

Attorney Heather H. Kruthers (for Public Guardian, Conservator of the Estate)

**Petition for Authorization and Instruction as to Management of Conservatee's Estate Assets (Authority to Invest Funds)**

		<p><b>PUBLIC GUARDIAN</b>, Successor Conservator of the Estate appointed on 7/5/1995, is Petitioner.</p> <p align="center">~Please see Petition for details~</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 4/21/2016.</b>  <i>Minute Order</i> states the Court wants more information regarding RIA and the rates of return for other comparable accounts they are managing for the Public Guardian's office; the information is to be filed at least one week prior to 6/2/2016.</p> <p>Please see Second Additional page for summary of <i>Declaration of Deputy Public Guardian Clint Yarbrough Regarding Investment of Assets</i> filed 6/1/2016.</p>																																																																				
<p>Cont. from 042116</p> <table border="1"> <tr><td></td><td>Aff.Sub.Wit.</td><td></td></tr> <tr><td>✓</td><td>Verified</td><td></td></tr> <tr><td></td><td>Inventory</td><td></td></tr> <tr><td></td><td>PTC</td><td></td></tr> <tr><td></td><td>Not.Cred.</td><td></td></tr> <tr><td>✓</td><td>Notice of Hrg</td><td></td></tr> <tr><td>✓</td><td>Aff.Mail</td><td>W/</td></tr> <tr><td></td><td>Aff.Pub.</td><td></td></tr> <tr><td></td><td>Sp.Ntc.</td><td></td></tr> <tr><td></td><td>Pers.Serv.</td><td></td></tr> <tr><td></td><td>Conf. Screen</td><td></td></tr> <tr><td></td><td>Letters</td><td></td></tr> <tr><td></td><td>Duties/Supp</td><td></td></tr> <tr><td></td><td>Objections</td><td></td></tr> <tr><td></td><td>Video Receipt</td><td></td></tr> <tr><td></td><td>CI Report</td><td></td></tr> <tr><td></td><td>9202</td><td></td></tr> <tr><td>✓</td><td>Order</td><td></td></tr> <tr><td></td><td>Aff. Posting</td><td></td></tr> <tr><td></td><td>Status Rpt</td><td></td></tr> <tr><td></td><td>UCCJEA</td><td></td></tr> <tr><td></td><td>Citation</td><td></td></tr> <tr><td></td><td>FTB Notice</td><td></td></tr> </table>					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
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			<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 5/24/16</p> <p><b>Updates:</b> 6/1/16</p> <p><b>Recommendation:</b></p> <p><b>File 1- Hernandez</b></p>																																																																				

**Petitioner prays for an order that the Court authorize the Public Guardian to systematically invest the Conservatee's assets through the diversified portfolio presented by REGENCY INVESTMENT ADVISORS.**

**Note for reference:** Probate Code § 2570(d) for authorization of investments provides the court may require such proof of fairness and feasibility of *[the investment]* as the court determines is necessary. Probate Code § 2574 provides the conservator, without authorization of court, may invest funds of the estate *[in enumerated types of investments, which appear to describe the proposed investment for Conservatee]*; 2574(b) provides that in making the investments, the conservator shall take into consideration the circumstances of the estate, indicated cash needs, and, if reasonably ascertainable, the date of the prospective termination of the conservatorship.

<b>DOD: 02/25/2003</b>	<b>VIRGINIA SARABIAN</b> , daughter-in-law, is petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>At #5a.(5) of the petition states decedent was survived by a child (natural or adopted) however the child is not listed on #8 of the petition. <b>Note:</b> Initial petition listed a son by the name of Sarkis Sarabian.</li> <li>Need waiver of bond by the surviving child or children or <b>bond in the amount of \$200,000.00.</b></li> <li>Need proof of service of the Notice of Petition to Administer Estate on surviving child pursuant to Probate Code §8110.</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>If bond is ordered <b>Thursday, 07/07/2016 at 9:00a.m in Dept. 303</b> for the filing of the Bond <u>and</u></li> <li><b>Thursday, 11/03/2016 at 9:00a.m. in Dept. 303</b> for the filing of the inventory and appraisal <u>and</u></li> <li><b>Thursday, 08/03/2017 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>
	Full IAEA – o.k.	
	Decedent died intestate	
<b>Cont. from</b>	Residence: Fresno	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Publication: The Business Journal	
<input checked="" type="checkbox"/> <b>Verified</b>	<b>Estimated value of the Estate:</b>	
<input type="checkbox"/> <b>Inventory</b>	Real property - \$200,000.00	
<input type="checkbox"/> <b>PTC</b>	Probate Referee: Rick Smith	
<input type="checkbox"/> <b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		
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<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>		
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<input checked="" 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: LV</b>		
<b>Reviewed on: 06/01/2016</b>		
<b>Updates:</b>		
<b>Recommendation:</b>		
<b>File 2- Sarabian</b>		

**3 Sarah Leylanni Gaitan (GUARD/P) Case No. 09CEPR00153**

Petitioner Mares, Gina Louise (Pro Per – Mother)  
 Guardian Cantu, Olga (Pro Per – Paternal Grandmother)

**Petition for Visitation**

		GINA LOUISE MARES, mother, is petitioner.  <p style="text-align: center;"><u>Please see petition for details</u></p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Visitation on: <ul style="list-style-type: none"> <li>• Armando Gaitan, III (Father)</li> </ul>	
<b>Cont. from</b>				
<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 type="checkbox"/>	Aff.Mail			
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input checked="" type="checkbox"/>	Pers.Serv.			w/
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input type="checkbox"/>	Order			x
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		<b>Reviewed by:</b> LV		
		<b>Reviewed on:</b> 05/31/2016		
		<b>Updates:</b>		
		<b>Recommendation:</b>		
		<b>File 3- Gaitan</b>		

Petition of Trustee to Settle Fifth Account Current, for Approval of Trustee's Fees and for Authorization to Compensate Counsel for the Trustee.

		<b>PERINE &amp; DICKEN PROFESSIONAL FIDUCIAIRES</b> , Trustee, is Petitioner, consisting of the following individuals licensed as Private Professional Fiduciaries: <b>PATRICIA DICKEN, RONALD DICKEN, KAREN STEELE.</b>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> <li><b>Wednesday, April 4, 2018</b> at 9:00 a.m. in Department 303, for the filing of the Sixth Account.</li> </ul> <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.</p>	
Cont. from		<b>Account period: 2/1/15 – 1/31/16</b>		
	Aff.Sub.Wit.	Account - <b>\$122,755.34</b>		
✓	Verified	Beginning POH - <b>\$100,077.34</b>		
	Inventory	Ending POH - <b>\$ 91,505.17</b>		
	PTC			
	Not.Cred.			
✓	Notice of Hrg	<b>Trustee: \$5,004.00</b> (already received, for 55.85 hours @ \$120/hr by Trustees and Affiliates (employees), pursuant to itemization at Exhibit B. Under Paragraph 13 of the Order Establishing the Diaz SNT, Petitioner is authorized to receive monthly payments at the rate of \$120/hr of up to \$1,500/month without prior Court approval.)		
✓	Aff.Mail	<b>Attorney: \$2,394.00</b> (4.6 attorney hours @ \$250/hr, 5.4 paralegal hours @ \$90/hr, and 6.2 bookkeeper hours @ 90/hr, plus \$200.00 in costs)		
	Aff.Pub.	<b>Bond:</b> Petitioners states current bond is \$135,000.00. Based on POH and anticipated income plus cost of recovery totaling \$188,448.30, Petitioner requests that bond be reduced to \$120,000.00.		
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
✓	2620(c)			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
<b>Please see additional page</b>				<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 5/31/16</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 4- Diaz</b></p>

Petitioner requests the appointment of Mary Vorst, CLPF 889, as an additional Co-Trustee. Adding Ms. Vorst as a Co-Trustee will not increase the cost of administration and is in the best interest of the Beneficiary because Ms. Vorst will be able to act on behalf of the Trust when the other Co-Trustees are on vacation or otherwise unavailable.

