

**First and Final Account and Report of Executor of Estate Already Distributed**

<b>DOD: 04/13/01</b>		<p><b>SANDRA FINDLEY</b>, Executor, is Petitioner.</p> <p><b>Petitioner states:</b></p> <ol style="list-style-type: none"> <li>1. A final Inventory &amp; Appraisal was filed 05/08/03 listing the only asset of the estate as real property valued at \$120,000.00.</li> <li>2. All required notices have been provided.</li> <li>3. The heirs of the estate were the decedent's surviving spouse, Mildred Genevieve Johnson (DOD: 03/27/14) and his two children, Sandra Findley (Petitioner) and David Johnson.</li> <li>4. Pursuant to decedent's will, the decedent left his estate as follows:             <ol style="list-style-type: none"> <li>a. He confirmed to his wife her interest in the community property;</li> <li>b. He left the separate property of his estate to his two children in equal shares.</li> </ol> <p>The real property was sold on 07/10/03 and upon the advice of their previous attorney, William P. Irwin (deceased), they distributed the sale proceeds directly from escrow one-half to Mildred Genevieve Johnson and one-fourth to Sandra R. Findley and one-fourth to David E. Johnson. They all reported having received their share of the estate.</p> </li> </ol> <p><b>Petitioner prays for an Order that:</b></p> <ol style="list-style-type: none"> <li>1. The First and Final Account and Report of Petitioner be settled, allowed and approved as filed, and all acts and proceedings of petitioner as executor be confirmed and approved; and</li> <li>2. Sandra Findley be discharged as executor of the estate of Eric W. Johnson.</li> </ol>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>	
<b>Cont. from</b>				
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			
<input checked="" type="checkbox"/>	<b>Verified</b>			
<input checked="" type="checkbox"/>	<b>Inventory</b>			
<input checked="" type="checkbox"/>	<b>PTC</b>			
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>			
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>			
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>			w/
<input type="checkbox"/>	<b>Aff.Pub.</b>			
<input type="checkbox"/>	<b>Sp.Ntc.</b>			
<input type="checkbox"/>	<b>Pers.Serv.</b>			
<input type="checkbox"/>	<b>Conf. Screen</b>			
<input type="checkbox"/>	<b>Letters</b>			07/08/03
<input type="checkbox"/>	<b>Duties/Supp</b>			
<input type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input type="checkbox"/>	<b>CI Report</b>			
<input type="checkbox"/>	<b>9202</b>			n/a
<input checked="" type="checkbox"/>	<b>Order</b>			
<input type="checkbox"/>	<b>Aff. Posting</b>			
<input type="checkbox"/>	<b>Status Rpt</b>			
<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			n/a

**Sixty - First Account and Report of Trustee Created under the Will of James M Wells, Deceased; Petition for Allowance of Fees to Trustee; and Petition for Approval of Accounting for the year 2013**

	<b>RICHARD D. WELLS</b> , Successor Trustee, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	Account period: 1/1/13 thru 12/31/13	
<b>Cont. from</b>	Accounting - <b>\$130,182.28</b>	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Beginning POH - <b>\$41,045.85</b>	
<input checked="" type="checkbox"/> <b>Verified</b>	Ending POH - <b>\$48,671.56</b>	
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>	Trustee fees - <b>\$2,400.00</b>	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	<i>(40 hours x \$60/hour per declaration; for ordinary and routine management of trust property)</i>	
<input checked="" type="checkbox"/> <b>Aff.Mail</b> w/		
<input type="checkbox"/> <b>Aff.Pub.</b>	Attorney fees - <b>Not addressed</b>	
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>	<b>Petitioner prays for an order:</b>	
<input type="checkbox"/> <b>Duties/Supp</b>	1. Approving, allowing and settling the 60th account; and	
<input type="checkbox"/> <b>Objections</b>	2. Approving the sum of <b>\$2,400.00</b> as payment to Petitioner as a fair and reasonable fee for services rendered during this account period as Successor Trustee.	
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 05/21/14
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 2 - Wells</b>

**Notice of Motion and Motion to be Relieved as Counsel**

<b>DOD: 02/15/07</b>	<b>THOMAS A. MARKESON</b> , attorney for Administrator, is Petitioner.		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need Notice of Hearing.</p>
	<b>MARIANNE HERDEWEL</b> , was appointed Administrator on 07/08/08 without bond.		
	Letters of Administration were issued on 07/08/08.		
	I & A showing the value of the estate at \$215,000.00 was filed on 07/30/08.		
<b>Cont. from</b>	<b>Petitioner states</b> that he has been unable to contact Ms. Herdewel since 2008. Petitioner believes that the lender foreclosed on the real property asset of the estate. Petitioner states that he has been unable to locate an address for Ms. Herdewel, he further states that he has contacted people identified as possible acquaintances or relatives, but has been unable to find any information as to her whereabouts. Messages sent to her e-mail address have gone unanswered.		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>			
<input checked="" type="checkbox"/> <b>Verified</b>			
<input type="checkbox"/> <b>Inventory</b>			
<input type="checkbox"/> <b>PTC</b>			
<input type="checkbox"/> <b>Not.Cred.</b>			
<input type="checkbox"/> <b>Notice of Hrg</b>		x	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>		w/	
<input type="checkbox"/> <b>Aff.Pub.</b>			
<input type="checkbox"/> <b>Sp.Ntc.</b>			
<input type="checkbox"/> <b>Pers.Serv.</b>			
<input type="checkbox"/> <b>Conf. Screen</b>			
<input type="checkbox"/> <b>Letters</b>			
<input type="checkbox"/> <b>Duties/Supp</b>			
<input type="checkbox"/> <b>Objections</b>			
<input type="checkbox"/> <b>Video Receipt</b>			
<input type="checkbox"/> <b>CI Report</b>			
<input type="checkbox"/> <b>9202</b>			
<input checked="" type="checkbox"/> <b>Order</b>			
<input type="checkbox"/> <b>Aff. Posting</b>			
<input type="checkbox"/> <b>Status Rpt</b>			
<input type="checkbox"/> <b>UCCJEA</b>			
<input type="checkbox"/> <b>Citation</b>			
<input type="checkbox"/> <b>FTB Notice</b>			
			<b>Reviewed by:</b> JF
			<b>Reviewed on:</b> 05/21/14
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 3 - Herdewel</b>

(1) First and Final Report of Executor of Status of Administration, Waiver of Accounting and (2) Petition for Allowance of Statutory Attorneys' Compensation and for (3) Final Distribution

<b>DOD: 02/12/08</b>		<b>MICHAEL J. BOGOSIAN</b> , Executor, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. The revised Order indicates the cash to be distributed to Michael Bogosian is \$6,664.14, however, the examiner calculates that the remaining cash, after payment of the statutory attorney's fees, to be \$7,096.04. The order may be interlineated to reflect the correct cash distribution if necessary.  2. Petitioner did not provide notice to the Franchise Tax Board as required pursuant to Probate Code § 9202(c).
		Accounting is waived.	
		I & A - <b>\$136,791.00</b>	
		POH - <b>\$123,967.64</b> (\$12,199.77 is cash)	
<b>Cont. from</b>		Executor - <b>waived</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Attorney - <b>\$5,103.73</b> (statutory)	
<input checked="" type="checkbox"/>	<b>Verified</b>	<b>Distribution, pursuant to decedent's will, is to:</b>	
<input checked="" type="checkbox"/>	<b>Inventory</b>	Michael J. Bogosian - \$6,664.14 cash, plus 1/3 interest in an installment note valued at \$11,767.87, plus 100% interest in an unsecured promissory note valued at \$100,000.00	
<input checked="" type="checkbox"/>	<b>PTC</b>	<b>Declaration of Jeffrey Simonian Concerning Omission of Information in Petition for Final Distribution</b> filed 05/22/14 states: that notice to the Franchise Tax Board (FTB) was inadvertently not provided. However, the failure to give notice of these proceedings to the FTB should not delay the conclusion of the administration of the Decedent's estate. The final personal income tax returns were timely filed for the Decedent with the IRS and the FTB in 2009. The returns were marked as the final return for a deceased taxpayer thus providing notice of the Decedent's death to the respective tax authorities. No assessments or notice of change relating to the Decedent's final personal income tax return has been issued by the FTB and the limitations period for such assessment expired in 2013. The Executor is the sole beneficiary of the estate and a resident of California. In addition to having personal liability for failing to file required returns and pay any associated tax due to his fiduciary capacity, to the extent the Decedent's estate is distributed as prayed in the Petition, as sole beneficiary of the estate, also has personal liability for any unpaid taxes. Bringing the administration of the estate to a close will not impair the ability of the FTB to collect any unpaid taxes.	
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	w/	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>	06/30/09	
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>	x	
		<b>Reviewed by:</b> JF	
		<b>Reviewed on:</b> 05/21/14	
		<b>Updates:</b> 05/22/14	
		<b>Recommendation:</b>	
		<b>File 4 - Bogosian</b>	

