1 Ron C. Wade (CONS/PE) Case No. 0226015

Atty Ratzlaff, Ruth E. (for Raymond Love – former conservator of the estate)
Atty Bagdasarian, Gary G. (for Chris Wade – conservator of the person and successor conservator of the estate)

Filing of the 11th Accounting

Age: 63 **DOB: 02/07/49**	**CHRIS WADE**, brother, was appointed as Conservator of the Person in 1991 and **RAYMOND LOVE**, private professional fiduciary, was appointed Conservator of the Estate in 1991 *(Mr. Wade had been subject to an LPS Conservatorship since 1981, prior to these appointments in 1991.)* **RAYMOND LOVE** resigned and **CHRIS WADE**, brother and Conservator of the Person, was appointed as Successor Conservator of the ESTATE on 09/19/11 with deposits in a blocked account of **$101,674.67** and Bond set at $70,000.00. Letters of Conservatorship of the Estate were issued to **CHRIS WADE** on 11/08/11. **Minute Order from 05/18/11 hearing on the Tenth Account** set this matter for status of the 11th and Final Accounting of former Conservator of the Estate on 05/08/12. **Status Report on Behalf of Successor Conservator, Chris Wade filed 05/03/12** states: the former conservator, Raymond Love, is in the process of preparing his Eleventh and Final Account. The conservatorship estate contained two accounts at Premier Valley Bank, a checking account and a CD. The CD is a blocked account. The checking account has been transferred to Chris Wade as the successor conservator, but the blocked account remains in the name of Raymond Love, the former conservator pending the approval of Mr. Love's Eleventh and Final Account.	**NEEDS/PROBLEMS/COMMENTS:** **<u>CONTINUED FROM 05/08/12</u>** **Minute Order from 05/08/12 states:** Ms. Ratzlaff informs the Court that her client will have the accounting done this week. Ms. Ratzlaff requests a continuance. <u>As of 06/05/12, no additional documents have been filed.</u> 1. **Need 11th and Final Accounting and Report of Former Conservator.** **<u>Note:</u>** No receipt and acknowledgment of funds placed in a blocked account has been filed by the successor conservator. **Minute order from 09/19/11** states: Gary Bagdasarian asks the successor conservator be appointed in order to obtain the blocked account. The Court approves the Petition, subject to receipt. The successor conservator filed a bond in the amount of $70,000.00 and Letters were issued, but no receipt for deposit into blocked account has been filed. The Order appointing successor conservator is marked at item 20(b) stating bond of $70,000.00 is required, and also marked at 20(c) stating deposits are ordered to be placed in a blocked account; however, no dollar amount or institution is specified. **<u>Note:</u>** The successor Conservator was appointed on September 19, 2011. A Status hearing will be set as follows: • **Friday, 11/16/12 at 9:00 am in Dept. 303** for fling of the First Account by Successor Conservator 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.
Cont. from 050812		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		**Reviewed by:** JF
Status Rpt		**Reviewed on:** 06/05/12
UCCJEA		**Updates:**
Citation		**Recommendation:**
FTB Notice		**File 1 - Wade**

2 Amelia Massoumi aka Amelia Arellano Noriega Case No. 0232459

Atty Capata, Julian Eli (for Executor/Objector Anna M. Noriega Chavez)
Atty Moore, Susan L. (for Petitioner Maria J. Noriega de Torres

Petition for Order Directing Personal Representative to Act; Alternatively to Appoint the Public Administrator to Administer the Estate [Prob. C. 9613]

DOD: 8/2/1978		
Cont. from 051512		
	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	

MARIA J. NORIEGA de TORRES, beneficiary, is petitioner.

ANNA NORIEGA CHAVEZ was appointed Executor without bond and without IAEA powers on 9/12/1978.

Inventory and appraisal filed on 11/5/2009 shows the value of the estate as $40,000.00.

Petitioner states at the time of Decedent's death she was residing in the real property located at 951 E. Estabrook in Clovis. She has maintained the property as she was able to do so within her means.

On or about December 5, 2011, Petitioner obtained an appraisal of the property and determined its present value to be approximately $64,000.00. Thereafter Petitioner submitted an offer to the Executor, Anna Noriega Chavez, through her attorney of record, to purchase the property from the estate for $55,000.00, all cash, in as as-is condition with no realtor commissions having to be paid on the sale.

As shown on the appraisal the property is in need of major repairs and Petitioner believes that it would be difficult for any buyer to finance the property in its current condition and the Property would have to be sole for all cash with no financing contingency.

Petitioner is able to pay $55,000 all cash with no contingencies; however, the Executor refuses to sell it to her.

