursday, October 27, 2016 for filing the Inventory and Appraisal**
- **Thursday, July 28, 2017 for filing the first account or petition for final distribution.**

Reviewed by: skc
Reviewed on: 5/24/16
Updates:
Recommendation:
File 13A- Lopez

Declaration of Edward R. Ramirez, Jr., attorney for Jesus Lopez, filed 2/22/16 states the children of the decedent and Petitioner have priority under the probate code for appointment, but have failed to apply for said appointment for almost 8 years and therefore have failed to claim appointment. Petitioner requests the Court appoint Petitioner as personal representative pursuant to Probate Code §8468.

Objection filed 2/22/16 by Cristina Silvestri, daughter, states the decedent was not married to the decedent at the time of her death and is not her surviving spouse. Their divorce was final 7/20/07 and the decedent died 3/20/08. Accordingly, Petitioner has no priority of appointment.

Ms. Silvestri states she is the daughter and an heir and has priority exceeding Petitioner's. Petitioner has requested to serve without bond, but failed to establish a basis to exclude bond.

Ms. Silvestri states the petition has also failed to include all estate assets. At the time of her death, the decedent owned a 50% interest in the real property in Selma, the other 50% owned by Jesus Lopez. At the time of her death, the house was filled with her personal property. After her death, Jesus Lopez took possession and control of the house and rented it out to tenants; however, there is no annual gross income from the property an no cash accounts. Jesus Lopez' petition thereby fails to account for the personal property present in the home at the decedent's death and 50% of the rents generated over the last nine years.

Ms. Silvestri also filed a competing petition. See Page B.

Declaration filed 3/16/16 by Petitioner Jesus Lopez states the house in this matter was rented out for $1,200/month, so the estate share would have been $600/month or $7,200/year; therefore, the total estimated estate value at 3c(7) should be $68,200.00.

Over the course of the years, tenants have left without paying rent, and he has had to evict some. The last tenant had to be evicted and owed rent for four months. Petitioner continued to make the monthly mortgage payments of $900.

He is trying not to repeat what was previously stated, but when he got possession of the property, it was trashed and cleaned out of all personal property. Ricardo and Jesse Lopez, Jr., were living there and having yard sales of Petitioner's personal property and selling what belonged to their mother.

Petitioner states he and the decedent had a buyer for the property and had agreed to the terms with the buyer, but Jesse Lopez got aggressive with the buyer and the buyer backed out. After the last court hearing, Jesse went to the house to tell them not to pay rent to Petitioner. This did not do any harm because they weren't paying rent at the time.

Petitioner states the heirs all abandoned the property and left it in a mess for Petitioner to clean up and repair and get the mortgage current because they never paid when they lived there with their mom.

Petitioner realizes that at the appropriate time he will submit the required accounting.

Declaration of Edward R. Ramirez filed 3/28/16 clarifies that the real property total value is $200,000 and the encumbrance is $78,634.90; therefore, the estate's portion is an estimated value of $100,000, and the estate is responsible for half of the encumbrance, or $39,317.45.

13B Nellie Lopez aka Nellie Bermudez Lopez (Estate) Case No. 15CEPR01217

Attorney **Pimentel, Paul J. (for Petitioner Cristina Silvestri)**
Attorney **Ramirez, Edward R. (for Objector Jesus Lopez)**

Petition for Letters of Administration; Authorization to Administer Under IAEA

DOD: 3/20/08		
Cont. from 032916		
	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	

CRISTINA SILVESTRI, Daughter, is Petitioner and requests appointment as Administrator with Full IAEA without bond.

All heirs waive bond.