<b>DOD: 4-14-12</b>	<b>ESTHER F. SOTELO</b> , Granddaughter and Trustee with bond of \$10,000.00, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	Account period: 1-1-11 thru 12-31-13	1. Need account statements pursuant to Probate Code §2620. Note: The account statements filed 4-15-14 are from the middle of the account period. Need the statements showing the balance as of the closing date of the account period (12-31-13.)
	Accounting: \$215,842.76	2. Examiner Notes previously noted that Article V requires distribution of the trust upon the death of the grantor. Mrs. Sotelo died almost two years ago, but the petition was not filed as a final account. At this time, Petitioner states she intends to bring the house to code and sell and distribute. The Court may require clarification regarding the time frame involved.
	Beginning POH: \$200,000.00	3. It appears the trustee's bond amount of \$10,000.00 was based on the conservatorship bond and the conservatee's income, and did not need to cover the real property because sale of the conservatee's real property would require Court oversight during her lifetime. However, at this time, the Court may require increased bond if the property is to be sold.
	Ending POH: \$200,000.00 (real property)	<b>Note: The Court will set a status hearing for the filing of the final account and petition for final distribution.</b>
✓ <b>Aff.Sub.Wit.</b>	Trustee: Petitioner requests fees to be deferred until the trust is ready for distribution	<b>Reviewed by:</b> skc
✓ <b>Verified</b>	Attorney: Petitioner requests fees to be deferred until the trust is ready for distribution	<b>Reviewed on:</b> 5-22-14
<b>Inventory</b>	Petitioner states Mrs. Esther Sotelo died on 4-14-12. The trust has been kept open because the trustee wants to maximize the return on sale of the trust's principal asset, a house in Pasadena, Ca, prior to distribution. There was substantial deferred maintenance on the property when the Sotelo Conservatorship (03CEPR01364) was first established. Also, a caretaker that has been residing at the property has invested a substantial sum in repairs in exchange for rent. More recently, Petitioner has engaged a company that provides carpentry and plumbing work to do additional repairs to bring it up to code for sale. A real estate agent has been engaged to list the property for sale and it is petitioner's intent to distribute the trust estate to beneficiaries as soon as the house in Pasadena is sold.	<b>Updates:</b>
<b>PTC</b>		<b>Recommendation:</b>
<b>Not.Cred.</b>		<b>File 2 – Sotelo</b>
✓ <b>Notice of Hrg</b>		
✓ <b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		

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

<b>DOD: 12/7/11</b>		<p><b>GLORIA HAGOPIAN</b> is petitioner and requests appointment as Administrator without bond.</p> <p><b>KIRK HAGOPIAN</b>, current Administrator filed a resignation on 4/17/14.</p> <p>Limited IAEA – o.k.</p> <p>Decedent died intestate.</p> <p>Residence: Fresno          Publication: Fresno Business Journal</p> <p><b>Estimated value of the estate: Not listed</b></p> <p><b>Probate Referee: Steven Diebert.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Petition requests limited IAEA authority. #2d(3) of the petition was checked requesting funds be placed into a blocked account but the amount is not included. Inventories and appraisals filed to date show cash assets totaling \$143,363.08.</li> <li>2. Petition does not include the estimated value of the estate.</li> <li>3. Need Supplement to the Duties and Liabilities.</li> <li>4. Letters</li> </ol> <p><b>Note:</b> If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> <li>• <b>Wednesday, October 15, 2014</b> at 9:00 a.m. in Department 303, for the filing of the final inventory and appraisal.</li> <li>• <b>Wednesday, July 15, 2015</b> at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.</li> </ul>	
<b>Cont. from 042114</b>				
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			
<input checked="" type="checkbox"/>	<b>Verified</b>			
<input type="checkbox"/>	<b>Inventory</b>			
<input type="checkbox"/>	<b>PTC</b>			
<input type="checkbox"/>	<b>Not.Cred.</b>			
<input type="checkbox"/>	<b>Notice of Hrg</b>			
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>			W/O
<input checked="" type="checkbox"/>	<b>Aff.Pub.</b>			
<input type="checkbox"/>	<b>Sp.Ntc.</b>			
<input type="checkbox"/>	<b>Pers.Serv.</b>			
<input type="checkbox"/>	<b>Conf. Screen</b>			
<input type="checkbox"/>	<b>Letters</b>	X		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>	X		
<input type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input type="checkbox"/>	<b>CI Report</b>			
<input type="checkbox"/>	<b>9202</b>			
<input checked="" type="checkbox"/>	<b>Order</b>			
<input type="checkbox"/>	<b>Aff. Posting</b>			
<input type="checkbox"/>	<b>Status Rpt</b>			
<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			
<b>Reviewed by: KT</b>				
<b>Reviewed on: 5/22/14</b>				
<b>Updates:</b>				
<b>Recommendation:</b>				
<b>File 6 – Smart</b>				



**NEEDS/PROBLEMS/COMMENTS, continued:**

**Note:** Declaration of Jeffrey D. Simonian Concerning Omission of Information in Petition for Final Distribution filed on 5/22/2014 states:

- The purpose of the Declaration is to present to the Court information to clarify the omission of information in the *First and Final Account*, which does not state whether notice of the proceedings was given to the Franchise Tax Board as required under Probate Code § 9202(c);
- No such formal notice of the administration of the Decedent's estate was given to the Franchise Tax Board, and the failure to give such notice was inadvertent.
- However, the failure to give notice of these proceedings to the Franchise Tax Board should not delay the conclusion of the administration of Decedent's estate;
- The final personal income tax returns were timely filed for the Decedent with the Internal Revenue Service and the Franchise Tax Board in 2013;
- The filed returns were marked as the final return for a deceased taxpayer thus providing notice of the Decedent's death to the respective authorities;
- All income taxes due and payable by the estate and the Decedent have been paid and all required fiduciary income tax returns have been prepared and timely filed by the Petitioner;
- To date, no assessment or notice of change relating to the Decedent's final personal income tax return has been issued by the Franchise Tax Board;
- However, the limitations period for such assessment or notice of change would not expire until 2017;
- The Executor is the sole beneficiary of Decedent's estate and a resident of California; in addition to having personal liability for failing to file required returns and pay an associated tax due to his fiduciary capacity, to the extent the Decedent's estate is distributed as prayed in the *First and Final Account*, the Executor/sole beneficiary of the Decedent's estate also has personal liability for any unpaid taxes to the extent the assets of the Decedent's estate are distributed to him under Probate Code § 9203(b);
- Probate Code § 9203(a) further provides that failure to give notice to the Franchise Tax Board does not affect the validity of any proceedings concerning the administration of the Decedent's estate;
- Accordingly, bringing the administration of the Decedent's estate to a close at the present time will not impair the ability of the Franchise Tax Board to collect any unpaid taxes (of which there are none) since the Executor/sole beneficiary of the Decedent's estate receives the assets of the Decedent's estate subject to any claim by the Franchise Tax Board;
- In the interest of judicial efficiency and to avoid protracted delay, the Decedent's estate should be brought to a close as prayed in the *First and Final Account*.

Atty Boyajian, Thomas M., sole practitioner (for Petitioner Carl John Peterson, former spouse)  
 Atty Shahbazian, Steven L., sole practitioner (for Objector Kimbra Pannett, daughter)

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

<b>DOD: 2/21/2013</b>		<p><b>CARL JOHN PETERSON</b>, former spouse and first named Executor without bond, is Petitioner.</p> <p>Full IAEA – o.k.</p> <p><b>Lost Will dated:</b> 06/19/2012</p> <p>Residence: Clovis                  Publication: The Business Journal</p> <p><b>Estimated value of the Estate:</b>                  Personal property - \$434,000.00                  Real property - \$325,000.00  <b>Total: - \$759,000.00</b></p> <p>Probate Referee: Steven Diebert</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 4/14/2014.</b> Minute Order [Settlement Conference Re: Disputed Claim] states: Parties engage in settlement discussions with the Court. Parties reach a resolution regarding the disputed claim as follows: parties agree that the estate will pay Kimbra Pannett <b>\$75,000.00</b> as full and complete settlement of all claims. Payment to be made within 60 days. Parties further agree that the objections to the second amended petition will be withdrawn. Counsel is directed to set a date with the Clerk's Office for hearing on the second amended petition [date set is 5/27/2014.] Upon inquiry by the Court, each party individually agrees to the terms and conditions of the settlement. The Court accepts Mr. Peterson's representation that Tambra Peterson is also in agreement with the resolution. Counsel is directed to prepare the agreement. The trial date of 5/6/2014 is vacated. Matter is set for Status Hearing Re: Settlement Agreement on <b>6/13/2014</b>.</p> <p>1. <i>Proof of Service by Mail</i> of the Notice of Hearing filed 5/16/2014 does not show notice was served to <b>KIMBRA PANNETT</b>, daughter. Need proof of notice or waiver of notice from Kimbra Pannett to be filed with the Court.</p> <p><b>~Please see additional page~</b></p>
<b>Cont. from 070213, 082013, 100813, 102913, 052714</b>			
<input checked="" type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> W/O		
<input checked="" type="checkbox"/>	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		
<input checked="" type="checkbox"/>	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		
		<b>Reviewed by:</b> LEG	
		<b>Reviewed on:</b> 5/21/14	
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 8 - Gomes</b>	

**NEEDS/PROBLEMS/COMMENTS, continued:**

2. Petitioner Carl Peterson is a resident of South Dakota. 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 Rule of Court 7.201 (b) and Probate Code § 8571. *Declaration of Waiver of Bond* was filed 12/12/2013 with specific reference to waiver of bond for the Special Administrator, **CARL PETERSON**, by the following persons: Cynthia Wallert; Matthew Peterson; Tandra Peterson; John Torres; Florinda Torres; Kimbra Pannett. Petitioner Carl Peterson was appointed Special Administrator with limited authority and no bond on 12/12/2013, per *Order for Probate* filed 12/18/2013. *Letters* issued 1/15/2014, and expired 2/18/2014. Powers granted include in part: payment of bills such as house insurance, utilities, alarm, taxes, yard care on real property; payment of car insurance. Court may require bond to be posted, or waivers of bond from the beneficiaries in support of Carl Peterson's request to be appointed as Executor of Decedent's lost Will without bond.
3. *Second Amendment to Petition for Probate of Lost Will* filed 10/21/2013 seeks to probate the Decedent's Will dated 6/19/2012 as a lost Will. If Court grants the *Petition for Probate of Lost Will*, pursuant to Probate Code § 8223 need revised proposed order specifying probate of the lost Will, containing the provisions of the lost Will (i.e., a copy of the lost Will attached to the proposed order with a signature line included on the last page of the Will for the Court's approval.)
4. Need proposed letters indicating that Petitioner will be appointed as Executor of Decedent's lost Will.