Please see additional page

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: KT
Reviewed on: 5/9/12
Updates:
Recommendation:
File 2 - Massoumi

Petitioner believe that the Executor desires to evict her from the Property in order to sell it through a realtor without even attempting to negotiate a sale with Petitioner for personal reasons without regard to what might be in the best interest of the estate.

Petitioner believes that property is likely to be vandalized and further deteriorate if the property is left vacant.

In the more than 30 years since the Executor was appointed, she has taken no action to administer the estate until June 2011, when she made a demand on Petitioner to begin paying rent of $1,250.00, in excess of market rents, and which is believed to have been an attempt to force Petitioner out of the property without any attempt to negotiate a sale with Petitioner.

Wherefore, Petitioner prays for an order that:

1. Anna Noreiga Chavez to accept Petitioner's offer to purchase the Property for all cash, in an as-is condition for a total purchase price of $55,000 through an escrow company with closing costs paid as customary in Fresno County, or prove to the Court the proposed offer is not in the best interest of the estate.

2. Alternatively, to appoint the Public Administrator as personal representative to sell the Property and close the administration of the estate.

Objections to Petition for Order Directing Personal Representative to Act; Alternatively to Appoint the Public Administrator to Administer the Estate filed by Executor, Anna Noriega Chavez on 5/17/12. Objector states there is no showing whatsoever that the estate will suffer great or irreparable injury delaying the sale of the Estate's real property until the present repressive financial conditions of the State of California, and the County of Fresno in particular, takes a turn for the better. The heirs of the Estate deserve more than a mere $55,000 split four ways. There being no showing that of any great or irreparable injury to the Estate, the Petition should be denied.

The Petition is opposed by the Executor. The Executor does not have the authority under IAEA to sell real property. Petitioner's request for an order from the Court, directing purchase by Petitioner of the estate's real property, without the necessity of going through the procedures necessitated by Probate Code Section 10300 through 10316, should be denied.

The sale of the real property of the Estate and the expenses incurred should be delayed until a future time when the real property can be marketed so that the heirs of the Estate can receive the maximum price obtainable for the asset.

Objector concludes: The Petition for the sale of the real property to the Petitioner should be denied.

3 Gene Raymond Gauss (CONS/E) Case No. 0568599

Atty Kruthers, Heather H. (for Public Guardian – Conservator of the Estate/Petitioner)

(1) Eighth Account Current and Report of Conservator and (2) Petition for Allowance of Compensation to Conservator and Attorney [Prob. C. 2620; 2623; 2942]

Age: 75		
DOB: 09/02/36		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	w/
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
✓	**CI Report**	
	2620(c)	n/a
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

PUBLIC GUARDIAN, Conservator of the Estate, is Petitioner

Account period: 03/01/10 – 02/29/12

Accounting - **$323,267.49**
Beginning POH - **$238,802.49**
Ending POH - **$166,230.52**

Conservator - **$3,308.80**
(23.70 Deputy hours @ $96/hr. and 13.60 Staff hours @ $76/hr.)

Attorney - **$2,000.00** (per Local Rule)

Bond Fee - **$1,040.50** (ok)

Petitioner prays for an Order:

1. Approving, allowing and settling the Eighth Account;
2. Authorizing the conservator and attorney's fees; and
3. Authorizing payment of the bond fee.

NEEDS/PROBLEMS/COMMENTS:

Note: If granted, a status hearing will be set as follows:

- **Friday, 08/08/2014 at 9:00a.m. in Dept. 303** for the filing of the Ninth Account

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.

Reviewed by: JF
Reviewed on: 06/05/12
Updates:
Recommendation:
File 3 - Gauss

Dept. 303, 9:00 a.m. Tuesday, June 12, 2012

4 Jonathan A. Stevens (GUARD/PE) **Case No. 08CEPR00124**

Atty Flanigan, Philip M. (for Diane Stevens – Guardian)

Amended Third and Final Account and Report of Guardian and Petition for Order Approving, Allowing and Settling Account and Report of Guardian and Petition for Order Allowing Delivery of Assets (Prob. C. 21032620)

Age: 18			**DIANE STEVENS**, Guardian, is Petitioner.
DOB: 2-28-1993			Account period: 7-1-10 through 12-31-11
Cont. from 050812			Accounting: $56,864.41 Beginning POH: $56,864.05 Ending POH: $55,000.00
	Aff.Sub.Wit.		
✔	**Verified**		(*a manufactured home and household furniture and furnishings only*)
	Inventory		
	PTC		
	Not.Cred.		Guardian – waived
✔	**Notice of Hrg**		
✔	**Aff.Mail**	w/o	Attorney – Petition states: "No attorney's fees have been or will be part of the guardianship estate."
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		Petitioner states all cash was withdrawn by the minor at his 18th birthday.
	Conf. Screen		
	Letters		**Petitioner requests an Order:**
	Duties/Supp		
	Objections		1. Approving, allowing, and settling the account as filed;
	Video Receipt		2. Authorizing and directing petitioner to deliver the property remaining in her possession to Jonathan A. Stevens; and
	CI Report		
✔	**2620(c)**		
✔	**Order**		
	Aff. Posting		3. Such other and further relief as the court considers just and proper.
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:
Reviewed by: skc
Reviewed on: 6-6-12
Updates:
Recommendation:
File 4A - Stevens