Petitioner states under order establishing the Special Needs Trust, Petitioner was authorized to receive payments each month for Trustee's fees at the rate of \$120 per hour up to \$1,500 per month without prior court approval. The Trustee's current hourly rate is \$130 per hour. This is the rate currently charged for its other cases. Petitioner requests the authorization to increase its billing rate for services rendered to the DIAZ SNT to \$130 per hour effective May 1, 2016.

**Petitioner prays for the following orders:**

1. Settling the Fifth Account and allowing, confirming and approving all acts and transactions set forth therein;
2. Approving Trustee fees for services rendered through 1/31/16 of \$5,004.00 as just and reasonable;
3. Authorizing Trustee to increase its hourly billing rate to \$130 per hour beginning May 1, 2016;
4. Appointing Mary Vorst as Co-Trustee of the Josephine Diaz Special Needs Trust;
5. Approving the attorney fees and costs in the total sum of \$2,394.00;
6. Reducing the trustee's bond to \$120,000.00

		<b>MARIA GUADALUPE VALENCIA</b> , Guardian, is petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b><u>OFF CALENDAR.</u></b>  <b><u>Amended First Account filed on 05/11/2016. Hearing is set for 06/22/2016.</u></b></p> <ol style="list-style-type: none"> <li><b>Need Amended Accounting based on the following:</b> Account must start with the Inventory and Appraisal Value. Inventory and Appraisal filed 03/16/2015 shows estate valued at \$25,000.00.</li> <li>Real Property was sold therefore need Escrow statements pursuant to Probate Code § 2620 (c)(4).</li> <li>Attorney requests reimbursement of \$79 which is described as Legal Action, this appears to be an expense of doing business pursuant to Local Rule 7.17 (b)(7).</li> </ol>
		Account period: 01/13/2015 to 12/31/2015	
<b>Cont. from 042816</b>		Accounting - <b>\$12,638.09</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Beginning POH - <b>\$5.00</b>	
<input checked="" type="checkbox"/>	<b>Verified</b>	Ending POH - <b>\$11,643.09</b>	
<input type="checkbox"/>	<b>Inventory</b>	Guardian - <b>Waives</b>	
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>	Attorney - <b>\$2,889.00</b>	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	(per declaration and itemization for, for 10.5 hours at \$275/hr. Declaration lists 14.8 hours worked but has chosen to charge for a portion of Attorney time spent)	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	w/	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>	Attorney Reimbursement - <b>\$1,111.00</b>	
<input type="checkbox"/>	<b>Pers.Serv.</b>	(filing fees, Legal Action)	
<input type="checkbox"/>	<b>Conf. Screen</b>	<b>Petitioner prays for an Order:</b>	
<input checked="" type="checkbox"/>	<b>Letters</b>	01/13/15	
<input type="checkbox"/>	<b>Duties/Supp</b>	1. The Court issue an Order approving, allowing and settling the First Account and Report by the Guardian in all respects;	
<input type="checkbox"/>	<b>Objections</b>	2. The Court authorize Petitioner to pay her attorney \$2889.00, as reasonable value of services rendered to her, and \$1,111.00 for allowable costs advanced for her, for a total of \$4,000.00; and	
<input type="checkbox"/>	<b>Video Receipt</b>	3. Such other relief as the Court considers reasonable and proper.	
<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> LV	
		<b>Reviewed on:</b> 06/01/2016	
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 5- Patino</b>	

<b>DOD: 06/21/99</b>	<b>MARTHA HUERTA</b> , daughter, was appointed as Administrator with full IAEA and with bond set at \$110,000.00 on 04/02/15.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need First Account or Petition for Final Distribution.</p>
<b>Cont. from</b>	Receipt of Bond filed 05/13/2015 in the amount of \$110,000.00.	
<b>Aff.Sub.Wit.</b>	Letters issued on 05/13/2015.	
<b>Verified</b>	Final Inventory and Appraisal filed 08/03/2015 shows an estate valued at \$55,000.00.	
<b>Inventory</b>	<b>Minute Order from 04/02/15</b> set this hearing for status regarding filing of the First and/or Final Account.	
<b>PTC</b>	<p><b>Declaration of Philip M. Flanigan and Status Report and Request for Continuance filed 05/26/2016</b> states on the primary asset in the estate is the decedent's home. Petitioner's brother was living with the decedent and still resides in the property. Petitioner has advised him that he needs to move but he has not been able to find a new place as he works out of town and has not had the time. The home is in need of some repairs that need to be completed before it can be sold. Petitioner respectfully requests that this status hearing be continued for a period of ninety days to allow her to get her brother to agree to move or to initiate proceedings to have him evicted. At that time the property will be listed for sale. Once the property is sold the Final Account and Petition to close the estate will be filed.</p>	
<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>		
		<p><b>Reviewed by:</b> LV</p> <p><b>Reviewed on:</b> 05/31/2016</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 6- Garcia</b></p>

Attorney Gary G. Bagdasarian (for Petitioner Beverly E. Kitchen, Administrator)

**First and Final Account and Report of Status of Administration of Administrator and Petition for Settlement Thereof; Waiver of Administrator's Commissions and Attorney's Fees; for Costs Reimbursement and for Final Distribution**

<b>DOD: 10/31/2014</b>	<b>BEVERLY E. KITCHEN</b> , spouse and Administrator, is Petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Paragraph 21 of the <i>Petition</i> requests a closing reserve of <b>\$1,000.00</b>; however, Paragraph 22 does not deduct the <b>\$1,000.00</b> from the cash distribution sum. Need clarification regarding whether the closing reserve is requested, and if so, need revised cash distribution amounts, which would be <b>\$2,577.94</b> to each. (<i>Note: If Petitioner confirms a closing reserve is requested, Court may require notice to be served of the decreased distribution sums to the distributees.</i>)</p>
	<b>Account period: 8/14/2015 – 3/31/2016</b>	
<b>Cont. from</b>	Accounting - <b>\$19,612.55</b>	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Beginning POH - <b>\$19,612.55</b>	
<input checked="" type="checkbox"/> <b>Verified</b>	Ending POH - <b>\$19,612.55</b> <i>(all cash)</i>	
<input checked="" type="checkbox"/> <b>Inventory</b>	Administrator - <b>waives</b>	
<input checked="" type="checkbox"/> <b>PTC</b>	Attorney - <b>waives</b>	
<input checked="" type="checkbox"/> <b>Not.Cred.</b>	Administrator Reimb. - <b>\$12,145.67</b> <i>(\$11,771.67 for reimbursement of funeral expenses paid; \$374.00 for reimbursement of life insurance premiums paid;)</i>	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Administrator Costs - <b>\$876.00</b> <i>(filing fee, publication, certified copies)</i>	
<input checked="" type="checkbox"/> <b>Aff.Mail</b> <sup>W/</sup>	Attorney Costs - <b>\$435.00</b> <i>(filing fee)</i>	
<b>Aff.Pub.</b>	Closing - <b>\$1,000.00</b> <i>(liabilities for fiduciary income tax return)</i>	
<b>Sp.Ntc.</b>	<b>Distribution pursuant to Agreement for Settlement of Estate executed 8/6/2015 is to:</b>	
<b>Pers.Serv.</b>	<b>BEVERLY KITCHEN – [\$3,077.94 or \$2,577.94 cash?]</b>	
<b>Conf. Screen</b>	<b>ANTOINETTE THIEL – [\$3,077.94 or \$2,577.94 cash?]</b>	
<b>Letters</b> 081415		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
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<input checked="" type="checkbox"/> <b>Order</b>		
<b>Aff. Posting</b>		
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<b>UCCJEA</b>		
<b>Citation</b>		
<input checked="" type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> LEG
		<b>Reviewed on:</b> 5/31/16
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 7- Kitchen</b>

Attorney Mario D. Vega; Robert S. Parade; of Los Angeles (for John E. Rogers, Jr., Esq.)