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

- **Thursday, June 26, 2014 at 9:00 a.m. in Dept. 303** for filing of proof of bond, if Court requires posting of bond.
- **Thursday, October 30, 2014 at 9:00 a.m. in Dept. 303** for filing of inventory and appraisal; and
- **Tuesday, July 28, 2015 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.

(1) Petition for Final Distribution on Waiver of Accounting and (2) Allowing Statutory Fees and Commissions

<b>DOD: 6/24/2013</b>		JEFF MEYER, son and Administrator, is Petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>OFF CALENDAR.</b> Amended petition filed and set for 6/25/14</p> <p>1. Assignment of Interest in Estate filed 10/11/2013 is dated and signed on 9/13/2013, and states that Cheryle Moon grants, conveys and assigns any and all right, title and interest she has in the ESTATE OF BERNARD M. MEYER to Eryn Brase, as Trustee under the <b>CHERYLE MOON IRREVOCABLE TRUST AGREEMENT dated 9/13/2013.</b> Assignment of Interest in Estate filed 5/5/2014 is dated and signed on 5/5/2014 and states that Eryn Brase, Attorney in Fact for Cheryle Moon, assigns all interest of Cheryle Moon in the assets of the estate [of Bernard M. Meyer] to the <b>CHERYL MOON SPECIAL NEEDS TRUST.</b> In light of the Assignment filed 10/11/2013, it appears that Cheryle Moon no longer has any interest in the assets of the Estate of Bernard M. Meyer that may be assigned, since they were previously assigned on 9/13/2013 to Eryn Brase as the Trustee of the <b>CHERYLE MOON IRREVOCABLE TRUST AGREEMENT dated 9/13/2013.</b> Need clarification and/or explanation for the effectiveness of the subsequent assignment.</p> <p>2. If the Court finds the subsequent assignment may be allowable, the Assignment filed 5/5/2014 appears to be ineffective unless the assignor is actually Eryn Brase, as Trustee of the <b>CHERYLE MOON IRREVOCABLE TRUST AGREEMENT</b>, and the assignee is the <b>CHERYL MOON SPECIAL NEEDS TRUST.</b> Additionally, by the Petitioner's filing of this document, the Court is made to assume that the <b>CHERYL MOON SPECIAL NEEDS TRUST</b> is a first-party trust such that the transfer of assets from this estate to the special needs trust is not in violation of trust terms and/or the law governing special needs trusts.</p>
		Accounting is waived.	
<b>Cont. from 040214</b>		I & A — <b>\$841,119.52</b>	
<b>Aff.Sub.Wit.</b>		POH — <b>\$812,781.76</b> (\$491,189.76 is cash)	
<input checked="" type="checkbox"/>	<b>Verified</b>	Administrator — <b>\$19,899.94</b> (statutory)	
<input checked="" type="checkbox"/>	<b>Inventory</b>	Attorney — <b>\$19,899.94</b> (statutory)	
<input checked="" type="checkbox"/>	<b>PTC</b>	Closing — <b>\$2,500.00</b> (for expenses including accountant's fees for preparation of final fiduciary estate income tax returns)	
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>	<b>Distribution pursuant to intestate succession and the Assignment of Interest in Estate filed 10/11/2013, [and the Assignment of Interest in Estate filed 5/5/2014?] is to:</b>	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	<ul style="list-style-type: none"> <li>• <b>JEFF MEYER – \$244,444.94 cash,</b> ½ interest in two pick-up trucks, and an undivided ½ interest in real property;</li> <li>• <b>ERYN BRASE</b> as Trustee of the <b>CHERYLE MOON IRREVOCABLE TRUST AGREEMENT dated 9/13/2013 – \$244,444.94 cash,</b> ½ interest in two pick-up trucks, and an undivided ½ interest in real property OR</li> <li>• <b>ERYN BRASE</b> as Trustee of the <b>CHERYLE MOON SPECIAL NEEDS TRUST?</b></li> </ul>	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>		
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
	<b>Letters</b>   100813		
	<b>Duties/S</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
<input checked="" type="checkbox"/>	<b>FTB Notice</b>		
		<b>Reviewed by:</b> LEG	
		<b>Reviewed on:</b> 5/21/14	
		<b>Updates:</b> 4/23/14 – off calendar (KT)	
		<b>Recommendation:</b>	
		<b>File 9 - Meyer</b>	

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

<b>DOD: 09/28/2011</b>		<p><b>ESTELLA G. GARZA</b> and <b>RAQUEL G. NANEZ</b>, request that <b>ESTELA G. GARZA</b>, <b>RAQUEL G. NANEZ</b>, and <b>ROJELIA G. GONZALEZ</b>, daughters, be appointed co-executors without bond.</p> <p>Limited IAEA - ?</p> <p>Will dated: 09/27/2001</p> <p>Residence: Parlier Publication: Need</p> <p><b>Estimated value of the Estate:</b></p> <table> <tr> <td>Personal property -</td> <td>\$20,880.00</td> </tr> <tr> <td>Real property -</td> <td>\$272,907.00</td> </tr> <tr> <td><b>Total -</b></td> <td><b>\$293,787.00</b></td> </tr> </table> <p>Probate Referee: Steven Diebert</p>	Personal property -	\$20,880.00	Real property -	\$272,907.00	<b>Total -</b>	<b>\$293,787.00</b>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Need Affidavit of Publication. Pursuant to California Rule of Court 7.53(a) an amended pleading or an amendment to a pleading requires the same notice of hearing (including publication) as the pleading it amends.</li> <li>2. Need Declaration from Rojelia G. Gonzalez consenting to act as personal representative.</li> <li>3. Letters must include each of the personal representatives' names and signatures.</li> </ol> <p><b>Note: If the petition is granted status hearings will be set as follows:</b></p> <ul style="list-style-type: none"> <li>• <b>Tuesday, 10/21/2014 at 9:00a.m. in Dept. 303</b> for the filing of the inventory and appraisal <b>and</b></li> <li>• <b>Tuesday, 07/21/2015 at 9:00a.m. in Dept. 303</b> for the filing of the first account and final distribution.</li> </ul> <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
Personal property -	\$20,880.00								
Real property -	\$272,907.00								
<b>Total -</b>	<b>\$293,787.00</b>								
<b>Cont. from</b>									
<input checked="" type="checkbox"/>	<b>Aff.Sub.Wit.</b>								
<input checked="" type="checkbox"/>	<b>Verified</b>								
	<b>Inventory</b>								
	<b>PTC</b>								
	<b>Not.Cred.</b>								
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>								
<input checked="" type="checkbox"/>	<b>Aff.Mail</b> w/								
	<b>Aff.Pub.</b> x								
	<b>Sp.Ntc.</b>								
	<b>Pers.Serv.</b>								
	<b>Conf. Screen</b>								
<input checked="" type="checkbox"/>	<b>Letters</b>								
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>								
	<b>Objections</b>								
	<b>Video Receipt</b>								
	<b>CI Report</b>								
	<b>9202</b>								
<input checked="" type="checkbox"/>	<b>Order</b>								
	<b>Aff. Posting</b>								
	<b>Status Rpt</b>								
	<b>UCCJEA</b>								
	<b>Citation</b>								
	<b>FTB Notice</b>								
		<p><b>Reviewed by:</b> LV</p> <p><b>Reviewed on:</b> 05/21/2014</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 10 - Garza</b></p>							