Dept. 303, 9:00 a.m. Tuesday, June 12, 2012

5 David Meisel (Estate) **Case No. 11CEPR00167**

Atty Midkiff, Margaret (pro per – daughter/Administrator)

Atty Meisel, Eugenia (pro per – surviving spouse)

Probate Status Hearing Re: Filing of Inventory and Appraisal

Age:		
DOD:		
Cont. from		
	Aff.Sub.Wit.	
	Verified	x
	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	

MARGARET MIDKIFF, daughter, was appointed Administrator with bond set at $5,000.00 on 04/14/11.

Notice of Motion and Motion to be Relieved as Counsel was filed 01/30/12 by Leigh Burnside of Dowling, Aaron & Keeler.

Minute Order from hearing on 01/31/12 re: Filing of Bond and/or Issuance of Letters states: Ms. Midkiff has not been able to qualify for a bond in the amount of $5K. Ms. Midkiff states that she has not spoken to Ms. Burnside since February 2010, not February 2011 as indicated in her Declaration filed. There is a retirement account in Nevada and property in Montana. Ms. Midkiff is to send a copy of the Declaration to Ms. Burnside. The Notice of Motion and Motion to be relieved as Counsel, with an affixed March hearing date is removed from calendar. Ms. Burnside [and her firm] is removed as counsel of record; however, as an Officer of the Court, Ms. Burnside is to meet with Ms. Midkiff and provide direction and information as to preparing an Inventory & Appraisal. Ms. Midkiff is appointed as Administrator, in pro per, with limited authority. **The Minute Order also set this matter for status regarding filing of the Inventory & Appraisal.**

Letters of Administration with Limited Powers were issued on 03/29/12.

NEEDS/PROBLEMS/COMMENTS:

1. Need **Inventory & Appraisal.**

Note:
Letter regarding Estate was filed 06/05/12 by Eugenia Orona Meisel, surviving spouse, states that the decedent made all of his own financial decisions and was not coerced or influenced by anyone. Further, the letter states that the decedent left his home at 2226 Webster, Sanger, CA to her and attaches a copy of a Holographic Will dated twice with conflicting dates on 09/11/02 and 09/09/02.

Reviewed by: JF

Reviewed on: 06/05/12

Updates:

Recommendation:

File 5 - Meisel

6 William D. and Dorthea Wilkinson Trust Case No. 11CEPR00222

Atty **Clark, William F., sole practitioner of Redondo Beach (for Petitioner James R. Wilkinson, Beneficiary)**
Atty **Simonian, Jeffrey, of Penner Bradley & Simonian (for Respondent Ross W. Wilkinson, Trustee)**

Third Amended Petition for Account, Removal of Trustee, and Appointment of Successor

William DOD: 2/2/2009		
Dorothea DOD: 1/19/1997		
Cont. from 102511, 120811, 012512, 020812, 032112, 050812		
	Aff.Sub.Wit.	
	Verified	X
	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	x
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

JAMES ROGER WILKINSON, son and Beneficiary of the **WILLIAM and DORTHEA WILKINSON TRUST** is Petitioner.

Petitioner states:

- Pursuant to the Trust's 4th Amendment, which is a Survivor's Trust, the current Trustee **ROSS WILLIAM WILKINSON,** son, ("Ross") was to exercise powers in the Trust as a fiduciary and has no power to enlarge or shift any beneficial interest in the Trust *(copy of Trust attached to Petition)*.
- Ross has breached Probate Code §§16000-16001(5) by converting Trust property for his own personal use and benefit; Ross has absconded Trust property in a minimum amount of approximately **$98,686.75**, and has wrongfully paid money to his wife, Cindi, from the Trust, in the approximate amount of **$39,457.75** *(copies of Bank of America check summaries from Trust assets for the years 2007 and 2008 attached);*
- On 3/26/2007, Ross directed **$200,000.00** to be wire-transferred from the Trust's Wachovia stock account to Pacific Northwest Title Company, which funds were used to purchase real property located in Monroe, Washington, in the name of Ross and Cindi Wilkinson, and is not listed as Trust property *(copies of the Wachovia withdrawal attached);*
- Petitioner requests that Ross be relieved as Trustee to ensure that no other Trust assets are converted or misappropriated, and states that though the Trust provides for Petitioner to act as Trustee in Ross' place, Petitioner lives in Florida and therefore it is not practical for him to act as Trustee; therefore, Petitioner requests that **BRUCE D. BICKEL** be appointed, and states Mr. Bickel is willing to act as Trustee;
- There has been no agreement between the adult beneficiaries to enter into an agreement to provide for a successor trustee pursuant to Probate Code §15660(c).