Petition for Letters of Administration; Authorization to Administer Under the Independent Administration of Estates Act

<b>DOD: 4/27/2013</b>	<p><b>JOHN E. ROGERS, JR., ESQ.</b>, was appointed Special Administrator with no IAEA Authority without bond with special powers on 8/13/2015.</p> <p><b>LETTERS OF SPECIAL ADMINISTRATION EXPIRE ON 9/10/2015; extended to 10/29/2015; extended to 6/2/2016</b></p> <p><b>JOHN E. ROGERS, JR., ESQ.</b>, nominee of Decedent's father, <b>MELVIN COOPER, JR.</b>, is Petitioner and requests appointment as Administrator with Limited IAEA authority without bond.</p> <p>Limited IAEA — OK</p> <p>Decedent died intestate.</p> <p>Residence — Fresno Publication — Business Journal</p> <p><b>Estimated value of the Estate:</b> Personal property - <b>\$0.00*</b> <i>*The estate has no assets except for a wrongful death action with regard to Decedent's death.</i></p> <p>Probate Referee: <b>Steven Diebert</b></p> <p><b>Petitioner states:</b></p> <ul style="list-style-type: none"> <li>The sole heir of the estate is Decedent's father, <b>MELVIN COOPER, JR.</b>, pursuant to Probate Code § 6402;</li> <li>Attorneys <b>NAZARETH HAYSBERT</b> and <b>MILIN CHUN</b> are attorneys with <b>BOUCHER LLP</b>, the law firm involved with the wrongful death lawsuit filed in federal court on behalf of Decedent's estate.</li> </ul> <p><b>Supplemental Declaration filed 10/27/2015 states [briefly] that John E. Rogers, Jr. is a licensed California Attorney who has no relationship to Decedent, but who would be able to obtain the necessary probate bond; the federal Court has ordered in the wrongful death action that responsive pleadings be filed by 12/11/2015.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b> <b>Continued from 10/29/2015.</b> Minute Order states Counsel represents that there are no assets other than the anticipated proceeds from a successful personal injury case. The Court extends the Letters of Special Administration to 6/2/2016. A verified status report is to be filed by 5/31/2016, and Counsel is ordered to be personally present in court or via CourtCall on 6/2/2016.</p> <p align="center"><b>~Please see additional page~</b></p>
<b>Cont. from 091015, 102915</b>		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
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<input type="checkbox"/> <b>Sp.Ntc.</b>		
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<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
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<input type="checkbox"/> <b>Status Rpt</b>		
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<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 5/24/16</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 8 – Cooper</b></p>		

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

**Note Re Notice:** *Proof of Service by Mail of the Notice of Petition to Administer Estate* filed 10/1/2015 shows notice served to 7 of the 8 persons listed in Item 8 of the *Petition* was mailed to the same address in Fresno for each of the persons, who are identified as Decedent's father and adult siblings. Given that Decedent's father is entitled to inherit the entire estate at this time, address confirmation of the 8 persons is not requested.

**Note Re Special Administration:** *Ex Parte Order Appointing Special Administrator* filed 8/13/2015 authorizes the Petitioner special powers to pursue wrongful death litigation and to pursue any claims associated with the lawsuit on behalf of the Decedent's estate. *Ex Parte Petition* indicated that appointment of a special administrator was necessary to avoid dismissal of the initial wrongful death complaint which was filed 4/28/2015 by **BOUCHER, LLP**, in federal court without anyone having been appointed as administrator of Decedent's estate, and an amended complaint was required by 8/26/2015.

**Note Re Bond:** *Attachment 3(d)* to the *Petition* states Petitioner requests no bond be required until such time as assets come into the estate, as there are no funds with which to pay a bond premium. If assets are recovered from litigation on behalf of Decedent's estate, a petition to the Court will be required regarding the need for bond pursuant to Probate Code § 8482 and CA Rule of Court 7.204, which provides that immediately upon the occurrence of facts making it necessary or appropriate to increase the amount of the bond, the personal representative or the attorney must make an ex parte application for an order increasing the bond. Alternatively, the petition can request all funds be placed into a blocked account for the estate.

**Note Re Future Hearings:** If Petition for Letters of Administration is granted, Court may set status hearings as follows:

- **Thursday, February 2, 2017 (8 months, to allow additional time for litigation) at 9:00 a.m. in Dept. 303** for filing of inventory and appraisal; and
- **Thursday, November 2, 2017 (17 months, to allow additional time for litigation) 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.

Attorney Vega, Mario D.; Parada, Robert S.; of Los Angeles (for John E. Rogers, Jr., Esq.)

**Petition for Letters of Administration; Authorization to Administer Under the Independent Administration of Estates Act**

<b>DOD: 11/10/2013</b>	<b>JOHN E. ROGERS, JR.,ESQ.</b> , nominee of Decedent's mother, <b>RAMONA TALAMANTEZ</b> , is Petitioner and requests appointment as Administrator with Limited IAEA authority without bond.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Continued from 10/29/2015.</b> Minute Order states Counsel represents that there are no assets other than the anticipated proceeds from a successful personal injury case. A verified status report is to be filed by 5/31/2016, and Counsel is ordered to be personally present in court or via CourtCall on 6/2/2016.</p> <p align="center">~Please see additional page~</p>
<b>Cont. from 091015, 102915</b>	Limited IAEA — OK	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>		
<b>Inventory</b>	Decedent died intestate.	
<b>PTC</b>		
<b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Residence — Fresno Publication — Business Journal	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	W/	
<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>	Probate Referee: <b>Rick Smith</b>	
<input checked="" type="checkbox"/> <b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>	<b>Petitioner states:</b> This estate has no assets and has been opened for the purpose of having a representative to file a wrongful death action with regard to Decedent's death.	
<b>CI Report</b>		
<b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>	<b>Supplemental Declaration filed 10/27/2015</b> states [briefly] that John E. Rogers, Jr. is a licensed California Attorney who has no relationship to Decedent, but who would be able to obtain the necessary probate bond.	
<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> 5/24/16
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 9 – Mendoza</b>

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

**Note Re Bond:** Attachment 3(d) to the *Petition* states Petitioner requests no bond be required until such time as assets come into the estate, as there are no funds with which to pay a bond premium. If assets are recovered from litigation on behalf of Decedent's estate, a petition to the Court will be required regarding the need for bond pursuant to Probate Code § 8482 and CA Rule of Court 7.204, which provides that immediately upon the occurrence of facts making it necessary or appropriate to increase the amount of the bond, the personal representative or the attorney must make an ex parte application for an order increasing the bond. Alternatively, the petition can request all funds be placed into a blocked account for the estate.

**Note Re Future Hearings:** Court will set status hearings as follows:

- **Thursday, February 2, 2017 (8 months, to allow additional time for litigation) at 9:00 a.m. in Dept. 303** for filing of inventory and appraisal; and
- **Thursday, November 2, 2017 (17 months, to allow additional time for litigation) 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.