<p>Lucrezia Policarpo DOD: 7-16-07</p>	<p><b>FRANK J. POLICARPO and DONNETTA M. POLICARPO</b>, Co-Trustees of the Policarpo Family Trust U/D/T/ dated 6-1-07 (the Family Trust), are Petitioners.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p>
<p>Jimmie Policarpo DOD: 8-5-13</p>		<p><b>Continued from 4-1-14</b></p>
	<p>Petitioners state the Family Trust is a sub-trust of the Jimmie Policarpo and Lucrezia Policarpo Trust dated 1-23-96 and amended and restated on 6-1-07. Upon the death of Lucrezia Policarpo on 7-16-07, the trust was divided into the Survivor's Trust and the Family Trust. Certain real property on N. Warren Street in Fresno was allocated to the Family Trust by Jimmie Policarpo per quitclaim deed recorded 9-29-09 (attached).</p>	<p><b>Minute Order 4-1-14: Mr. Coleman is appearing specially for Mr. Nahigian. Ms. Vigil is appearing via courtcall. Parties are in agreement to continue the matter.</b></p>
<p><b>Cont from 040114</b></p>		
<p><input type="checkbox"/> <b>Aff.Sub.Wit.</b></p>		
<p><input checked="" type="checkbox"/> <b>Verified</b></p>		
<p><input type="checkbox"/> <b>Inventory</b></p>		
<p><input type="checkbox"/> <b>PTC</b></p>		
<p><input type="checkbox"/> <b>Not.Cred.</b></p>		
<p><input checked="" type="checkbox"/> <b>Notice of Hrg</b></p>		
<p><input checked="" type="checkbox"/> <b>Aff.Mail</b></p>	<p>W</p>	
<p><input type="checkbox"/> <b>Aff.Pub.</b></p>		
<p><input type="checkbox"/> <b>Sp.Ntc.</b></p>		
<p><input type="checkbox"/> <b>Pers.Serv.</b></p>		
<p><input type="checkbox"/> <b>Conf. Screen</b></p>		
<p><input type="checkbox"/> <b>Letters</b></p>		
<p><input type="checkbox"/> <b>Duties/Supp</b></p>		
<p><input type="checkbox"/> <b>Objections</b></p>		
<p><input type="checkbox"/> <b>Video Receipt</b></p>		
<p><input type="checkbox"/> <b>CI Report</b></p>		
<p><input type="checkbox"/> <b>9202</b></p>		
<p><input checked="" type="checkbox"/> <b>Order</b></p>		
<p><input type="checkbox"/> <b>Aff. Posting</b></p>		
<p><input type="checkbox"/> <b>Status Rpt</b></p>		
<p><input type="checkbox"/> <b>UCCJEA</b></p>		
<p><input type="checkbox"/> <b>Citation</b></p>		
<p><input type="checkbox"/> <b>FTB Notice</b></p>		
<p></p>	<p>On or about 8-24-12, Jimmie Policarpo borrowed \$82,000.00 and in connection with the loan, transferred the residence out of the Family Trust by deed recorded 8-24-12 and executed a deed of trust on that date (attached).</p>	
<p></p>	<p>After the loan was obtained, Jimmie Policarpo did not transfer title back to the Family Trust. Jimmie Policarpo died on 8-5-13.</p>	<p><b>Reviewed by: skc</b></p>
<p></p>	<p>Petitioners state Jimmie Policarpo transferred the residence out of the Family Trust and into his own name to facilitate obtaining the loan and did not intend to make a distribution of the residence from the Family Trust. Petitioners state that in connection with the loan transaction, Jimmie Policarpo held title to the residence under a constructive trust and that the residence was under Jimmie Policarpo's control as trustee of the Family Trust. Petitioners request that this Court confirm that the residence is part of the Family Trust.</p>	<p><b>Reviewed on: 5-21-14</b></p>
<p></p>		<p><b>Updates:</b></p>
<p></p>		<p><b>Recommendation:</b></p>
<p></p>	<p><b>Petitioners pray for an order that the real property commonly known as 7247 North Warren Avenue, Fresno, California, 93711 (legal description provided) is an asset of the Policarpo Family Trust U/D/T dated 6-1-07.</b></p>	<p><b>File 11 – Policarpo</b></p>

**Petition to Determine Whether Advanced Health Care Directive has Terminated:  
 Petition to Determine Whether Durable Power of Attorney has Terminated  
 Probate Code §§ 4541, 4766**

	<p><b>MELINDA CORDELL</b>, Principal, is Petitioner.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Continued from 3-19-14</u></p>
<p>Cont from 031914</p>		
<p><input type="checkbox"/> Aff.Sub.Wit.</p>		<p><b>Minute Order 3-19-14:</b>  <b>The Court directs Mr. Rindlisbacher to prepare an order for Ms. Cordell's examination by Dr. Terrell. Order to include the necessary HIPPA waivers. Status quo to remain pending the next hearing. Continued to: 6/17/14 at 09:00a.m. Set on: 6/17/14 at 09:00a.m. in Dept 303 for: Status Hearing Re: Doctor's Report</b></p>
<p><input checked="" type="checkbox"/> Verified</p>	<p>Petitioner previously signed a Durable Power of Attorney and an Advanced Health Care Directive (Exhibits A and B).</p>	
<p><input type="checkbox"/> Inventory</p>	<p>On 9-19-12, Petitioner resigned as trustee of her own trust because of ill health and other personal reasons. <b>PHILLIP ROLFE</b> began serving as trustee from that point. Petitioner sought the assistance of her former attorney, <b>JOSEPH HORSWILL</b>, to make changes to her estate plan. On 11-22-13, he wrote to inform her that because he felt the plan was not in her best interest, he would not perform the legal work to accomplish her stated desires. In his letter, he stated that if Petitioner wished to contact another attorney to request that the work be done, he would cooperate as required by law for that purpose (Exhibit C).</p>	
<p><input type="checkbox"/> PTC</p>		<p><b>Note:</b> Pursuant to order signed ex parte on 5-7-14, the hearing that was continued to 6-17-14 was reset for 5-27-14 due to completion of the ordered assessment. Please note that the "Status Hearing" set pursuant to the minute order remains set for 6-17-14 as it was not specifically addressed by the ex parte request.</p>
<p><input type="checkbox"/> Not.Cred.</p>		
<p><input checked="" type="checkbox"/> Notice of Hrg</p>		<p><u>The following additional items have been filed:</u></p>
<p><input checked="" type="checkbox"/> Aff.Mail <span style="float:right">w</span></p>		<ul style="list-style-type: none"> <li>• Joseph Horswill's Response filed 3-28-14</li> <li>• Phillip Rolfe's Opposition to Petition filed 4-16-14</li> <li>• Phillip Rolfe's Response to Ex Parte</li> </ul>
<p><input type="checkbox"/> Aff.Pub.</p>		<p><b>See additional pages for details.</b></p>
<p><input type="checkbox"/> Sp.Ntc.</p>		
<p><input type="checkbox"/> Pers.Serv.</p>		
<p><input type="checkbox"/> Conf. Screen</p>		
<p><input type="checkbox"/> Letters</p>		
<p><input type="checkbox"/> Duties/Supp</p>		
<p><input checked="" type="checkbox"/> Objections</p>		
<p><input type="checkbox"/> Video Receipt</p>		
<p><input type="checkbox"/> CI Report</p>		
<p><input type="checkbox"/> 9202</p>		
<p><input type="checkbox"/> Order <span style="float:right">X</span></p>	<p>Petitioner states she initially sought assistance from an attorney in New York City that she has known for many years, but was advised to locate a California attorney. Petitioner was then referred to Perkins, Mann &amp; Everett. Mr. Rindlisbacher visited Petitioner at the facility where she has resided for over a year, and at Petitioner's request, contacted Attorney Horswill to request that he transfer Petitioner's files to Mr. Rindlisbacher's office.</p>	
<p><input type="checkbox"/> Aff. Posting</p>		<p>Reviewed by: skc</p>
<p><input type="checkbox"/> Status Rpt</p>		<p>Reviewed on: 5-22-14</p>
<p><input type="checkbox"/> UCCJEA</p>		<p>Updates:</p>
<p><input type="checkbox"/> Citation</p>		<p>Recommendation:</p>
<p><input type="checkbox"/> FTB Notice</p>	<p>Petitioner states that at her request, Mr. Rindlisbacher asked Somerford Place of Fresno to provide him with copies of all medical assessments and copies of her admission agreement; however, they have refused to provide him with those records despite Petitioner's signed written consent. They have taken the position that they will not abide by Petitioner's request without the consent of the agent designated in Petitioner's "facially valid" power of attorney. See Exhibit F.</p> <p style="text-align: center;"><b>SEE ADDITIONAL PAGES</b></p>	<p>File 12 - Cordell</p>

## Page 2

Petitioner states Mr. Rolfe has hired Attorney Thomas Hornburg to represent him in his capacity as successor trustee of Petitioner's trust, and Mr. Hornburg has provided Mr. Rindlisbacher with a copy of a summary report of Petitioner's mental status as of April 2013 conducted by Alzheimer's & Memory Center. He has taken the position that Petitioner lacks the legal capacity to hire Mr. Rindlisbacher with her estate planning. See Exhibit G.

It is Petitioner's desire to terminate any authority she has granted to Mr. Rolfe or **JANELLE CHESKI-HILL** as an agent under her Durable Power of Attorney and to terminate any authority granted to Mr. Horswill, Mr. Rolfe, or Ms. Cheski-Hill as an agent under her Advanced Health Care Directive. See Revocations at Exhibits H and I.

Petitioner desires and intends to remove Mr. Rolfe as trustee of her trust and as executor under her will and to resume managing her own property. Petitioner wants to designate her longtime tax preparer **BILLIE MILES** as successor trustee of her trust and as executor. Petitioner also desires to remove Mr. Rolfe as a beneficiary under the trust and to leave the portion that was to go to him to two existing charitable beneficiaries. See Amendment at Exhibit J.