Full IAEA – ok

Decedent died intestate

Residence: Clovis
Publication: Business Journal

Estimated value of estate:
Real property: $61,000.00
(Decedent's one-half interest, valued at $100,000.00, less encumbrance of $39,000.00)

Probate Referee: Rick Smith

JESUS LOPEZ, Former Spouse, filed an Objection on 5/23/16. Objector recognizes that the children have priority of appointment. At the time of Decedent's passing, she was a joint owner of real property in Selma with Objector. Some of the children of Decedent and Objector had possession and decided not to pay rent to cover the mortgage payments and started selling the personal property that they could that belonged to Decedent and Objector herein and destroyed and trashed the home. Objector is requesting appointment as Administrator based on the Court's authority under Probate Code §8468 since the children had not filed any petition in almost eight years. Objector has paid money to get the property out of foreclosure, maintain and manage the property for the last eight years, and requests permission to be appointed and list the property for sale as soon as possible. Objector understands his responsibilities to provide the proper accounting to the court upon the filing of the final petition for distribution. Objector requests the Court deny the petition of Cristina Silvestri for appointment as administrator of the decedent's estate.

NEEDS/PROBLEMS/ COMMENTS:

<u>Note</u>: If granted, the Court will set status hearings:

- **Thursday, July 14, 2016 for filing of bond in the amount of $61,000.00, if required.**
- **Thursday, October 27, 2016 for filing the Inventory and Appraisal**
- **Thursday, July 28, 2017 for filing the first account or petition for final distribution.**

Reviewed by: skc
Reviewed on: 5/24/16
Updates:
Recommendation:
File 13B- Lopez

14 Ismael Pineda (CONS/PE) Case No. 16CEPR00012

Conservator **Pineda, Raquel (Pro Per – Daughter – Conservator)**

Status RE: Capacity Declaration and Reserved Issue of Bond

Cont. from		
	Aff.Sub.Wit.	
	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
✓	**Letters** 5/11/16	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

RAQUEL PINEDA, Daughter, was appointed Conservator of the Person and Estate on 5/9/16 and Letters issued 5/11/16.

Minute Order 5/9/16 states: The Court directs Petitioner to file documentation, capacity declaration. The Court grants the petition as to the person and estate, reserving the issue of bond.

The Court set this status hearing re capacity declaration and bond.

Re Medical Consent Powers: Petitioner did not originally request medical consent powers under Probate Code §2355; however, pursuant to the Court Investigator's report filed 4/29/16, Petitioner did hope to make medical decisions for her father. For medical consent powers under Probate Code §2355, a Capacity Declaration supporting the request is required.

Note: Capacity Declaration was filed 5/1/17.

Note: On 5/17/16, Petitioner filed additional information regarding her father's dialysis appointment.

Re Bond: Probate Code §2320(c)(4) and Cal. Rule of Court 7.207 require every conservator of the estate furnish bond, including cost of recovery.

Income as noted in the Court Investigator's report would require bond of at least $22,793.76.

NEEDS/PROBLEMS/ COMMENTS:

1. **The Court may require bond of at least $22,793.76 pursuant to Probate Code §2320(c)(4) and Cal. Rule of Court 7.207, which covers income plus cost of recovery.**

<u>Note</u>: The Court will set status hearings as follows:

- **Thursday, July 14, 2016 for the filing of bond of $22,793.76, if required.**
- **Thursday, September 29, 2016 for filing the Inventory and Appraisal**
- **Thursday, July 27, 2017 for the filing of the first account.**

If the proper items are on file prior to the status dates pursuant to Local Rule 7.5, status hearings may come off calendar.

Reviewed by: skc	
Reviewed on: 5/24/16	
Updates:	
Recommendation:	
File 14- Pineda	

15 Raquel Pineda (CONS/PE) Case No. 16CEPR00014

Conservator Pineda, Raquel (Pro Per – Daughter – Conservator)

Status RE: Capacity Declaration

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	

RAQUEL PINEDA, Daughter, was appointed Conservator of the Person on 5/9/16 and Letters issued 5/11/16.

Petitioner had requested medical consent powers under Probate Code §2355 and dementia medication ad placement powers under Probate Code §2356.5.