Petitioner Edward Anthony Guthery (Pro Per, Administrator)

**Petition for Final Distribution on Waiver of Accounting**

<b>DOD: 4/8/2014</b>	<b>EDWARD GUTHERY</b> , grandson and Administrator, is Petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. <i>Petition</i> does not contain a statement regarding whether notice of the administration of the estate has been sent to the Franchise Tax Board as required pursuant to Probate Code 9202(c)(1) for estates in which <i>Letters</i> were issued 7/1/2008 or after, and Court records contain no proof of service of such notice. Need proof of service of notice to the Franchise Tax Board pursuant to Probate Code 9202(c)(1).</p>
	Accounting is waived.	
<b>Cont. from</b>	I & A — <b>\$175,000.00</b>	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	POH — <b>\$175,000.00</b> <i>(no cash)</i>	
<input checked="" type="checkbox"/> <b>Verified</b>		
<input checked="" type="checkbox"/> <b>Inventory</b>	Administrator — <b>waives</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>	<b>Distribution pursuant to Assignments of Interests filed 4/21/2016 is to:</b>	
<input checked="" type="checkbox"/> <b>Aff.Mail</b> <sup>w/</sup>	<b>EDWARD GUTHERY</b> – entire interest in real property.	
<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>   112415		
<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> LEG
		<b>Reviewed on:</b> 5/31/16
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 10- Guthery</b>

**11 The Thomas J. Zumwalt and Mary Diane Zumwalt Revocable Family Trust**  
**Dated October 26, 2001** **Case No. 15CEPR01175**  
**Attorney: Gary G. Bagdasarian (for Petitioner Mary Diane Zumwalt)**

**Petition to Terminate Trust**

		<p><b>MARY DIANE ZUMWALT</b>, sole Trustee of the Thomas J. Zumwalt and Mary Diane Zumwalt Revocable Family Trust, is Petitioner.</p> <p><b>Petitioner states</b> THOMAS J. ZUMWALT and MARY DIANE ZUMWALT, husband and wife, entered into that certain Thomas J. Zumwalt and Mary Diane Zumwalt Revocable Family Trust dated October 26, 2001.</p> <p>Thomas J. Zumwalt died on 8/6/15. Thereinafter Mary Diane Zumwalt became the sole Trustee.</p> <p>Section 303 of the Trust provides that "The Trustee shall hold, administer and distribute all Trust assets for the benefit of the surviving spouse, both as to income and principal unless otherwise herein provided." Consequently, no Irrevocable Trust was directed to be created and the Trust remained Revocable as reflected in its name.</p> <p>The Trust provides that upon the death of the surviving Trustor, Petitioner herein, the Trust shall terminate and the assets divide in four equal shares to the following beneficiaries: Thomas Zumwalt, Timothy Zumwalt, Robert Zumwalt and Daniel H. Zumwalt.</p> <p>Although the Trust does not provide specifically that the surviving spouse, Petitioner herein, Mary Zumwalt, retains the power to revoke, the title of the Trust is the Revocable Family Trust and there is no specific language requiring the creation of an Irrevocable Trust.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>On 3/8/16</b> the Court took the matter under submission – vacated pursuant to <b>Order on Petition to Terminate Trust [Vacating submission and providing for resubmission pursuant to Cal. Rules of Court, Rule 2.900, subd. (b)] filed on 4/14/16.</b> The court issued this interim order requiring Petitioner to: 1) lodge the original Trust document with the court, for <i>in camera</i> inspection; and 2) file a declaration establishing the transfer of assets to the Trust and setting forth Petitioner's contention as to the nature of the Trust assets and support therefor. The court placed the matter back on calendar for the limited purpose of allowing Petitioner to comply with the order, and any additional oral arguments, after which the court will again take the matter under submission for a final ruling on the Petition. If more time is needed by petitioner to comply with the court's order herein, petitioner may submit an ex parte petition requesting the same. – <b>Original Trust lodged on 5/3/16. Declaration of Mary Zumwalt as to Character of Assets filed on 5/31/16</b> (please see last page).</p>
<b>Cont. from 011916, 020216, 030816, 050516</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 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>		
<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>Please see additional page</b>		<p><b>Reviewed by:</b> KT</p> <p><b>Reviewed on:</b> 5/31/16</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 11- Zumwalt</b></p>	

**11 The Thomas J. Zumwalt and Mary Diane Zumwalt Revocable Family Trust  
Dated October 26, 2001 Case No. 15CEPR01175**

**Wherefore, Mary Diane Zumwalt, prays for a Court Order as follows:**

1. The Thomas J. Zumwalt and Mary Diane Zumwalt Revocable Family Trust dated October 26, 2001 is terminated in its entirety;
2. All assets of the Thomas J. Zumwalt and Mary Diane Zumwalt Revocable Family Trust dated October 26, 2001 be distributed to Mary Diane Zumwalt.

**Declaration of Gary Bagdasarian filed on 1/28/16 states** all of the assets of the Trust were the community property of the Settlor, Thomas J. Zumwalt and Mary Diane Zumwalt.

All of the assets were community property, pursuant to Family Code §761 Mary Diane Zumwalt, the sole surviving settlor, acting alone, has the power to revoke the Trust as to community property.

**NEEDS/PROBLEMS/COMMENTS:**

1. Probate Code §15401(b)(1) states "Unless otherwise provided in the instrument, if a trust is created by more than one settlor, each settlor may revoke the trust as to the portion of the trust contributed by that settlor, except as provided in Section 761 of the Family Code." Section 761 of the Family Code gives either settlor acting alone the power to revoke as to community property. Under the commentary for Probate Code §15401 it states "A husband and wife created a trust with community property which expressly allowed revocation "at any time during the lifetime of either Trustor." After the wife died, the husband revoked the trust. This was effective only as to his half of the trust corpus because upon the wife's death the community interests were converted into separate property, one half of which belongs to the wife. *In re: Estate of Powell*, 83 Cal.App.4<sup>th</sup> 1434, 100 Cal.Rptr.2d 501 (3d Dist. 2000).

Probate Code §100 provides: "Upon the death of a married person, one-half of the community property belongs to the surviving spouse and the other half belongs to the decedent.

2. The Trust does not include a Schedule "A" listing the assets of the Trust. Probate Code §15202 states "A trust is created only if there is trust property."

**Declaration of Gary Bagdasarian filed on 3/4/16** states while Probate Code §100 provides that upon the death of a married person, one-half of the community property belongs to the surviving spouse and the other half belongs to the decedent. As indicated in the case of *In re: Estate of Powell*, 83 Cal.App.4<sup>th</sup> 1434, 100 Cal.Rptr.2d 501 (3d Dist. 2000), a 1991 Trust permitted "revocation during a lifetime of either trustor." The Court goes on to say "thus, to the extent William and Myrtle retained reversionary property in the in the trust assets during Myrtles lifetime by virtue of the right of revocation provided in the trust , those property interest were transmuted from community to separate upon Myrtle's death." In the instant case, there was no reversionary property interest in trust assets because there was no "right of revocation provided in the trust." Consequently, the property interest were not transmuted from community property to separate property upon the death of Thomas J. Zumwalt and remained community property. Therefore Mary Diane Zumwalt has the power to revoke the entire trust composed of community property.

**Please see additional page.**

**11 The Thomas J. Zumwalt and Mary Diane Zumwalt Revocable Family Trust  
Dated October 26, 2001 Case No. 15CEPR01175**

**Declaration of Mary Diane Zumwalt as to Character of Assets filed on 5/31/16.** Ms. Zumwalt states she and decedent were married on 11/29/1941 in Yuma, Arizona. They continuously lived together as husband and wife from the date of their marriage to the date of Decedent's death on 8/6/15 in excess of 73 years.

At the time of marriage, Petitioner and Decedent's assets consisted of personal items of nominal value. Decedent was not indebted to any significant extent.