**Legal Authorities:** Petitioner cites Probate Code §4541, 4540, 4766, 4765. Probate Code §810 creates a rebuttable presumption that Petitioner has capacity to make decisions and be responsible for her own acts or decisions. Petitioner states she is not under conservatorship and there has never been a judicial adjudication that she lacks capacity. Petitioner wants to ensure that her desires regarding where she lives and how her estate is distributed are honored and desires to have an independent medical examination conducted by Dr. Howard Terrell, MD, of Clovis, CA, to assess her current legal capacity to contract, to make the desired changes to her estate plan, and to make medical and personal care decisions for herself. This medical assessment is critical because of the position being taken by Mr. Rolfe and others based on the April 2013 assessment. The estimated cost is \$4,000.00.

**See also Points and Authorities in Support of Petition.**

**Petitioner prays for the following orders:**

- 1. All Durable Powers of Attorney executed by Petitioner have been revoked and the power granted to any agents therein is terminated;**
- 2. All Advanced Health Care Directives executed by Petitioner have been revoked and the power of any agents designated therein is terminated;**
- 3. Petitioner Melinda Cordell has the legal capacity to make any and all health care decisions, including the decision as to where she will reside;**
- 4. Such other orders as the Court deems appropriate.**

**Phillip Rolfe's Opposition to Petition filed 3-14-14 states:** This case concerns the health, safety and financial security of Petitioner Melinda Cordell, all of which are in jeopardy due to the overzealous "advocacy" of Petitioner's purported attorney Curtis Rindlisbacher. This case demonstrates a flaw in the ethical standards of the practice of law in the State of California whereby the estate of an at-risk elder in need of the utmost care can be placed in peril due to the "assistance" of an overly zealous advocate. This Court should dismiss the petition in its entirety for lack of legal basis for the relief requested, or in the alternative, dismiss the petition pursuant to Probate Code §§ 4543 and 4768, and terminate jurisdiction to grant Mr. Rindlisbacher any compensation from Petitioner's estate.

**SEE ADDITIONAL PAGES**

## Page 3

Objector states Petitioner was diagnosed with dementia less than a year ago on 4-17-13 by Alex Sherriffs, M.D., and Marcy Johnson, Ph.D., of the UCSF Fresno Alzheimer's & Memory Center. Petitioner presently resides in the dementia unit of Somerford Place Alzheimer's Assisted Living Facility in Fresno. On or about 2-3-14, Attorney Rindlisbacher met with Petitioner for the first time in the dementia unit of her assisted living facility. During this consultation, Petitioner was allegedly convinced that her trusted friend of many years, Respondent Phillip Rolfe, was not acting in her best interests. However, the true facts are that Mr. Rolfe has prudently and successfully managed Petitioner's finances since he was appointed as sole trustee of her trust and as her Attorney-in-Fact since 9-19-12. Mr. Rolfe states he only accepted this role out of deep care and concern for his friend and colleague of many years and because he knew there was no one else who would help her and ensure her proper care.

Objector states that contrary to the "factual background" carefully crafted by Mr. Rindlisbacher, Petitioner voluntarily gave up control of her personal finances and health care decisions and appointed Mr. Rolfe as her trustee because she was suffering from early onset dementia, and due to her inability to care for herself, had become malnourished and had fallen at her home. During her treatment, her impaired mental capacity was discovered. With the assistance of her longtime attorney Joseph Horswill, Petitioner executed the documents necessary to ensure her continued health and financial protection by Mr. Rolfe. Mr. Rindlisbacher was notified of these facts in writing by both Mr. Horswill and Mr. Rolfe's attorney, and Mr. Rindlisbacher was provided with a copy of the detailed assessments and recommendations made by the UCSF Fresno Alzheimer's & Memory Center. See Objection for details of the assessments.

Objector states the Court lacks authority to grant the relief requested with respect to the POA and should deny the petition in its entirety. Petitioner refers to only Probate Code §4541 (a) for determination of whether the POA "is in effect or has terminated." However, Probate Code §4541 (d) clearly provides that determination that a POA has been "revoked" requires a judicial determination of all of the following: the attorney-in-fact has violated or is unfit to perform the fiduciary duties; at the time of the determination, the principal lacks capacity to give or revoke a POA; the revocation of the attorney-in-fact's authority is in the best interest of the principal or the principal's estate.

There are no allegations that Mr. Rolfe is unfit and the facts would not bear this out. There is no allegation that Petitioner lacked capacity to execute the POA originally in 2012. To the contrary, Petitioner alleges that she is capable. Finally, there is no allegation that the revocation is in the best interest of the principal. Mr. Rolfe has prudently managed Petitioner's estate since he accepted the role of her fiduciary.

Objector states if Petitioner is truly seeking relief under §4541 (a) as alleged, then Petitioner has failed to allege any facts as to why the POA would not be effective. Petitioner has failed to allege that said document was not executed by Petitioner or that Petitioner was not capable at the time of execution. There is no allegation that Mr. Rolfe or any other agent has terminated his or her authority thereunder. There is simply no authority to grant the requested relief under §4541 or any other section of the Probate Code with respect to the POA and therefore the petition should be denied.

Objector states the Court should dismiss the petition with respect to the POA because these proceedings are not reasonably necessary for the protection of Petitioner's financial interests. With respect to a petition filed under §4541, §4543 provides in part that the court may dismiss a petition that is not reasonably necessary for the protection of the interests of the principal or the principal's estate. Petitioner has failed to allege any factual basis to support the contention that this petition is reasonably necessary for the protection of her financial interests or estate. The reason for this deficiency is because there are no facts to support such a contention. Assuming Petitioner has standing to institute these proceedings, that does not mean that there are any grounds for the relief requested. Mr. Rolfe has prudently invested the assets of Petitioner and meticulously accounted for each and every expenditure made for her benefit since he assumed the role of her fiduciary.

**SEE ADDITIONAL PAGES**

**Dept. 303, 9:00 a.m. Tuesday, May 27, 2014**

## Page 4

Objector states there is a very real possibility that due to Petitioner's relatively meager assets, her estate will not be sufficient to provide for her necessary care for the rest of her life. Any drain on these assets by frivolous proceedings such as these will be catastrophic for Petitioner's prospects of continuing to receive the standard of care that she enjoys and requires in light of her age and condition. Thus, this petition and the costly independent medical evaluation requested by Petitioner herein are simply not reasonably necessary and should be dismissed pursuant to §4543.

This petition should be dismissed and any subsequent requests by Mr. Rindlisbacher to recoup his fees or costs from Petitioner's estate should be denied.

Objector states the Court lacks authority to grant the relief requested with respect to the Advanced Health Care directive and should therefore deny the petition in its entirety. Petitioner cites only §§ 4766(a)&(b) and requests a judicial determination that all Advanced Health Care Directives executed by petitioner have been revoked and the power of any agents designated therein is terminated. Probate Code §4766(d) actually relates to termination of the authority of an agent with respect to an advanced health care directive and provides that a petition may be brought for the purpose of declaring that authority is terminated upon determination that the agent has violated, failed to perform, or is unfit, etc., and that at the time of the determination by the court, the patient lacks capacity to execute or revoke same.

Here, there are no allegations that the health care agent authorized anything illegal or that the agent has engaged in any negligence or misconduct. Based on the facts alleged, there is no authority to grant the relief requested and the petition should be denied.

Objector states the Court should dismiss the petition because the proceedings are not reasonably necessary for the protection of Petitioner as a patient. Petitioner fails to allege any factual basis to support the contention that this petition is reasonably necessary for Petitioner's protection. Assuming Petitioner has standing to initiate these proceedings, that does not mean there are grounds for the relief requested. Petitioner is receiving sufficient care with the assistance of her health care proxy. She is currently residing in a facility capable of providing the care she requires and under the continued prudent financial management of Mr. Rolfe, it is anticipated that she will have the resources to remain there.

Petitioner lacks capacity to make her own financial or health care decisions, and therefore lacks the ability to revoke the POA or the Advanced Health Care Directive. See details and authority in Opposition.

Objector states the additional examination requested by Petitioner is unnecessary and would be a substantial and unnecessary burden on her estate. See letter from physician dated 11-27-12 and patient summary report referenced above dated 4-17-13. These evaluations included a physical and neuropsychological evaluations, a multidisciplinary team conference and a comprehensive interview with Ms. Cheski-Hill, Petitioner's good friend and agent for health care, and someone who has spent much time with her over the years. Dementia is a progressive disease and symptoms gradually worsen over time and cannot be reversed, only managed. In light of the very recent diagnosis and the progressive nature of the disease, it would be both medically unnecessary and a wasteful financial burden on Petitioner's estate to allow for the costs of the requested assessment.

Objector states Petitioner was incapable of contracting for legal services; therefore, Mr. Rindlisbacher is not Petitioner's attorney and the Court should terminate jurisdiction to award attorney's fees to Mr. Rindlisbacher. Authority provided.

**SEE ADDITIONAL PAGES**

Page 5

Mr. Rolfe respectfully requests that this Court:

1. Dismiss the Petition to Determine Whether Health Care Directive has Terminated; OR IN THE ALTERNATIVE, order that the Health Care Directive has not been revoked or terminated;
2. Dismiss the Petition to Determine Whether Durable Power of Attorney has terminated, OR IN THE ALTERNATIVE, order that the Durable Power of Attorney has not been revoked or terminated;
3. Terminate the Court's ability to award attorney's fees and costs to Attorney Rindlisbacher in this matter; and
4. Such other orders as the Court deems appropriate.