Petitioner requests:
1) Ross be removed as Trustee; 2) Bruce Bickel be appointed as Trustee; 3) Ross be compelled to submit his report of information regarding the Trust assets of the Trust, A,B, and C, and submit an accounting of his acts as Trustee from 4/8/05 to the present; 4) Ross be compelled to address the Trust breach by repaying all monies wrongfully absconded for his own personal benefit, payable back to the Trust; and 5) Ross pay for costs incurred herein.

~Please see additional page~

NEEDS/PROBLEMS/COMMENTS:

<u>Continued from 5/8/2012</u>.
Minute Order states Mr. Clark is appearing via conference call. Mr. Clark informs the Court that he is still waiting for a full year's worth of accounting from Mr. Simonian's client. He further advises that he received the checks three or four days ago and believes he has enough to do his own accounting. Matter continued to 6/12/2012. Mr. Clark to send the package of documents to Mr. Simonian. At the request of Mr. Simonian, the Court approves the sale of the property subject to any objections which are to be lodged no later than 6/11/2012.

Reviewed by: NRN / LEG
Reviewed on: 6/7/12
Updates:
Recommendation:
File 6 - Wilkinson

Notes for background:

- *Minute Order* dated 2/8/12 states Court requests Mr. Simonian to contact Mr. Clark regarding the filing of the 4th amended account he stated he would file at the 1/25/12 hearing.
- *Minute Order* dated 1/25/12 states Mr. Clark is appearing via conference call. Mr. Clark advises the Court that he will be preparing a fourth amended petition. The Court orders that there be no acceptance of any offers as to the 7800 Van Ness property pending court approval. The Court will entertain an Order Shortening Time.

***Objections to Third Amended Petition* filed 10/24/11 by Respondent Ross W. Wilkinson states:**

- As a result of Dorothea Wilkinson's death on 1/19/97 (prior to William D. Wilkinson's death on 2/3/2009), the Trust was divided into 3 separate sub-trusts, Trust A - Exemption Trust ("Trust A") Trust B- Q-Tip Trust ("Trust B") and Trust C - Survivor's Trust ("Trust C") – (these three Trusts also referred to collectively as the "Wilkinson Trusts");
- A Fourth Amendment to the Trust was executed by William 4/8/05, and was entitled *Fourth Amendment to Trust Agreement –Survivor's Trust for the William and Dorothea Wilkinson Trust* ("Fourth Amendment");
- From 1/9/97 through 2/3/09, William acted as sole Trustee of Trust A and Trust B;
- From 1/9/97 through 4/8/05, William acted as sole Trustee of Trust C;
- From 4/8/05 through 2/3/09, William and Ross acted as Co-Trustees of Trust C pursuant to the Fourth Amendment;
- Since 2/3/09, Ross has acted as the sole Trustee of all three Wilkinson Trusts;
- From 1/9/97 through the date of his death on 2/3/09, William was the sole beneficiary of the Wilkinson Trusts;
- The sole beneficiaries of the Wilkinson Trusts following William's death are Petitioner James and Respondent Ross;
- Trust A holds title to an undivided **65.29% interest** in real property located at 7800 N. Van Ness Boulevard, in Fresno;
- Trust B holds title to an undivided **34.71% interest** in that same real property (7800 N. Van Ness, Fresno);
- Trust C is of nominal value, having been substantially depleted and exhausted during William's lifetime.
- **Issue of Removal of Trustee/Reappointment of Successor Trustee:** Petitioner's *Third Amended Petition* raises the issue of the removal of the Trustee and reappointment of a successor trustee for the first time; this issue was not presented in the original *Petition for Account* filed 3/21/11, nor was it raised in the *Amended Petition for Account* filed 5/18/11. As such, *Notice of Hearing* is required pursuant to PrC §17203 and Rule 7.53(a) of the CRC, however, no such *Notice of Hearing* has been provided to or served on Respondent; and similarly, no *Notice of Hearing* has been provided to or served on other parties interested in these proceedings, and specifically including those parties named to act as successor Trustee under the Trust terms (PrC §17203(a)(1);
  - The copy of the *Third Amended Petition* sent to Respondent's attorney did not have a verification attached as required under PrC §1021, and the *Third Amended Petition* fails to list the names and last known addresses of all vested and contingent beneficiaries of the Wilkinson Trust as required under Rule 7.903 of the CRC;
  - There has been no agreement between the adult beneficiaries of the Wilkinson Trusts to provide for a successor trustee, and signed declination to act as Trustee by Petitioner James has not been filed (James is named as successor trustee);
  - Petitioner's interpretation of the Wilkinson Trusts concerning the removal of Respondent as Trustee and appointment of a successor trustee is incorrect; Pursuant to the Trust, Trusts A and B are irrevocable upon formation and therefore matters regarding the removal of the Trustee and appointment of successor Trustee are controlled by the Trust as executed by Dorothea and William on 4/9/92; said Trust specifically names **JANE MORTON** as successor Trustee of Trusts A and B and if unable, unwilling or fails to serve, **UNION BANK** is specifically named;