During the marriage Decedent did not receive any other property by inheritances that wasn't transmuted to community property.

Since the date of the marriage, Petitioner and Decedent have resided in the State of California and have each been employed.

All of the assets in the Thomas J. Zumwalt and Mary Diane Zumwalt Revocable Family Trust dated October 26, 2001 were derived from accumulations as a result of earnings by Decedent and Petitioner during their marriage.

**Petition of Will and for Letters Testamentary with IAEA**

<b>DOD: 7/11/2014</b>	<b>STEPHANIE A. COLMENERO,</b> daughter/named Executor without bond is petitioner	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note:</b> If granted, the Court will set status hearings as follows: <ul style="list-style-type: none"> <li>• <b>Tuesday, November 8, 2016</b> for filing Inventory and Appraisal</li> <li>• <b>Tuesday, August 8, 2017</b> for filing the first account or petition for final distribution</li> </ul> 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.
	Limited IAEA – o.k.	
<b>Cont. from 031016, 042116</b>	Will dated 6/12/2014	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	s/p Residence: Fresno	
<input checked="" type="checkbox"/> <b>Verified</b>	Publication: Fresno Bee	
<input type="checkbox"/> <b>Inventory</b>	<b>Estimated value of the Estate:</b>	
<input type="checkbox"/> <b>PTC</b>	Personal property \$ 36,000.00	
<input type="checkbox"/> <b>Not.Cred.</b>	Annual gross income \$ 200.00	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Real property \$ 0.00	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	<b>Total \$ 36,200.00</b>	
<input checked="" type="checkbox"/> <b>Aff.Pub.</b>	<b>Probate Referee: Rick Smith</b>	
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input checked="" type="checkbox"/> <b>Letters</b>		
<input checked="" 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> SEF
		<b>Reviewed on:</b> 5/27/2016
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 12- Colmenero</b>

**Petition for Letters of Administration; Authorization to Administer under IAEA**

<b>DOD: 1/11/16</b>	<b>ROSARIO ORTIZ</b> , Daughter, is Petitioner and requests appointment as Administrator with Full IAEA with bond of \$226,500.00.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Minute Order 4/14/16: Continued due to the late-filed objection.</b></p> <p><b>Note: Petitioner's Response to Objection was filed 5/19/16. Objector's Supplement/Amended Objection and declarations in support were filed 5/25/16. See following pages.</b></p> <p><b>Note: If granted, the Court will set status hearings as follows:</b></p> <ul style="list-style-type: none"> <li>• Thursday, July 21, 2016 for filing of bond;</li> <li>• Thursday, November 3, 2016 for filing Inventory and Appraisal</li> <li>• Thursday, August 3, 2017 for filing the first account or petition for final distribution.</li> </ul>
<b>Cont. from 041416</b>	Full IAEA – ok	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>	Decedent died intestate	
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>	Residence: Kerman Publication: Business Journal	
<input type="checkbox"/> <b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Estimated value of estate: Personal property: \$1,500.00 Real property: \$225,000.00 Total: \$226,500.00	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>		
<input checked="" type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>	Probate Referee: Rick Smith	
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>	<b>Opposition of Amparo Dominguez (Daughter) and Raquel Romero (Granddaughter) to Petition of Rosario Ortiz to Administer Estate filed 4/13/16 states</b> they oppose Ortiz' petition to administer the estate and oppose granting any powers to Ortiz under IAEA on the grounds that there is no estate requiring administration and an estate cannot be created out of the bare assertions of Ortiz; and on the grounds that Ortiz is seeking relief that could not ripen unless a judgment had first issued that is not within the original jurisdiction of the probate court; and based on the fact that Ortiz is not a suitable administrator in any case.	
<input checked="" type="checkbox"/> <b>Letters</b>		
<input checked="" type="checkbox"/> <b>Duties/Supp</b>		
<input checked="" 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><u>SEE ADDITIONAL PAGES</u></b>		
<b>Reviewed by:</b> skc		
<b>Reviewed on:</b> 5/31/16		
<b>Updates:</b>		
<b>Recommendation:</b>		
<b>File 13- Dominguez</b>		

**Page 2**

**Objectors state** the sole justification offered by Ortiz for opening a probate case is the supposed existence of "equitable interest" in real property, as evidenced in the Request for Judicial Notice filed herewith (Notice of Pendency of Action recorded 3/10/16, as filed by Petitioner on 3/14/16). Yet it is clear that title to the subject real property is vested in fee simple in one of the opposing parties, Amparo Dominguez, and has been so held by Amparo for some nine years prior to the decedent's death, as shown in Exhibit A (grant deed recorded 8/2/07). Therefore, the alleged interest belonging to the estate is nonexistent. Since a petition to appoint an administrator is not an appropriate mechanism for determination of the adverse contentions of Ortiz regarding title to the real property, and since it is clear that the only objective of Ortiz is to administer an estate containing that interest, there are no grounds for granting the petition.

Moreover, if it were necessary to appoint anyone at all, the appointee should be Amparo Dominguez, who served as the representative for the decedent for financial and legal matters during her lifetime and upon her death, as shown in Exhibit B (funeral statements). The estate property would be all personal property since the decedent had no real property or equitable interest at the time of her death, but Amparo should be allowed to file a petition for her own appointment even if the Court believes it has a current ability to find that the estate holds an "equitable interest" in the real property.

Objectors request the Ortiz petition at least not be granted until they have had the opportunity to submit evidence in the form of affidavits or declarations. See Objection for factual and legal grounds.

**Objection provides extensive background and requests that the petition be summarily denied, or alternatively that a briefing schedule and hearing date be established so that Petitioner can assert her arguments for the jurisdiction of this court and document her ground for asserting that the estate holds an equitable interest in property and also her qualifications for appointment administrator, and also so that opposing parties can properly respond.**

**Petitioner's Response to Objection filed 5/19/16 states** Objectors seek to have this Court deny the petition by making unsubstantiated factual statements relating to Petitioner's qualifications to act as administrator by seeking to prematurely adjudicate whether issues relating to the character of the real property can properly be subject of this probate proceeding. Petitioner sets forth facts demonstrating her qualifications to act as administrator for her mother's estate. While objectors argue that she is not qualified to do so, they have not presented any evidence to support such arguments. It is Objectors who have the burden to produce such evidence with their opposition papers, and it is not the Court's responsibility to instruct them to do so.

**SEE ADDITIONAL PAGES**

**Petitioner's Response to Objection (Cont'd) states** as to Objectors' legal argument relating to whether this Court has jurisdiction to consider the character of the real property described within the petition, Objectors are putting the proverbial cart before the horse. The first issue to be decided is whether or not the petition alleges matters which properly places the dispute within this Court's probate division. Petitioner does allege the existence of property within the estate to which Objectors do not contend is properly part of the estate. Under well-settled case law, once probate is opened, the contested issues as to the *nature* of the property within the estate, including whether the property is subject to a constructive trust, are likewise issues properly within the jurisdiction of the probate department. It is not appropriate **at this juncture** (emphasis in original) to attempt to litigate this issue prior to discovery and based on unsupported argument.

Petitioner states the petition adequately sets forth facts and circumstances to trigger this Court's jurisdiction and the Court should move forward and appoint Petitioner as Administrator of the Estate and thereafter permit the parties to engage in appropriate discovery and investigation relating to the issues involving characterization of the decedent's estate.

See Response for discussion, authority. Accordingly, Petitioner requests the Court to grant the instant petition and issues Letters of Administration to Petitioner.