Minute Order 5/9/16 states: Petitioner is to file a new capacity declaration; the Court grants the petition as to the person only.

Examiner noted the following defects with the Capacity Declaration filed 4/1/16:

a. Dr. Guzman did not complete #3 as to whether he is a physician or psychologist.
b. Dr. Guzman did not complete #4a as to when he last saw the proposed Conservatee.
c. Dr. Guzman did not complete #4b as to whether the proposed Conservatee is or is not a patient under his continuing treatment.
d. Dr. Guzman did not complete #5 as to the proposed conservatee's ability to attend the hearing.
e. The Dementia Attachment at Page 4 (GC-335A) is not completed.
f. The Dementia Attachment at Page 4 appears to be signed by a <u>different</u> doctor than completed the rest of the form. If a different doctor is completing the Dementia Attachment, need all of the general information required at #1-4 of Page 1 of the Capacity Declaration, including office address, licensure, and patient information.

As of 5/24/16, nothing further ha been filed re this matter.

NEEDS/PROBLEMS/COMMENTS:

1. **Need amended Capacity Declaration in support of medical consent and dementia medication and placement powers.**

Reviewed by: skc

Reviewed on: 5/24/16

Updates:

Recommendation:

File 15- Pineda

Dept. 303, 9:00 a.m. Thursday, May 26, 2016

17 Lola Cerda (GUARD/P) Case No. 16CEPR00126

Attorney Bakergumprechg-Davis, Kathleen (for Petitioner Brandi Dawn Collins)
Objector Cerda, Jose Luis, Jr. (Pro Per – Father – Objector)

Petition for Appointment of Guardian of the Person

			See petition for details.
Cont. from 040716			
	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		
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/ COMMENTS:

Minute Order 4/7/16: Ms. Davies represents that she was just retained and is addressing the service issues. Jose Cerda represents that the paternal grandmother is Demaris Guerrero (?) of New York.

Note: All notice issues have now been cured.

Note: See Minute Order of 2/16/16 re supervised visitation orders for the father.

Note: Notice of Unavailability of Counsel filed 5/12/16 indicates various dates of unavailability.

Reviewed by: skc
Reviewed on: 5/24/16
Updates:
Recommendation:
File 17- Cerda

18A **Stevie Underwood (SNT)** **Case No. 16CEPR00184**

Attorney **Berger, Bruce J., and/or Earl, Mattew J. (for Alliance United Insurance Group)**

Ex Parte Petition for Appointment of Guardian Ad Litem

Cont. from 033016, 050416		
	Aff.Sub.Wit.	
✔	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	x
	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	

ALLIANCE UNITED INSURANCE GROUP is Petitioner and requests appointment of **MARIDAUN DEFOREST**, Parent, as Guardian ad Litem to represent the interests of **STEVIE UNDERWOOD**, a person with a disability within the meaning of Probate Code §3603.

Petitioner states appointment as Guardian ad Litem is sought to give Ms. DeForest standing to file the petition to establish the Special Needs Trust with the Probate Court.

Petitioner states Stevie Underwood suffered severe trauma to her brain when the vehicle driven by Dustin Harper struck metal fencing debris on eastbound Highway 180. Ms. Underwood was riding in the front passenger seat of Mr. Harper's vehicle. As a result, Ms. Underwood lost approx. 30% of her brain tissue, spent approx. one month in a coma, and underwent multiple brain surgeries. She does have some use of her limbs, is able to speak, is mentally alert, but her ability to problem-solve has become severely compromised.

Mr. Harper's insurance agency, Alliance United Insurance Group, has offered to pay Ms. Underwood the limit of Mr. Harper's policy and has retained Mr. Gerger's firm to establish a special needs trust in order to protect Ms. Underwood's public benefits eligibility. A guardian ad litem is sought to file said petition.

Petitioner states Ms. DeForest is Ms. Underwood's mother and has cared for her since the date of the accident. She has no interest adverse to Ms. Underwood. Her only goal is to protect the rights of Ms. Underwood.