~Please see additional page~

***Objections to Third Amended Petition* filed 10/24/11, continued:**

- Respondent therefore objects to the appointment of Bruce Bickel as successor trustee for Trusts A and B as he is not named in the trust instrument and as neither Jane Morton nor Union Bank have been provided notice of these proceedings and as neither has declined to accept their appointment;
- Respondent further objects to the appointment of Bruce Bickel as the *Third Amended Petition* fails to disclose his fee schedule for fiduciary services, the manner in which his compensation is determined, and it is unknown whether Mr. Bickel will charge an hourly rate or a percentage fee for his services;
- With respect to Trust C (a revocable Trust), the Trust provides that William had the right, during his life, to modify, amend, or revoke the provision of Trust C; William in fact exercised that right on 4/8/05 with the Fourth Amendment;
- Pursuant to that Amendment, Respondent Ross has the sole power to designate a successor Trustee of Trust C, without Court approval; Respondent has not declined to exercise this power, and reserves this right in the event he (Respondent) is removed as Trustee; furthermore, Petitioner has made no attempt to reach an agreement with Respondent to appoint a successor Trustee;
- If Ross is removed as Trustee of Trust C and is either not entitled to designate a successor trustee for Trust C or if he declines to do so, appointment of successor trustee should be consistent with the settlors' wishes as expressed in the Trust with respect to Trusts A and B –to wit, Jane Morton and Union Bank, after having been provided notice of these proceedings – as well as for the reason of convenience of administration since Trust C is of nominal value.

Allegations regarding Respondent's violation of his Fiduciary Duties as Trustee: Respondent confirms Petitioner's allegation that $200,000.00 was wired from Wachovia Securities on 3/26/07, in the name of the Trust to Pacific Northwest Title Company; said funds were used to purchase real property in Washington State and title is held by Respondent; Acquisition of the property was part of a tax-free exchange by Respondent that involved the sale of another piece of real property;

- Said action was taken with the knowledge and consent of William, Co-Trustee of Trust B and sole beneficiary of Trust B;
- The transfer of these funds was intended as a short-term unsecured loan to Respondent until the tax-free exchange involving Respondent was completed;
- In fact, the *Third Amended Petition* fails to disclose that on 7/2/07, $160,000.00 was wire transferred at Respondent's direction to the Wachovia Securities account in the name of Trust B, in partial payment of the unsecured loan, and received by Respondent at the completion of the tax free exchange (copy of said $160,000.00 transfer from Respondent to Wachovia attached to *Objections* as Exh. A);
- Respondent attaches to his *Objections* (as Exhibit B) a list of disbursements totaling $44,252.91 made from the Wilkinson Trusts and/or assets the source of which can be traced to the assets of the Wilkinson Trusts during the time period in question, and acknowledged by Respondent to be to and/or for Respondent or Respondent's spouse's benefit;
- All other amounts distributed to Respondent or his spouse during William's life from the Wilkinson Trusts (and set forth in Exhibits B and C to Petitioner's *Third Amended Petition*) were used primarily for the care and benefit of William and /or for maintenance of the Trust assets during William's life and in accordance with the terms and provisions of the Wilkinson Trusts;
- These disbursements as identified in Petitioner's Exhibits B and C indicate they were payments to "Emily Alonzo" or are designated in the notes as "Emily" – were, in fact, used to provide for William's care in accordance with the Wilkinson Trusts;
- Amounts distributed to Respondent or to his spouse during William's lifetime from the Trusts or from assets traceable to the Trusts equaled or did not exceed those distributions from the Trusts made to Petitioner James;