**Supplement to Opposition and Amended Objection by Amparo Dominguez and Raquel Romero was filed 5/25/16, along with Declarations in Support by Petitioners and Attorney Leichty.** Objectors provide authority regarding their opposition and state that with Petitioner's counsel fully aware that Objectors intended to submit declarations prior to the continued hearing, the parties agreed to a mechanism and schedule for briefing, which Petitioner's counsel then reneged on. See Declaration of Attorney Leichty. Under the letter sent by Objectors and assent of Petitioner, Petitioner was to provide further evidence for her position that the real property of non-party Amparo Dominguez should be considered part of a decedent's estate, and then Objectors were to be allowed adequate time to respond, with evidence. Petitioner's request also appears contrary to the intent of the Court's continuance and letter or spirit of the local rule 7.4.2 allowing continuance for written objections.

Petitioner's self-styled "Response" does not provide further substantive reason for authorizing probate administration of any assets or her appointment as administrator except by arguing that the decedent died with \$1,500 in personal property that needs administration – a surprising argument in view of the small amount at issue.

Objectors are also surprised to hear Petitioner take the position that the personal property requires administration because of agreement among the heirs that they would effect a reasonable division of personal property without judicial intervention. Objectors remain of the opinion that this is a very weak argument for opening a probate administration. Petitioner also appears to assert that a probate court can obtain jurisdiction over real property based on nothing more than the verified assertion by the petitioner that the decedent had an "equitable" interest in the property, but even if that might sometimes be true, it should not be true where the assertion is disputed and the where the Court can take judicial notice of the fact that legal title and fee ownership of the property is obviously in another individual, not Decedent (which is not disputed).

**Page 4**

**Supplement to Opposition (Cont'd):** Moreover, if it is a mere "equitable" interest, how can that be logically consisted with the filing of a Notice of Pendency of Action identifying the real property itself, as Petitioner has done? See Supplement re arguments. Objectors state finally that Amparo Dominguez would be more qualified than Petitioner to become the administrator if a probate were opened and should not be put in the untenable position of having to acknowledge an estate which she does not believe exists just to have herself appointed administrator (i.e., file a competing petition for administration); in other words, the Court should at least reserve judgment on who should administer the estate and that it is susceptible of administration.

Objectors request the petition be denied or alternatively, if the Court is inclined to recognize the need for administration, that Objector Amparo Dominguez be appointed administrator, or at least that the Court decline to appoint Rosario Ortiz pending a reasonable period of time in which Amparo would be allowed to file the necessary competing petition.

Petitioner: Robert Brady, JR (pro per)

Status Hearing Re: Filing of an Amended Petition

<b>DOD: 12/4/15</b>	<p><b>ROBERT BRADY, JR.</b>, son, filed a Petition to Determine Succession.</p> <p>The petition had several issues requiring the filing of an amended petition.</p> <p>As of 6/1/16 an amended petition has not been filed.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Minute order dated 4/21/16</b> set this status hearing for the filing of an amended petition. Examiner notes were provided in open court.</p>
<b>Cont. from</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<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>		
	<p><b>Reviewed by:</b> KT</p> <p><b>Reviewed on:</b> 6/1/16</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 14- Brady</b></p>	

Spousal Property Petition

DOD: 9/28/2015	SUSAN L. WAITE, surviving spouse, is petitioner		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>CONTINUED TO 7/7/2016</b> Per Attorney request</p> <p><u>Minute order dated 4/28/2016</u> continued this matter to 6/2/2016 at counsel's request, to address the issue raised by the examiner.</p> <p>1. Petitioner states decedent obtained real property prior to petitioner and decedent's marriage. Therefore, it appears at least a portion of the property the petitioner is trying to pass in this spousal property petition is decedent's separate property pursuant to Family Code 770(2). Therefore, pursuant to Probate Codes 13500, 13501(a) and 6401, it appears this property may not be subject to this type of proceeding.</p>
	No other proceedings		
	Decedent died intestate		
Cont. from 042816	<b>Petitioner states</b> decedent obtained real property in June 1997. Petitioner moved in with decedent the end of 2002 or early 2003 and they lived as husband and wife. Decedent and petitioner were married on 8/18/2011. Although real property was held in the name of decedent alone, petitioner and decedent lived together in the property and petitioner continues to live there. They paid all expenses related to the property from their community funds and both expended their community time and efforts in the maintenance of the property. From late 2002 or early 2003 until the present, petitioner has paid or shared in the payment of the mortgage, insurance, taxes, maintenance and household expenses. Petitioner has continued to pay the mortgage on the property since decedent's death. Decedent expressed on multiple occasions that the house was petitioner's and decedent's. Decedent had two children who are both adults and have acknowledged the property as the community property of decedent and petitioner.		
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		<b>Petitioner requests</b> court confirmation that ½ interest in real property at 5016 East Thomas Avenue, Fresno CA, belongs to her and that ½ interest passes to her.	
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			<b>Reviewed by:</b> SEF
			<b>Reviewed on:</b> 5/27/2016
			<b>Updates:</b> 5/31/16 (LEG)
			<b>Recommendation:</b>
			<b>File 15- Waite</b>

Attorney Leah L. Tuisavalalo (for Petitioner Marcela Buerer, paternal grandmother)

Petition for Appointment of Guardian of the Person

		<b>NO TEMPORARY REQUESTED</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Page 16B</b> is the <i>Petition for Special Immigrant Juvenile Findings</i> .  1. <i>Child Information Attachment</i> filed on 3/29/2016 does not but should list the paternal grandfather and maternal grandparents.  2. Need proof of service by mail of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian</i> , or <i>Consent to Appointment of Guardian and Waiver of Notice</i> , or a <i>Declaration of Due Diligence</i> , for: <ul style="list-style-type: none"> <li>• paternal grandfather;</li> <li>• maternal grandfather;</li> <li>• maternal grandmother;</li> <li>• <b>DIEGO DAMIAN AGUADO ZAVALA</b>, sibling (if age 12 or over);</li> <li>• <b>DANIEL ALCANTA AGUADO</b>, sibling (if age 12 or over).</li> </ul> <p style="text-align: center;">~Please see additional page~</p>
		MARCELA BUERER, paternal grandmother, is Petitioner.	
		~Please see Petition for details~	
Cont. from		Court Investigator's Report was filed on 5/18/2016.	
<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/ O	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv.	W/	
<input type="checkbox"/>	Conf. Screen	X	
<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 checked="" type="checkbox"/>	Clearances		
<input type="checkbox"/>	Order	X	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: LEG	
		Reviewed on: 6/1/16	
		Updates:	
		Recommendation:	
		File 16A- Aguado	

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

3. *Notice of Hearing* filed 5/9/2016 indicates the following unidentified persons as having been served with notice, who may or may not be relatives of the proposed ward, and it is not possible to discern or confirm the identity of these persons since the *Child Information Attachment* is incomplete:
  - **AURELIANO RAMIREZ RODRIGUEZ:** *personally served 4/30/2016;*
  - **TERESA ZAVALA:** *served by mail 4/21/2016;*
  - **NEMESIO AGUADO:** *served by mail 4/21/2016.*
4. *Notice of Hearing* filed 5/9/2016 does not indicate that the notice was served with a copy of the *Petition for Appointment of Guardian* as required.
5. Need *Confidential Guardian Screening* form (mandatory-use Judicial Council form GC-212) completed by Petitioner to be filed with the Court.
6. Need proposed *Order Appointing Guardian*.