---

**Response filed by Attorney Horswill (represented by Attorney Joseph F. Foares of Tulare) filed 3-14-14**

**states:** Mr. Horswill has been the attorney representing Petitioner Melinda Cordell for over 15 years. Mr. Horswill provided estate planning for Ms. Cordell during that time period and has had numerous discussions with her over the years as to her desires to live out her life. These desires were set forth not only in the prior will and powers of attorney executed by Ms. Cordell, but later, and most recently, in 2010 and thereafter when she drafted her revocable living trust and powers of attorney which remain in effect as of the date of the petition. As set forth in Mr. Horswill's declaration, Mr. Horswill believes it is in Ms. Cordell's best interest to have the estate planning documents that she executed in 2010 and her subsequent resignation executed in 2012 remain in effect.

Mr. Horswill states the issue of the attorney's duty to his client once the client becomes incapacitated is one that is somewhat complicated and not specifically addressed in the Ethical Rules of Professional Responsibility. Mr. Horswill requests the Court take judicial notice of the ethics opinion from the Bar Association of San Francisco with regard to Model Rule 1.14(b) – If the attorney reasonably believes that the client cannot act in the client's own interest, the attorney may take appropriate protective measures to preserve the client's personal property.

Mr. Horswill states he has been providing Ms. Cordell legal representation for over 15 years and has come to know her very well. Over the course of the last 12-18 months, Mr. Horswill has seen a steady decline in her physical and mental state, so much so, that he determined that she was no longer able to act in her own best interest. As a result, Mr. Horswill contends she is best served to now rely on her estate plan, allowing Mr. Rolfe to handle her affairs, as he has been doing so diligently and competently in the past. Further, Mr. Horswill believes that the status quo of her estate plan best serves her needs and that she should remain as a resident of Somerford Place, but will abide by any orders the Court issues on her behalf.

**SEE ADDITIONAL PAGES**

Page 6

**Declaration filed concurrently by Attorney Horswill states:** Mr. Horswill does not intend nor attempt to breach Ms. Cordell's rights to her attorney-client privilege. The below statements are stated in generalities and are not specific details of conversations or work-product. Mr. Horswill respectfully requests the Court allow him to supplement the declaration in camera. Mr. Horswill states he met Ms. Cordell in or about February 1997 when she requested his assistance in a bankruptcy matter. From that date forward, he has had numerous conversations with her either in his office or at her residence. In March 1998 he prepared estate planning documents for Ms. Cordell pursuant to her request consisting of a will and powers of attorney for finances and health care. From March 1998 through March 2005, they had several different conversations regarding her estate planning and wishes as to actions to be taken should she become deceased or incapacitated. On or about March 2005, he prepared a new will to modify the terms of her prior will.

In July 2010, based on some inheritance received, Mr. Horswill's office prepared a trust entitled "The Melinda Cordell 2010 Trust dated August 13, 2010." Pursuant to many discussions, the POA for finances and health care were also revised. Ms. Cordell expressed unequivocal confidence in her friend Phillip Rolfe to be the trustee and handle administration should she become deceased or incapacitated. As to the general power of attorney, she once again expressed confidence in her friend Phillip Rolfe and her friend Janelle Cheski-Hill as agent in fact. For health care, Mr. Horswill states he reluctantly agreed to act as agent with Mr. Rolfe as alterantive agent. Later Mr. Rolfe was named as sole agent under both as well as trustee.

Mr. Horswill states that on or about September 2012, Ms. Cordell suffered an injury and her health began to significantly decline. While she may or may not have been incompetent at that time, she nevertheless agreed to resign her position as trustee and allow Mr. Rolfe to serve as trustee and handle her finances from that point forward. It is Mr. Horswill's belief that this was a proper and courageous decision by Ms. Cordell given her decline in health.

Throughout 2012-2013, Mr. Horswill states he met with Ms. Cordell on a number of occasions, and at each visit felt her health had declined from the previous visit. In early 2013, he found her somewhat confused and incoherent, and determined it was not in her best interest to make further changes to her estate planning after his last meeting with her by phone in November 2013. His suspicions were confirmed when he received the medical evaluation. Throughout the middle and later part of 2013, Mr. Horswill received a significant amount of phone calls from Ms. Cordell requesting to terminate the trust and that she be allowed to move to "her home" in Colorado. Although Mr. Horswill indicated to her on those occasions that she does not own property in Colorado, she insisted that she did, which further supported his belief that she was unable to handle her affairs.

Mr. Horswill states that he has found Mr. Rolfe to be a very competent and compassionate person. He has taken over duties as successor trustee and has done an outstanding job. This includes his assistance in placing Ms. Cordell at Somerford Place, which in Mr. Horswill's opinion is an appropriate place for her to reside. Based on his prior relationship and conversations with Ms. Cordell over the last 15 years, Mr. Horswill believes it is in Ms. Cordell's best interest to remain at Somerford Place and to retain Mr. Rolfe as successor trustee as he has done so diligently in the past, all without any compensation for his work.

Mr. Horswill feels this litigation filed by Mr. Rindlisbacher threatens not only to undermine Ms. Cordell's estate planning as she intended it to be, but also could have a substantial effect on her capacity to meet those needs.

**SEE ADDITIONAL PAGES**

Page 7

**“Joseph Lewis Horswill’s Response to the Petition in Support of his Response to Principal’s Petition to Determine Whether Advance Health Care Directive has Terminated; Petition to Determine Whether Durable Power of Attorney has Terminated” filed 3-28-14 states:** Mr. Horswill has represented Ms. Cordell for over 15 years and during that time has had numerous discussions with her as to her desires to live out her life. These desires were set forth not only in the prior Will and Powers of Attorney executed by Ms. Cordell, but later, and most recently, in 2010, and thereafter, when she drafted her revocable living trust and powers of attorney which remain in effect as of the date of the petition. Mr. Horswill believes it is in the best interest of Ms. Cordell to have the estate planning documents she executed in 2010 and her subsequent resignation as trustee, executed in 2012, remain in effect. Mr. Horswill has the obligation to take protective matters to respect and to carry out his clients wishes if incapacitation occurs. See authority re duty.

**“Phillip Rolfe’s Verified Opposition to Petition to Determine Whether Health Care Directive has Terminated and Petition to Determine Whether Durable Power of Attorney has Terminated; Memorandum of Points and Authorities Thereof” filed 4-16-14 states:** The Court should dismiss this petition in its entirety for lack of legal basis for the relief requested or in the alternative dismiss the petition in its entirety pursuant to §§ 4543 and 4768 and terminate jurisdiction to grant Rindlisbacher any compensation from Petitioner’s estate. Petitioner voluntarily gave up control of her finances and health care decisions and appointed Mr. Rolfe because she was suffering from early onset dementia. She had become malnourished and had fallen at her home. Her impaired mental capacity was discovered by treating physicians. With the assistance of her longtime attorney Mr. Horswill, Petitioner executed the documents necessary to ensure her continued health and financial protection by Mr. Rolfe. Mr. Rindlisbacher was notified of these facts in writing prior to the filing of this petition, and was also provided a copy of the detailed assessments and recommendations made by UCSF Fresno Alzheimer’s & Memory Center less than one year ago.

The Court lacks authority to grant the relief with respect to the POA and should deny the petition in its entirety pursuant to Probate Code §4541. See details in Opposition.

The Court should dismiss the petition with respect to the POA because the proceedings are not reasonably necessary for the protection of Petitioner’s financial interests pursuant to Probate Code §§ 4541, 4543.

The Court lacks authority to grant the relief requested with respect to the Advanced Health Care Directive and should therefore deny the petition in its entirety pursuant to Probate Code §4766.

The Court should dismiss the petition with respect to the Advanced Health Care Directive because these proceedings are not reasonably necessary for the protection of Petitioner as a patient pursuant to Probate Code §§ 4766, 4768.

Petitioner lacks the capacity to make her own financial or health care decisions and therefore lacks the ability to revoke the POA or Advance Health Care Directive. See Probate Code §§ 4609, 911, other authority cited.

The additional medical examination requested by Petitioner is unnecessary and would be a substantial and unnecessary burden on Petitioner’s estate.

Petitioner was incapable of contracting for legal services; therefore, Rindlisbacher is not Petitioner’s attorney and the Court should terminate jurisdiction to award attorney’s fees to him.

**SEE ADDITIONAL PAGES**

Page 8

**Phillip Rolfe's Response to Ex Parte Petition to Set Matter for Hearing filed 5-7-14 states** that on 3-25-14, the Court continued the matter and set status for 6-17-14 re completion of a new assessment. The Court further ordered that if the assessment was completed earlier said conference could be set before 6-17-14. Despite the fact that the court specifically ordered status conference in this matter, Petitioner filed an ex parte petition to set hearing. Mr. Rolfe requests the Court deny the request to set a contested hearing at this time, and requests that the Court set the ex parte hearing so that all parties may have the opportunity to be present so that further status may be scheduled.