~Please see additional page~

***Objections to Third Amended Petition* filed 10/24/11, continued:**

- Respondent attaches to his *Objections* (as Exhibit C) a list of disbursements made to James from 4/8/05 (when Respondent was appointed Co-Trustee) through to William's death on 2/3/09; these disbursements total $156,238.74 (this is not a complete list, however Respondent is in the process of completing a trust accounting for that stated time period as ordered by this Court);
- Additionally, Respondent is currently preparing a trust accounting for the period 2/3/09 – 6/30/11; Respondent believes said accounting can be completed within the next two weeks for Petitioner's review and filing with the Court;
- Respondent is entitled to reasonable compensation for his services as Trustee and as Co-Trustee during the period 4/8/05 to the present and has not received any compensation to date for his fiduciary services;
- To the extent the trust accounting shows disbursements for Respondent's benefit exceeding disbursements to Petitioner James, such amount can be offset against the reasonable compensation to which Respondent is entitled;
- Since William's death, Respondent has performed his fiduciary duties as required by law, including making regular disbursements of trust income and principal to the trust beneficiaries in accordance with the Wilkinson Trusts; as stated the primary asset of the Wilkinson Trusts is real property on Van Ness Boulevard in Fresno, which Respondent has listed for sale;
- To date, only one offer has been received at substantially less than the asking price;
- Removal of Respondent as Trustee is neither warranted nor necessary to protect the Trust or the beneficiaries, and appointment of a professional fiduciary will only serve to increase Trust expenses;
- If the Court orders Respondent to repay any monies disbursed to Respondent for his benefit (or his spouse's), Petitioner should similarly be ordered to repay all monies disbursed to Petitioner for his benefit.

Respondent prays:

1. All of relief prayed for by Petitioner James excluding Respondent's obligation to provide an accounting for Trust activities on or after 4/8/05 be denied and the *Third Amended Petition* be dismissed;
2. Petitioner be ordered to provide proper notice of the date and time for hearings of these proceedings to all Trust beneficiaries and all other interested parties including, parties named under the Trust to act as successor Trustee of Trusts A and B;
3. Petitioner be ordered to amend his *Third Amended Petition* to comply with the applicable Rules of Court;
4. Petitioner be ordered to pay all costs incurred herein by Respondent, including Respondent's attorney's fees, or alternatively, that Respondent be entitled to reimbursement form Trust assets for said costs.

***Respondent Trustee's Status Report* filed 1/19/12, states:**

- At the 10/25/11 hearing, the Court ordered accountings for the Wilkinson Trusts for two account periods (4/5/05-1/31/09 and 2/1/09-7/13/11), and pursuant to a stipulation of the parties, these accountings were to be filed 7 days before the 1/25/12 hearing;
- Respondent attaches both Court-ordered accountings for the Wilkinson Trusts, for review by the Court and Petitioner's counsel; however, due to the length of the first account period and the number of transactions involved with respect to the three trusts, Respondent's counsel has not been able to include all of the information in each accounting for the joint account that was maintained during the account period by Respondent and William Wilkinson as that information is still being reviewed to appropriately characterize and allocate the receipts received and disbursements made. <u>Respondent's counsel believes he will complete the accountings by the 1/25/12 hearing. However, this Status Report is provided to inform the Court as to the above status given the stipulated filing date (7 days prior to the hearing).</u>

~Please see additional page~

***Respondent's Supplement to Status Report* filed 1/24/12, states:**

- Respondent was ordered on 10/25/11 to provide Petitioner with an accounting for the disposition of any funds or accounts the source of which can be traced to either Trust A, B, or C, from 4/4/05 through the date of the account;
- Respondent attaches as Exhibit A an accounting for the Bank of America Joint checking account, held in both Petitioner and Respondent's names, for the period 12/15/06-12/18/09;
- A portion of the deposits made to this checking account can be traced to Wachovia Securities Account #6651 held in the name of Wilkinson Trust C. Respondent is in the process of obtaining additional account statements for the Bank of America account for the time period prior to 12/15/06, and will provide a further account for activities prior to that date when statements are received;
- In preparing the Bank of America accounting it was discovered that a deposit to Wachovia Securities reported on Schedule B of the 4/1/05-1/31/09 accounting (attached to prior Status Report) was incorrectly characterized as a "miscellaneous receipt" in the amount of $21,169.58, received 11/28/07 from the Winifred Petersen Residual Trust. This deposit however should have been characterized as a payment by Ross Wilkinson against the unpaid principal balance of the unsecured loan reported on Schedule G of the Accounting, as the source of the deposit can be traced to Ross Wilkinson;
- As such, pages 1,8,17, and 18 of the Trustee's Accounting for the 4/1/05-1/31/09 period have been revised, and are attached to this Supplemental Status Report as Exhibit B;
- Additionally, in order to reflect the changes to the 4/1/05-1/31/09 account, it was necessary to correct the beginning and ending balance of the unsecured loan to Ross Wilkinson reported in the Accounting for the 2/1/09-7/31/11 Accounting – and attached as Exhibit C are the revised pages to this 2/1/09-7/31/11 Accounting.