Attorney Leah L. Tuisavalalo (for Petitioner Marcela Buerer, paternal grandmother)

**Petition for Special Immigrant Juvenile Findings**

		<p><b>MARCELA BUERER</b> , paternal grandmother and proposed guardian, is Petitioner.</p> <p align="center">~Please see Petition for details~</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>All notice defects raised as to the <i>Petition for Appointment of Guardian</i> apply also to the instant <i>Petition for Special Immigrant Juvenile Findings</i>, since the <i>Notice of Hearing</i> form contains the captions for both of the petitions and is intended to serve notice for both petitions simultaneously.</li> <li>Proposed order for <i>Special Immigrant Juvenile Findings</i> is not but should be completed at Items 4, 5, and 6 by the Attorney. Need revised proposed order.</li> </ol>	
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W/O
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
		Reviewed by: LEG		
		Reviewed on: 6/1/16		
		Updates:		
		Recommendation:		
		File 16B- Aguado		

**17 Gabriel Contreras (CONS/P)**

**Case No. 16CEPR00354**

Petitioner: Henry Contreras (Pro per – Father)

Petitioner: Juliet Contreras (Pro per – Mother)

**Petition for Appointment of Probate Conservator of the Person**

		<b>NO TEMPORARY REQUESTED</b>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Court Investigator advised rights on 4/25/2016.</b></p> <p><b>Voting rights affected – need minute order.</b></p> <p>1. Proof of personal service of the <i>Citation</i> filed 5/24/2016 shows service on Gabriel Contreras was with 10 days notice versus 15 days required pursuant to Probate Code 1824.</p>
		<p><b>HENRY CONTRERAS and JULIET CONTRERAS,</b> parents, are petitioners and request appointment as co-conservators of the person with medical consent powers under Probate Code 2355.</p> <p><b>Court Investigator report filed 4/28/15.</b></p> <p><i>See petition for details.</i></p>	
<b>Cont. from 050516</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 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 checked="" type="checkbox"/>	<b>Pers.Serv.</b>	w/	
<input checked="" type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>		
<input checked="" 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 checked="" type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
			<p><b>Reviewed by:</b> SEF</p> <p><b>Reviewed on:</b> 5/27/2016</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 17- Contreras</b></p>

18  
 Petitioner  
 Petitioner

**Dakota Phillips (GUARD/P)**  
 Snow, Russell Leon (Pro Per – Maternal Great-Uncle – Petitioner)  
 Klein, Lorie (Pro Per – Maternal Great-Aunt – Petitioner)

**Case No. 16CEPR00358**

**Petition for Appointment of Guardian of the Person**

		See petition for details.	NEEDS/PROBLEMS/ COMMENTS:	
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 5/31/16	
			Updates:	
			Recommendation:	
			File 18- Phillips	

Petitioner Gretta Christa (Pro Per, daughter)

Petition for Appointment of Probate Conservator of the Person

		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>CONTINUED TO 6/30/2016</b> Per Petitioner's request</p>
<b>Cont. from</b>		
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	
<input 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 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 type="checkbox"/>	<b>CI Report</b>	
<input type="checkbox"/>	<b>9202</b>	
<input 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> LEG
		<b>Reviewed on:</b> 5/26/16
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 19- Petrossian</b>

Petition to Determine Succession to Real Property

<b>DOD: 6/27/15</b>		<p><b>WILMA BULBULIAN, Spouse, and Sons NOAH BULBULIAN, ZACHARY BULBULIAN, and JOSHUA BULBULIAN, are Petitioners.</b></p> <p>40 days since DOD</p> <p>No other proceedings</p> <p>I&amp;A: \$147,000.00 (one-quarter interests in certain real properties in Parlier, CA)</p> <p>Decedent died intestate</p> <p>Petitioners request Court determination that the decedent's one-quarter interests in certain real properties in Parlier passes to them as follows:          Wilma Bulbulian: 1/3          Noah Bulbulian: 2/9          Joshua Bulbulian: 2/9          Zachary Bulbulian: 2/9</p>	<b>NEEDS/PROBLEMS/COMMENTS:</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>		
		<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 6/1/16</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b> SUBMITTED</p> <p><b>File 20- Bulbulian</b></p>	

Petitioner Behlen, Stephen Richard (Pro Per)

Petition for Probate of Will and for Letters of Administration with Will Annexed

<b>DOD: 01/07/2016</b>	<b>STEPHEN RICHARD BEHLEN</b> , is petitioner and requests appointment as Administrator with Will Annexed without bond, is petitioner.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note: The filing fee was initially waived for this petition; however, the fee will be due prior to distribution pursuant to Government Code 68637. (Filing fee is \$435)</b></p> <p><b>The deficiencies with the pleadings include, but are not limited to, the following:</b></p> <ol style="list-style-type: none"> <li>1. Original Will was attached to Petition. Probate Code §8002 requires a copy to be attached.</li> <li>2. Need original will to be deposited with the Court pursuant to Probate Code §8200(a)(1).</li> <li>3. Need Affidavit of Publication.</li> <li>4. Petitioner is not listed on #8 of the petition as required and it is unclear what the relationship is to the decedent.</li> <li>5. Need date of death of the deceased spouse pursuant to Local Rule 7.1.1D.</li> <li>6. Need Notice of Petition to Administer Estate.</li> <li>7. Need proof of service of the Notice of Petition to Administer Estate on all interested parties pursuant to Probate Code §8110.</li> </ol> <p><b>Please see additional page</b></p>
<b>Cont. from</b>	Full IAEA - ?	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>	Will dated: 04/08/2015	
<input type="checkbox"/> <b>Inventory</b>	Residence: Clovis	
<input type="checkbox"/> <b>PTC</b>	Publication: Need	
<input type="checkbox"/> <b>Not.Cred.</b>		
<input type="checkbox"/> <b>Notice of Hrg</b>	<b>Estimated value of the Estate:</b> Real property - \$200,000.00	
<input type="checkbox"/> <b>Aff.Mail</b>	Probate Referee: Rick Smith	
<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 checked="" type="checkbox"/> <b>Letters</b>		
<input checked="" 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 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: LV</b>		
<b>Reviewed on: 06/01/2016</b>		
<b>Updates:</b>		
<b>Recommendation:</b>		
<b>File 21- Behlen</b>		

**21**(additional page) **Patricia Jane Behlen (Estate)Case No. 16CEPR00437**

8. Need Order.

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

- **Thursday, 11/03/2016 at 9:00a.m. in Dept. 303** for the filing of the inventory and appraisal **and**
- **Thursday, 08/03/2017 at 9:00a.m. in Dept. 303** for the filing of the first account and final distribution.

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.

**Dept. 303, 9:00 a.m. Thursday, June 2, 2016**

**Petition to Determine Succession to Real Property**

<b>DOD: 02/14/2016</b>	<b>RITA RODRIGUEZ, CHRITINA M. ESQUIVEL (BRAVO), ALBERT G. MORENO, JR., ESTELLA M. GONZALES, GLORIA G. MORENO, and ANTHONY G. MORENO,</b> children are petitioners.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Need original will to be deposited with the Court pursuant to Probate Code §8200(a)(1).</li> <li>2. #9a(3) or #9a(4) of the petition was not answered regarding registered domestic partner.</li> <li>3. #9a(7) or #9a(8) of the petition was not answered issue of predeceased child.</li> <li>4. Attachment 11 does not provide the decedent's interest in the real property.</li> <li>5. Attachment 11 does not include the APN of the real property pursuant to Local Rule 7.12.1.</li> <li>6. Order does not include APN pursuant to Local Rule 7.12.1.</li> <li>7. Order does not include each of the petitioner's names who are determined to receive the 1/6 interest in real property. Need new order.</li> </ol>
<b>Cont. from</b>		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	40 days since DOD	
<input checked="" type="checkbox"/> <b>Verified</b>	No other proceedings	
<input checked="" type="checkbox"/> <b>Inventory</b>	I&A - \$90,000.00	
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>	Will dated: 01/22/1988 devises both real and personal property to all six children equally.	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>		
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	Petitioners requests Court determination that decedent's interest in real property located in Fresno County pass 1/6 <sup>th</sup> interest to each child.	
<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> LV
		<b>Reviewed on:</b> 06/01/2016
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 22- Moreno</b>