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

<b>DOD: 06/13/2012</b>	<b>ELLEN ELLERBOCK</b> , daughter is petitioner and is requesting appointment as Administrator without bond.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note to Judge:</b> Petitioner states her mother passed away from taking the drug Pardaxa, and therefore, petitioner retained services of the Law Office of Ury &amp; Moskow, LLC, to file suit against the pharmaceutical company for wrongful death. Petitioner was advised by the law office that in order for her to file suit against the pharmaceutical company, she needs to probate her mother's estate in order for the funds to be deposited after a settlement is reached.</p> <p><b>Note: If the petition is granted status hearings will be set as follows:</b></p> <ul style="list-style-type: none"> <li>• <b>Tuesday, 10/21/2014 at 9:00a.m. in Dept. 303</b> for the filing of the inventory and appraisal <u>and</u></li> <li>• <b>Tuesday, 07/21/2015 at 9:00a.m. in Dept. 303</b> for the filing of the first account and final distribution.</li> </ul> <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
<b>Cont. from</b>	All heirs waive bond	
<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>	Full IAEA – o.k.	
<b>Inventory</b>	Decedent died intestate	
<b>PTC</b>		
<b>Not.Cred.</b>	Residence: Fresno	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Publication: The Business Journal	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	<b>Estimated value of the Estate is \$0</b> w/	
<b>Aff.Pub.</b>	Probate Referee: Rick Smith	
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<input checked="" type="checkbox"/> <b>Letters</b>		
<input checked="" type="checkbox"/> <b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> LV
		<b>Reviewed on:</b> 05/22/2014
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 13 - Abston</b>

**14 Mariah Paleo & Juan Paleo Jr – Guardianship Case No. 04CEPR00429**

**Atty Paleo, Maria (pro per – paternal grandmother/Guardian/Petitioner)**

**Petition for Termination of Guardianship**

<b>Mariah, 16</b>	<b>MARIA PALEO</b> , paternal grandmother/Guardian, Petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>This petition is regarding Mariah only.</b></p> <ol style="list-style-type: none"> <li>1. Need Notice of Hearing.</li> <li>2. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Termination of Guardianship</i> <u>or</u> Consent &amp; Waiver of Notice <u>or</u> Declaration of Due Diligence for:             <ol style="list-style-type: none"> <li>a. Melinda Cruz (mother)</li> <li>b. Henry Paleo (paternal grandfather)</li> <li>c. Jimmy Cruz (maternal grandfather)</li> <li>d. Juan Paleo, Jr. (brother)</li> </ol> </li> </ol>
	<b>Petitioner</b> was appointed as Guardian of the Person on 04/18/05.	
	Father: <b>JUAN PALEO, JR.</b> – <i>Consent &amp; Waiver of Notice filed 03/24/14</i>	
<b>Cont. from</b>	Mother: <b>MELINDA CRUZ</b>	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Paternal grandfather: HENRY PALEO	
<input checked="" type="checkbox"/> <b>Verified</b>	Maternal grandfather: JIMMY CRUZ	
<input type="checkbox"/> <b>Inventory</b>	Maternal grandmother: YOLANDA MARIE – <i>deceased</i>	
<input type="checkbox"/> <b>PTC</b>	<b>Petitioner states</b> [no reason stated for requesting to terminate the guardianship].	
<input type="checkbox"/> <b>Not.Cred.</b>	<b>Court Investigator Jennifer Young filed a report on 05/21/14.</b>	
<input type="checkbox"/> <b>Notice of Hrg</b>		
<input type="checkbox"/> <b>Aff.Mail</b>		
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input checked="" type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> JF
		<b>Reviewed on:</b> 05/21/14
		<b>Updates:</b> 05/22/14
		<b>Recommendation:</b>
		<b>File 14 - Paleo</b>

Petition for Transfer

Age: 93		<p><b>DOUGLAS W. NELSON</b>, son, was appointed conservator on 09/06/06.</p> <p>Court Investigator <b>JENNIFER YOUNG</b> filed a Petition for Transfer on 04/30/14 requesting this proceeding be transferred to Santa Clara County because the conservatee has resided there since 2006, and it is presumed pursuant to Probate Code § 2215 that transfer of the Conservatorship case to the county of residence is in the best interests of the conservatee.</p> <p>Court Investigator further recommends that the fees and costs related to this transfer be waived.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> If the Petition is granted, please set a status hearing, as follows:</p> <ul style="list-style-type: none"> <li><b>Thursday, July 24, 2014 at 9:00am</b> in Dept. 303 for confirmation of receipt of transfer</li> </ul>	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			w/
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 05/22/14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 15 - Nelson</b></p>				

		<p><b>MARIA ARACELI CHAVEZ</b>, mother, was appointed as Guardian of the Estate of Esmeralda B. Mendez in 09CEPR00717 and as Guardian of the Estate of Ruby Isela Mendez Chavez in 09CEPR00895 on 1-6-10.</p> <p>The First Account was settled on 3-7-12 and the Court set this status hearing for the filing of the next account.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Cont'd from 3-4-14, 4-15-14</b></p> <p><b>Minute Order 3-4-14:</b>  <b>No appearances. The Court directs a copy of the examiner notes be sent to Maria Chavez. Matter continued to 4-15-14. Maria Chavez is ordered to be personally present on 4-15-14 if the accounting is not filed.</b></p> <p><b>Minute Order 4-15-14:</b>  <b>Continued to 5-27-14</b></p> <p><b>As of 5-21-14, nothing further has been filed.</b></p> <p><b>1. Need Second Accounting or written status report.</b></p>
<b>Cont. from 030414, 041514</b>			
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			
		<b>Reviewed by: skc</b>	
		<b>Reviewed on: 5-21-14</b>	
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 16 – Mendez</b>	

		<p><b>MARIA ARACELI CHAVEZ</b>, mother, was appointed as Guardian of the Estate of Esmeralda B. Mendez in 09CEPR00717 and as Guardian of the Estate of Ruby Isela Mendez Chavez in 09CEPR00895 on 1-6-10.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Cont'd from 3-4-14, 4-15-14</b></p> <p><b>Minute Order 3-4-14:</b>          No appearances. The Court directs a copy of the examiner notes be sent to Maria Chavez. Matter continued to 4-15-14. Maria Chavez is ordered to be personally present on 4-15-14 if the accounting is not filed.</p> <p><b>Minute Order 4-15-14:</b> Continued to 5-27-14</p> <p>As of 5-21-14, nothing further has been filed.</p> <p>1. Need Second Accounting or written status report.</p>
		<p>The First Account was settled on 3-7-12 and the Court set this status hearing for the filing of the next account.</p>	
<b>Cont. from 030414, 041514</b>			
	<b>Aff.Sub.Wit.</b>		
	<b>Verified</b>		
	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
	<b>Notice of Hrg</b>		
	<b>Aff.Mail</b>		
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
	<b>Letters</b>		
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		
			<b>Reviewed by:</b> skc
			<b>Reviewed on:</b> 5-21-14
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 17 – Chavez</b>

Status Hearing Re: Filing of the Two Year Account

<b>Age: 92</b>	<p><b>JOHN DURNYA</b>, son, was appointed Conservators of the Person and Estate on 06/20/11.</p> <p>Bond in the amount of \$154,000.00 was filed on 08/08/11 and Letters were issued on 09/21/11.</p> <p>Conservators First Account was approved on 04/23/12. <b>Minute Order from hearing on 04/23/12</b> set this matter for status regarding the Second Account on 04/14/14.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b><u>CONTINUED FROM 04/14/14</u></b></p> <p>1. Need Second Account and Report of Conservator.</p>
<b>Cont. from 041414</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by: JF</b>
		<b>Reviewed on: 05/21/14</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 18 – Durnya</b>

		<b>RACHEL DIAZ-DELEON</b> , Mother, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Continued from 5-6-14</b>  <b>All notice issues have been cured.</b>
		<b>ADAN and DELORES ROBLEDO</b> , paternal grandparents, were appointed Guardians on 8-13-12. - Personally served 4-11-14 - Present on 5-6-14	
<b>Cont from 050614</b>			
	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>		
	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
✓	<b>Notice of Hrg</b>	<b>Petitioner states</b> her son has expressed he is no longer happy or comfortable living with his grandparents and has asked Petitioner to termination guardianship. While living with his grandparents, his grades are failing with a GPA below 1.9. His grandparents don't have the knowledge to help with his education.	
✓	<b>Aff.Mail</b>		
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
✓	<b>Pers.Serv.</b>	W	
	<b>Conf. Screen</b>		
	<b>Letters</b>	<b>Court Investigator Jo Ann Morris filed a report on 4-28-14.</b>	
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		
			<b>Reviewed by:</b> skc
			<b>Reviewed on:</b> 5-21-14
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 19 - Robledo</b>

Pro Per Hurley, Talina Elaine (Pro Per Petitioner, paternal grandmother)