7 Matthew William Fulcher (GUARD/E) **Case No. 11CEPR00272**

Atty Magness, Marcus D. (for Guardian

Status Hearing Re: Filing of the Inventory and Appraisal

Age: 15 years **DOB: 2/15/1996**	**JULIE FULCHER**, mother, was appointed guardian of the estate on 6/9/2011. Inventory and Appraisal was due October 2011. This status hearing was set for the filing of the inventory and appraisal.	**NEEDS/PROBLEMS/COMMENTS:** 1. **Need Inventory and Appraisal or current status report.**
Cont. from 041012		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		**Reviewed by: KT**
Status Rpt		**Reviewed on: 6/8/12**
UCCJEA		**Updates:**
Citation		**Recommendation:**
FTB Notice		**File 7 - Fulcher**

Dept. 303, 9:00 a.m. Tuesday, June 12, 2012

8 Vera Silberstein Gift Trust Case No. 11CEPR00301

Atty Deeringer, James L. (of Downey Brand for Petitioner/Trustee D. Steven Blake)

Second Account and Report of Trustee and Petition for its Settlement and for Authority to Pay Attorney's Fees and Trustee Fees and Reimburse Costs Advance

Cont. from 050812		
	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	

D. STEVEN BLAKE, Trustee, is petitioner.

Account period: 1/1/11 – 12/31/11 (one year)

Accounting - **$15,120,437.15**
Beginning POH- **$15,119,074.31**
Ending POH - **$15,107,780.67**
($107,780.67 is cash)

Current bond is $132,186.70 and is sufficient.

Trustee (Gift Trust) - **$3,925.00** (per itemization and declaration. 31.4 hours @ $125/hr)

Trustee (Secondary Trust) - **$137.50** (per itemization and declaration. 1.1 hours @ $125.00/hr)

Trustee Cost (Gift Trust)- **$268.90** (mileage, postage and padlock)

Attorney (Gift Trust)- **$19,401.00** (per itemization and declaration 20.4 attorney hours @ $420/hr. and 48.1 paralegal hours @ $210/hr.)

Attorney (Secondary Trust) - **$2,938.50** ((per itemization and declaration 2.5 attorney hours @ $420/hr. and 9.0 paralegal hours @ $210/hr.)

Attorney costs (Gift Trust) - **$518.81** (filing fee, court call, postage, alternative delivery)

Attorney costs (Secondary Trust) - **$482.66** (filing fee, court call, postage, alternative delivery)

NEEDS/PROBLEMS/COMMENTS:

Continued from 5/8/12. Minute order states the Court directs Mr. Derringer to review the billing statement and submit a revised request.

Declaration of James L. Deeringer filed on 5/21/12 states the court has expressed concern that some of the services rendered related to the repayment of legal fees paid without prior court approval. At the court's request Mr. Deeringer has reviewed the Schedule 1 and identified those services that would not have been rendered had legal fees not been previously paid without court approval. The stated value of the withdrawn charges is $5,796.00. Accordingly the request for payment of fees contained in the Second Account and Report is hereby reduced from $19,401.00 to $13,605.00

Please see additional page

Reviewed by: KT
Reviewed on: 4/30/12
Updates: 5/3/12
Recommendation:
File 8 - Silberstein

Note: A status hearing will be set for the filing of the third account as follows:

- Friday, April 5, 2013 at 9:00 a.m. in Department 303

Pursuant to Local Rule 7.5 if the third account is filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.

9 **John J. Gregory (Estate)** **Case No. 12CEPR00403**

Atty **Mizote, Ty N. (for Thomas Gregory-Son-Executor-Petitioner)**

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

DOD: 04/17/2012			**THOMAS J. GREGORY,** son/named executor without bond, is Petitioner.	**NEEDS/PROBLEMS/COMMENTS:**
			All heirs waive bond.	1. Proposed personal representative is a resident of Colorado. Probate Code 8571 states notwithstanding a waiver of bond, the court in its discretion may require a nonresident personal representative to give a bond in an amount determined by the court.
Cont. from				
	Aff.Sub.Wit.	s/p	Full IAEA- o.k.	
✓	**Verified**			
	Inventory		Will dated: 12/15/1997	
	PTC		Codicil: 01/18/2006	
	Not.Cred.			
✓	**Notice of Hrg**	w		
✓	**Aff.Mail**		Residence: Laton Publication: The Business Journal	
	Aff.Pub.			
	Sp.Ntc.			**Note: If the petition is granted status hearings will be set as follows:**
	Pers.Serv.		**Estimated value of the Estate:**	
	Conf. Screen		Personal Property - $237,298.21 Annual Income - $35,000.00 Real Property - $1,283,700.00 **Total: - $1,555,998.21**	• **Friday, 11/09/2012 at 9:00a.m. in Dept. 303** for the filing of the inventory and appraisal **and**
✓	**Letters**			• **Friday, 08/10/2013 at 9:00a.m. in Dept. 303** for the filing of the first account and final distribution.
✓	**Duties/Supp**			
	Objections			
	Video Receipt		Probate Referee: Rick Smith	
	CI Report			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.
	9202			
✓	**Order**			
	Aff. Posting			**Reviewed by:** KT/LV
	Status Rpt			**Reviewed on:** 06/07/2012
	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 9 - Gregory**