Attorney: Summer A Johnson (for Petitioner Cynthia Howerton)

Attorney: Janet L. Wright (court-appointed for conservatee)

Petition for Appointment of Temporary Conservator of the Person and Estate

		<b>TEMPORARY (person only) EXPIRES 6/2/2016</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>GENERAL HEARING 6/21/2016</b>	
		<b>CYNTHIA HOWERTON</b> , daughter, is petitioner and requests appointment as temporary conservator of the person and estate with \$275,000 bond.	<b>Court Investigator Advised Rights on 5/12/2016.</b>
<b>Cont. from 051916</b>			<b>Minute order dated 5/19/2016</b> continued this matter to 6/2/2016. Counsel represents that the capacity declaration is still with the physician. The Court grants temporary orders as to the person only, and specifically for the purpose of taking Ms. Bender to any necessary medical appointments in the next two weeks. The Court orders Ms. Bender's residence is to remain at Pacific Gardens pending the hearing on 6/2/2016.
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		<ol style="list-style-type: none"> <li>1. Petitioner requests medical consent powers pursuant to Probate Code 2355. Need capacity declaration.</li> <li>2. Attachment 1e of petition and order requests power to access conservatee's bank accounts. A temporary conservator of the estate may marshal assets and establish accounts at financial institutions, pursuant to Probate Code 2252(b)(3). Therefore, this language appears unnecessary.</li> </ol>
<input checked="" type="checkbox"/>	<b>Verified</b>		
		<b>Court Investigator report filed 5/17/2016.</b>	
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	w/	
		<b>Status Report of Attorney Janet Wright (court-appointed counsel for proposed conservatee) filed 5/31/2016.</b>	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
		<b>See petition for details.</b>	
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>	x	
<input checked="" type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>		
<input checked="" 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> SEF
			<b>Reviewed on:</b> 5/27/2016
			<b>Updates:</b> 6/1/2016
			<b>Recommendation:</b>
			<b>File 23- Bender</b>

Petition for Appointment of Temporary Guardian of the Estate

		See petition for details.	NEEDS/PROBLEMS/COMMENTS:
			<b>Note:</b> This minor (Megan Moua) will turn 18 prior to the date of the general hearing.
			<b>Note:</b> This petition was filed with a fee waiver. If assets are marshaled, all Court fees may be due. See Page B.
<input type="checkbox"/>	Aff.Sub.Wit.		<ol style="list-style-type: none"> <li>1. Need proof of <u>personal</u> service of Notice of Hearing with a copy of the temp petition at least five court days prior to the hearing on <u>proposed ward Megan Moua</u> per Probate Code §2250(e)(1) and Cal. Rule of Court 7.51(d).</li> <li>2. Need UCCJEA (GC-120) pursuant to Probate Code §§ 1510, 1512.</li> <li>3. The Court may require clarification re facts which establish good cause for <u>temporary</u> guardianship of the estate pending general hearing.</li> <li>4. Need estimated value of estate for bond purposes pursuant to Probate Code §2320 and Cal. Rule of Court 7.207.</li> </ol> <p><b>Note:</b> Pursuant to Local Rule, 7.8.1.I, it is the policy of the Court to block all funds in guardianship estates absent showing of good cause.</p>
<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.	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 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	X	
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: skc
			Reviewed on: 6/1/16
			Updates:
			Recommendation:
			File 24A- Moua



Petition for Appointment of Temporary Guardian of the Estate

		See petition for details.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>5. Need proof of <u>personal</u> service of Notice of Hearing with a copy of the temp petition at least five court days prior to the hearing on <u>proposed ward Michael Moua</u> per Probate Code §2250(e)(1) and Cal. Rule of Court 7.51(d).</p> <p>6. Need UCCJEA (GC-120) pursuant to Probate Code §§ 1510, 1512.</p> <p>7. The Court may require clarification re facts which establish good cause for <u>temporary</u> guardianship of the estate pending general hearing.</p> <p>8. Need estimated value of estate for bond purposes pursuant to Probate Code §2320 and Cal. Rule of Court 7.207.</p> <p><u>Note:</u> This petition was filed with a fee waiver. If assets are marshaled, all Court fees may be due. See Page B.</p>	
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			X
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA	X		
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 6/1/16	
			Updates:	
			Recommendation:	
			File 25A - Moua	



Petition for Appointment of Temporary Guardian of the Estate

	See petition for details.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		9. Need UCCJEA (GC-120) pursuant to Probate Code §§ 1510, 1512.
		10. The Court may require clarification re facts which establish good cause for <u>temporary</u> guardianship of the estate pending general hearing.
		11. Need estimated value of estate for bond purposes pursuant to Probate Code §2320 and Cal. Rule of Court 7.207.
		<b>Note:</b> This petition was filed with a fee waiver. If assets are marshaled, all Court fees may be due. See Page B.
		<b>Reviewed by:</b> skc
		<b>Reviewed on:</b> 6/1/16
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 26A- Moua</b>
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<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 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 type="checkbox"/>	UCCJEA	X
<input type="checkbox"/>	Citation	
<input type="checkbox"/>	FTB Notice	



Petition for Appointment of Temporary Guardian of the Estate

	See petition for details.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>12. Need UCCJEA (GC-120) pursuant to Probate Code §§ 1510, 1512.</p> <p>13. The Court may require clarification re facts which establish good cause for <u>temporary guardianship</u> of the estate pending general hearing.</p> <p>14. Need estimated value of estate for bond purposes pursuant to Probate Code §2320 and Cal. Rule of Court 7.207.</p> <p><u>Note:</u> This petition was filed with a fee waiver. If assets are marshaled, all Court fees may be due. See Page B.</p>
<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 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 type="checkbox"/>	UCCJEA	X
<input type="checkbox"/>	Citation	
<input type="checkbox"/>	FTB Notice	
		Reviewed by: skc
		Reviewed on: 6/1/16
		Updates:
		Recommendation:
		File 27A- Moua



Petition for Appointment of Temporary Conservator of the Estate

		<b>GENERAL HEARING 6/22/16</b>	<p><b>NEEDS/PROBLEMS/ COMMENTS:</b></p> <p><b>Court Investigator Advised Rights on 5/23/16.</b></p> <p>1. Bond should be set at \$148,500.00 (value of the personal property, annual income and cost of recovery. Probate Code 2320 and California Rules of Court 7.207)</p>
		<b>ANGELA WILBANKS ANDERSON and ROBERT C. WILBANKS</b> , children, are petitioners	
		Please see petition for details.	
		<b>Court Investigator Dina Calvillo's Report filed on 5/26/16</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 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 checked="" type="checkbox"/>	<b>Pers.Serv.</b>	W/	
<input checked="" type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>		
<input checked="" 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> KT
			<b>Reviewed on:</b> 6/1/16
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 28- Wilbanks</b>

Petition for Appointment of Temporary Guardian of the Person

		See petition for details.	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Need Notice of Hearing.</li> <li>2. Need proof of personal service of Notice of Hearing with a copy of the temp petition at least five Court days prior to the hearing per Probate Code §2250(e) <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: <ul style="list-style-type: none"> <li>- Richard Ibarra (Father)</li> <li>- Rosenda Saldivar (Mother)</li> </ul> </li> </ol>	
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 type="checkbox"/>	Notice of Hrg			X
<input type="checkbox"/>	Aff.Mail			
<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 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			
<p>Reviewed by: skc</p>				
<p>Reviewed on: 6/1/16</p>				
<p>Updates:</p>				
<p>Recommendation:</p>				
<p>File 29- Ibarra</p>				