Petition to Fix Residence Outside the State of California

<b>Age: 11 yrs</b>		<p><b>TALINA (WALLACE) HURLEY</b>, paternal grandmother and Guardian appointed on 12/3/2013, is Petitioner.</p> <p>Father: <b>AARON SWENSON</b>; <i>Declaration of Due Diligence filed on 5/20/2014.</i></p> <p>Mother: <b>TERESA SWENSON</b></p> <p>Paternal grandfather: Unknown                  Paternal grandmother: Debra Swenson; <i>Declaration of Due Diligence filed on 5/20/2014.</i>                  Maternal grandfather: Terry Blankenship</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Pursuant to Probate Code § 2352(c) and § 1511(b), need <i>Notice of Hearing</i> and proof of service of 15 days' notice by mail, together with a copy of the <i>Petition</i>, for the following persons:</p> <ul style="list-style-type: none"> <li>• Aaron Swenson, father, <i>if Court does not find due diligence</i>;</li> <li>• Teresa Swenson, mother;</li> <li>• Debra Swenson, paternal grandmother, <i>if Court does not find due diligence</i>;</li> <li>• Terry Blankenship, maternal grandfather.</li> </ul> <p><b>Note:</b> <i>Pre-Move Notice of Proposed Change of Personal Residence of Ward</i> filed 4/28/2014 states Petitioner intends to change the wards' residence on <b>7/20/2014</b> to an address in the State of Oregon. <i>Proof of Mailing</i> of the Notice shows the parents were mailed a copy of the <i>Pre-Move Notice</i> on 4/25/2014 (notice was mailed by the Petitioner.) However, this notice does not replace the required service of Notice of Hearing to the parents.</p> <p><b>~Please see additional page~</b></p>
<b>Scarlet Age: 8 yrs</b>			
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input type="checkbox"/>	<b>Notice of Hrg</b> X		
<input type="checkbox"/>	<b>Aff.Mail</b> X		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
		<p><b>Petitioner states</b> the parents are not able to maintain their drug rehabilitation programs and therefore pose a detriment and threat to the progress of the children's emotional growth and physical and emotional security. Petitioner states the parents have been separated since May 2006, the father has a criminal and domestic violence history, and both parents have a long history of drug and alcohol abuse, as well as child abuse and neglect. Petitioner states currently the mother is in another relationship with another man while in a program, and she is not maintaining her program which is designed to keep her clean and help her reunite with her children. Petitioner states that the mother's last relationship was as a sex slave for two persons, who the mother was given to as "property" and they told her they would kill Petitioner if she disobeyed them, and who continue to drive through Petitioner's apartment complex and leer at Petitioner and the children. Petitioner states she does not feel safe in her own home or in this area, therefore moving the children out of state will provide a safer environment for them and provide safe distance from the parents and the people who continue to look for their mother.</p>	
		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 5/22/14</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 20 - Swenson</b></p>	

NEEDS/PROBLEMS/COMMENTS, continued:

**Note:** Probate Code § 2352(d) provides an order granting permission of the Court to the Petitioner (Guardian) to establish the residence of the wards at a place not within this state shall require the Guardian to either cause a guardianship proceeding or its equivalent to be commenced in the place of the new residence when the wards have resided in the place of new residence for a period of 4 months, or to return the wards to this state. If the *Petition* is granted, the Court will set a Status Hearing as follows:

- **Tuesday, October 21, 2014, at 9:00 a.m. in Dept. 303** for filing proof of establishment of a guardianship or its equivalent in the State of Oregon.

**21 Anquane Dupree Draper Lee & Anquanesse Lakeys Draper Lee (GUARD/P)**

**Case No. 13CEPR01098**

**ProPer Augustus, Carolyn (pro per – biological paternal grandmother/Petitioner)  
Petition for Appointment of Guardian of the Person (Prob. C. 1510)**

Anquan, 7	<b><u>NO TEMPORARY REQUESTED</u></b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>	
Anquanesse, 7	<b>CAROLYN AUGUSTUS</b> , biological paternal grandmother, is Petitioner.	<b>CONTINUED FROM 02/24/14 Minute Order from 02/24/14 states: Matter continued to 05/27/14. The Court Investigator is ordered to provide an updated report before the next hearing.</b>	
	Biological Father: <b>ANTWANE DUPREE LEE</b> – personally served on 01/21/14		
Cont. from 021814, 022414	Biological Mother: <b>DEREICE DRAPER</b> Adoptive mother/maternal aunt: <b>JAVON WALDROP</b>		
Aff.Sub.Wit.		<ol style="list-style-type: none"> <li>Need proof of service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> or Consent &amp; Waiver of Notice or Declaration of Due Diligence for: <ol style="list-style-type: none"> <li>Javon Waldrop (adoptive mother/biological maternal aunt) – personal service required</li> <li>Cloyd Lee Marshall (maternal grandfather) – service by mail is sufficient</li> </ol> </li> <li>Items 3 &amp; 13 of the Confidential Screening Form were not completed. #3 – I have/have not been charged with, arrested for, or convicted of a crime deemed to be a felony or a misdemeanor; #13 – I have or may have/I do not have an adverse interest that the court may consider to be a risk to, or to have an effect on, my ability to faithfully perform the duties of guardian.</li> </ol>	
✓ Verified	Paternal grandfather: DECEASED		
Inventory			
PTC	Maternal grandfather: CLOYD LEE MARSHALL Maternal grandmother: DECEASED		
Not.Cred.			
✓ Notice of Hrg	<b>Petitioner alleges</b> that the children are not being properly cared for in their current home. Their medical and dental needs are neglected, they are underfed, and do not have adequate clothing. The ragged clothes they do have are unclean and their hygiene is poor. The children have no beds and sleep on a dirty floor sometimes without covers.		
Aff.Mail	x		
Aff.Pub.			
Sp.Ntc.			
✓ Pers.Serv.	w/o		
✓ Conf. Screen			
✓ Letters			
✓ Duties/Supp			
✓ Objections			
Video Receipt			
✓ CI Report			
9202			
✓ Order	<b>Objection to Guardianship</b> filed 02/18/14 by Javon Waldrop states that Petitioner, Carolyn Augustus has made false allegations against her. Objector believes that Ms. Augustus is angry because her visitation was stopped. Objector states that she stopped allowing Ms. Augustus to visit the children because of the false allegations.		
Aff. Posting			
Status Rpt			
✓ UCCJEA	<b>Declaration of Petitioner Carolyn Augustus</b> filed 02/20/14 attaches letters attesting to her character from her church pastor and another woman. The declaration also attaches pictures, reportedly of Javon Waldrop (adoptive mother/aunt) and her husband Darryl Johnson that shows alcohol being consumed with children around and possible drug use. There also is a picture of one of the children with a scabbed sore on the temple.		
Citation			
FTB Notice			
		<b>Reviewed by:</b> JF	
		<b>Reviewed on:</b> 05/21/14	
		<b>Updates:</b> 05/22/14	
		<b>Recommendation:</b>	
		<b>File 21 – Lee</b>	

Age: 16 years	<b>GENERAL HEARING 7/15/14</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<b>ANGELINA BELMONTES</b> , step-mother, is petitioner.	<b>Note: Petitioner is a resident of Madera County.</b>
	Father: <b>EDWARD MEDINA</b>	1. Need Notice of Hearing.
Cont. from	Mother: <b>VIRGINIA VEGA</b>	2. Need proof of personal service of the Notice of Hearing along with a copy of the Temporary Petition or consent and waiver of notice or declaration of due diligence on:
<input type="checkbox"/> Aff.Sub.Wit.	Paternal grandparents: not listed. Maternal grandparents: not listed.	a. Edward Medina (father)
<input checked="" type="checkbox"/> Verified	<b>Petitioner states</b> the minor refuses to live with her father. She (sic) is being verbally, emotionally and mentally abusive to her, which is affecting her school, grades and everyday life.	b. Virginia Vega (mother)
<input type="checkbox"/> Inventory		c. Sara Medina (minor)
<input type="checkbox"/> PTC		3. The UCCJEA is incomplete it does not include the minor's residence information for the past 5 years.
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg		
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		<b>Reviewed by: KT</b>
		<b>Reviewed on: 5/22/14</b>
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 22 - Medina</b>

**23 Evelyn Duran, Ernest Duran, Evette Duran & Eveonn Duran (GUARD/P)**

**Case No. 14CEPR00263**

**Atty Duran, Paula Linda (pro per – paternal grandmother/Petitioner)**

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

Evelyn, 10		<b><u>NO TEMPORARY REQUESTED</u></b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>	
Ernest, 9				
Evette, 8				
Eveonn, 4				
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.	<p><b>PAULA DURAN</b>, paternal grandmother, is Petitioner.</p> <p>Father: <b>ERNEST DURAN, SR.</b> Mother: <b>DOMINGA DURAN</b></p> <p>Paternal grandfather: ALEJANDRO DURAN, SR.</p> <p>Maternal grandparents: UNKNOWN</p> <p><b>Petitioner states</b> that the father is incarcerated and the mother's whereabouts are unknown. The father's girlfriend, who the children were living with after their father's arrest, was deemed by CPS to be unfit to care for the children.</p> <p><b>Court Investigator Julie Negrete filed a report on 05/19/14.</b></p>	<p><b>Note:</b> Per CI report, the minors may have Native American ancestry and an ICWA packet was mailed to Petitioner. It does not appear that anything has been received back as of 05/22/14.</p> <ol style="list-style-type: none"> <li>1. Need <i>Notice of Hearing</i>.</li> <li>2. Need proof of service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment Guardian of the Person</i> <u>or</u> <i>Consent &amp; Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for:                     <ol style="list-style-type: none"> <li>a. Ernest Duran, Sr. (father) – personal service required</li> <li>b. Dominga Duran (mother) – personal service required</li> <li>c. Alejandro Duran, Sr. (paternal grandfather) – service by mail ok</li> <li>d. Maternal grandparents (unknown) – service by mail ok</li> <li>e. Siblings 12 years of age and older – service by mail ok</li> </ol> </li> </ol>	
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			x
<input type="checkbox"/>	Aff.Mail			x
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			x
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			<b>Reviewed by:</b> JF	
			<b>Reviewed on:</b> 05/22/14	
			<b>Updates:</b>	
			<b>Recommendation:</b>	
			<b>File 23 - Duran</b>	