Mr. Berger does not represent Ms. DeForest or Ms. Underwood, but is assisting Ms. DeForest in the limited capacity to establish Ms. DeForest as the guardian ad litem for Ms. Underwood.

NEEDS/PROBLEMS/COMMENTS:

<u>Minute Order 3/30/16</u>: Counsel requests a continuance to address the defects.

<u>Note</u>: This petition was filed ex parte on 2/18/16. On 3/9/16, the Court ordered the ex parte petition set for hearing on 3/30/16 with 15 days' notice to interested parties. Order setting hearing was mailed to Attorney Berger on 3/10/16.

As of 5/24/16, nothing further has been filed. The following issues remain noted:

1. **A person may not act as a guardian ad litem unless he or she is an attorney or is represented by an attorney. See NOTE at caption of the petition.**
2. **Need proof of service of Notice of Hearing on this Petition for Appointment of Guardian ad Litem at least 15 days prior to the hearing per Order of 3/9/16, including:**
   - Stevie Underwood
   - Maridaun Forest
   - Other interested parties/agencies

Reviewed by: skc	
Reviewed on: 5/24/16	
Updates:	
Recommendation:	
File 18A- Underwood	

18B **Stevie Underwood (SNT)** **Case No. 16CEPR00184**

Attorney **Berger, Bruce J., and/or Earl, Mattew J. (for Alliance United Insurance Group)**

Petition for Order Establishing Special Needs Trust

Cont. from 033016, 050416		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	x
✓	**Aff.Mail**	w
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	x
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

STEVIE UNDERWOOD, by and through her Guardian ad Litem **MARIDAUN DEFOREST**, is Petitioner.

Petitioner seeks an order under Probate Code §§3600-3613 to establish a special needs trust (SNT) with Ms. Underwood as the proposed beneficiary. The SNT will be funded with the prceeds of a release of claims against Dustin Harper. Ms. Underwood has a disabling condition and receives public benefits to meet her basic needs. Outright distribution will result in loss of vital public benefits unless directed to a SNT.

Ms. Underwood is disabled because of an automobile accident in which she sustained severe head injuries. As a result, her cognitive functioning is impaired, affecting her ability to live independently and be employed. She receives SSI and Medi-Cal. See petition for details.

Following the establishment of this SNT, Petitioner will seek an order approving compromise of disputed claim with a disability. After payment of the Medi-Cal lien, Ms. Underwood will receive approx. $13,500.00. Petitioner seeks an order that this settlement be paid to the trustee of the Stevie Underwood Special Needs Trust, which is authorized under Probate Code §§3602-3613. See proposed trust at Exhibit B.

Petitioner states the proposed SNT complies with all federal and state law requirements. The proposed beneficiary is disabled, is 24 years old, and the trust has a payback provision.

SEE PAGE 2

NEEDS/PROBLEMS/COMMENTS:

<u>Note</u>: Ms. DeForest's standing as GAL is contingent on her appointment pursuant to the petition at Page A.

<u>Minute Order 3/30/16</u>: Counsel requests a continuance to address the defects.

As of 5/24/16, nothing further has been filed. The following issues remain noted:

SEE PAGE 3

Reviewed by: skc	
Reviewed on: 5/24/16	
Updates:	
Recommendation:	
File 18B- Underwood	

Dept. 303, 9:00 a.m. Thursday, May 26, 2016

Page 2 - Petitioner states the Court must find:

1) That the minor or person with a disability has a disability that substantially impairs the individual's ability to provide for the individual's own care or custody and constitutes a substantial handicap;
2) That the minor or person with a disability is likely to have special needs that will not be met without the trust;
3) That money to be paid to the trust does not exceed the amount that appears reasonably necessary to meet the special needs of the minor or person with a disability.

Petitioner states Stevie Underwood has already been determined to have a disabling condition such that she is eligible for SSI. She is partially paralyzed and her condition has impaired her ability to provide for her basic living needs and support. See petition for details.

Petitioner states without the trust in place, Ms. Underwood's special needs for things that will aid her throughout her life will not be provided for from public benefits, including caregiving services, palliative care, and other goods and services that will enhance her quality of life. A SNT will be necessary to provide those things.

Petitioner states in view of Ms. Underwood's serious disability and lack of other resources to pay for specialized care, the funds that will form the corpus of the trust appear reasonably necessary for her special needs.

Petitioner states the trust also complies with Cal. Rule of Court 7.903.

Petitioner proposes that **MARIDAUN DEFOREST**, Ms. Underwood's mother and guardian ad litem, be named as the initial trustee. The trustee will have available to her case managers, accounting and administrative support, and others to assist, as necessary, in carrying out her duties as trustee. Consent filed at Exhibit C.

Bond: Petitioner states the Court may dispense with bond if it appears likely that the estate will satisfy the conditions of §2628 for its duration. Given the value of the settlement ($13,500.00), Petitioner respectfully requests that no bond be required by the trustee.

Petitioner prays 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 Stevie Underwood Special Needs Trust, the Petitioner is directed to execute it, and the Court has continuing jurisdiction over it;
3. That Maridaun DeForest shall serve as initial trustee without bond;
4. That Stevie Underwood has a disability that substantially impairs her ability to provide for her own care or custody and constitutes a substantial handicap;
5. That Stevie Underwood is likely to have special needs that will not be med without the trust;
6. That money to be paid to the trust does not exceed the amount that appears reasonably necessary to meet Stevie Underwood's needs;
7. That the payment of all monies due Stevie Underwood in settlement of her potential claim shall be paid to the trustee of the Special Needs Trust after payment of the personal injury Medi-Cal lien;
8. That the assets of the trust estate are unavailable to the beneficiary and shall not constitute a resource to Stevie Underwood for her financial eligibility for Medi-Cal, SSI, regional center assistance, or any other program of public benefits.

NEEDS/PROBLEMS/COMMENTS:

1. **Notice of Hearing was served only on the agencies required at Probate Code §3602(f), but was not served on the proposed beneficiary, the proposed trustee, the proposed alternate trustee, or any other interested persons. Therefore need continuance for proper notice to the following:**
   - Proposed beneficiary Stevie Underwood
   - Proposed trustee Maridaun DeForest
   - Proposed alternate trustee Neoala DeForest
   - Other remainder beneficiaries (see #2 below)

   Note: The Court may require clarification regarding the named alternate trustee Neoala DeForest. How is this person related to the beneficiary?

   Note: Although Maridaun DeForest is technically the petitioner herein, she is not represented by the filing attorney, who in fact represents the insurance agency that will be funding the trust based on a settlement with Ms. DeForsest on Ms. Underwood's behalf. Therefore, despite Probate Code §1201 not requiring notice to self, it appears notice to Ms. DeForest is appropriate in this instance.

2. **The trust at Article Six, provides that if the beneficiary leaves no spouse or issue, then her mother, Maridaun DeForest, is the remainder beneficiary. However, pursuant to intestate succession §6402(b), both parents would be her heirs. Therefore, need clarification regarding the omission of Stevie Underwood's father from this section. Notice of Hearing should also be given to the father as an interested person.**

3. **It is the policy of the Court to require Court approval for major purchases (over $2,000.00), which after purchase become assets of the trust. See Local Rule 7.19.B. It appears this language should be added to Article Three. Need revised proposed trust.**

4. **The trust should include a "Schedule A" which lists the assets that will fund the special needs trust. See Local Rule 7.19.A.**

   Note: Given the proposed value ($13,500.00), the Court may require further information regarding Petitioner's plans for use of the funds. Does Petitioner intend to make one or a few large purchases, such as a vehicle or a residence (per Article Seven, Section 5), or does Petitioner intend to maintain the funds in the trust for smaller special needs of the beneficiary?

5. **Petitioner requests bond be waived pursuant to Probate Code §§ 2323, 2628 given the value of the trust (See Article Eight, Section 1; Cal. Rule of Court 7.903(d); however, it is the policy of the Court to require blocked account in lieu of bond. Therefore, if bond of $14,850.00 is not required pursuant to Cal. Rules of Court 7.903(c), 7.207, Probate Code §2320(c), need Order to Deposit Money Into Blocked Account (MC-355), and the Court will set a status hearing for the filing of the receipt (MC-356).**

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS (Cont'd):

6. **Petitioner requests the Court waive accountings (See Article Eight, Section 4) pursuant to Cal. Rule of Court 7.903(d), given the value of the trust; however, it is the policy of the Court to require at least a first account pursuant to Probate Code §2620(a) prior to waiver of *further* accounts. See Local Rule 7.8 re blocked accounts. If a first account is required, the Court may set a status hearing for its filing.**

7. **Need order. Local Rule 7.1.1.F.**

Note: If granted, the Court may set status hearings as follows:

- **Thursday, July 14, 2016 for the filing of bond of $14,850.00 or receipt for blocked account (MC-356), as required.**
- **Wednesday, July 28, 2017 for the filing of the first account, if required.**

If the proper items are on file, status hearings may come off calendar. See Local Rule 7.5.

20A Janice Keisler (CONS/PE) Case No. 16CEPR00359

Attorney: Nancy LeVan (for Temporary Conservator Mier Keisler)

Probate Status Hearing RE: Proof of Bond

Age: 86 years			GENERAL HEARING 5/26/16	NEEDS/PROBLEMS/COMMENTS:
			MEIR KEILSER, was appointed temporary conservator of the person and estate on 4/14/16, with bond set at $62,920.00. **Minute order dated 4/14/16** set a status hearing for the filing of the bond.	**Continued from 5/12/16. Minute order states Meir Keisler is ordered to be personally present or present via CourtCall on 5/26/16.** 1. **Need bond or current written status report** pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
				Reviewed by: KT
				Reviewed on: 5/24/16
				Updates:
				Recommendation:
				File 20A- Keisler
Cont. from 051216				
	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			

Dept. 303, 9:00 a.m. Thursday, May 26, 2016

20B Janice Keisler (CONS/PE) Case No. 16CEPR00359

Attorney: Nancy LeVan (for Petitioner Jon Keisler)

Petition for Appointment of Probate Conservator of the Person and Estate

Cont. from 051916		
	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	X
✓	**CI Report**	
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
✓	**Citation**	
	FTB Notice	

Temporary Expires 5/26/16

JON KEISLER, son, is petitioner and requests **MIER KEISLER,** son, be appointed as conservator of the person and estate with bond.

Please see petition for details.

Court Investigator Report filed on 5/17/16.

NEEDS/PROBLEMS/COMMENTS:

Continued from 5/19/16. Minute order states continued for the conservatorship video viewing certificate and posting of bond.

Court Investigator Advised Rights on 5/5/16.

Note: Mier Keisler was appointed temporary conservator of the estate with bond set at $62,920.00 on 4/14/16. *Bond has not been filed and Letters have not issued.*

1. Petition requests bond but does not include the amount of the bond requested. Based on the value of the personal property, income for one year and the cost of recovery the **bond should be set at $62,920.00**

2. Need conservatorship video viewing receipt for Mier Keisler.

Note: If the petition is granted, status hearings will be set as follows:

- **Wednesday, June 29, 2016** at 9:00 a.m. in Department 303, for the filing of the bond.
- **Wednesday, September 28, 2016** at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.
- **Wednesday, July 26, 2017** at 9:00 a.m. in Department 303, for the filing of the first account.

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.

Reviewed by: KT

Reviewed on: 5/24/16

Updates:

Recommendation:

File 20B- Keisler