10 Eddie Grant (Estate) **Case No. 12CEPR00407**

Atty Teixeira, J. Stanley (for Darryl Grant- Son- Petitioner)

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

DOD: 04/13/2012			**DARRYL GRANT,** son, is Petitioner and requests appointment as Administrator with bond set at $89,000.00.
Cont. from			
	Aff.Sub.Wit.		
✓	**Verified**		Full IAEA- o.k.
	Inventory		
	PTC		
	Not.Cred.		
✓	**Notice of Hrg**	w/o	Decedent died intestate.
✓	**Aff.Mail**		
✓	**Aff.Pub.**		Residence: Fresno Publication: The Business Journal
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	**Letters**		**Estimated value of the Estate:** Personal Property - $0 Real Property - $89,000.00 **Total: - $89,000.00**
✓	**Duties/Supp**		
	Objections		
	Video Receipt		
	CI Report		
	9202		Probate Referee: Rick Smith
✓	**Order**		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

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

- **Friday, 11/09/2012 at 9:00a.m. in Dept. 303** for the filing of the inventory and appraisal **and**
- **Friday, 08/10/2013 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.

Reviewed by: KT/LV

Reviewed on: 06/07/2012

Updates:

Recommendation: Submitted

File 10 - Grant

Dept. 303, 9:00 a.m. Tuesday, June 12, 2012

11 Pierson Phaphone (GUARD/E) **Case No. 05CEPR00336**

Atty Ouanoulack, Khammanee (pro per – guardian of the estate)

Probate Status Hearing Re: Filling of Annual or Biennial Account

				NEEDS/PROBLEMS/COMMENTS:
				OFF CALENDAR
				First Accounting filed 05/25/12; hearing set for 07/10/12
Cont. from				
	Aff.Sub.Wit.			
	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			
	Aff. Posting			**Reviewed by:** JF
	Status Rpt			**Reviewed on:** 06/06/12
	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 11 - Phaphone**

Dept. 303, 9:00 a.m. Tuesday, June 12, 2012

12 Consuelo Garza (Estate) **Case No. 06CEPR00816**

Atty Greenup, Patricia (Pro Per – Daughter – Administrator)

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution (Prob. C. § 122200, et seq.)

DOD: 5-5-06		
Cont. from 041111, 062011, 010912, 030512, 050812		
	Aff.Sub.Wit.	
	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	X
	UCCJEA	
	Citation	
	FTB Notice	

PATRICIA GREENUP was appointed Administrator with Limited IAEA without bond and Letters issued on 1-2-07.

Inventory and Appraisal filed 4-27-07 reflects real property located in Clovis valued at $175,000.00.

A status report from February 2008 indicated that the house was listed for sale and requested six months to close administration.

On 2-18-11, the court set a status hearing for failure to file a first account or petition for final distribution.

At the fifth continued status hearing on 5-8-12, Ms. Greenup was removed as Administrator and the Public Administrator was appointed. The Court continued the status hearing for filing of the petition for final distribution to this date and ordered that the court file be made available to the Public Administrator.

As of 6-5-12, nothing further has been filed.

NEEDS/PROBLEMS/COMMENTS:

1. **Need account current or petition for final distribution.**
2. **Need Notice of Hearing to heirs and the Dept. of Health Care Services pursuant to Request for Special Notice and Order of 3-5-12.**

Updates:

Contacts: Reviewed 6-5-12

Recommendation:

Reviewed by: skc

File 12 - Garza

Dept. 303, 9:00 a.m. Tuesday, June 12, 2012

13 Esther Eaton (CONS/PE) **Case No. 10CEPR01090**

Atty Fanucchi, Edward L. (for Carol Lopez – Conservator)

Status Hearing Re: Filing of the First Account or Petition for Final Distribution

DOD: 2-28-12		
Cont. from 050812		
	Aff.Sub.Wit.	
	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	X
	UCCJEA	
	Citation	
	FTB Notice	

CAROL LOPEZ, Daughter, was appointed Conservator of the Person and Estate on 2-9-11 with bond of $75,000.00.

Bond was filed on 4-26-11 and Letters issued on 4-27-11.

On 6-8-11, the Court set this status hearing for the filing of the first account and sent notice to Attorney Fanucchi.

Final Inventory and Appraisal filed 2-9-12 indicates $70,000.00 cash.

As of 4-27-12, a first account has not yet been filed.

Court Investigator Dina Calvillo filed a review report on 3-1-12. The report states she visited Mrs. Eaton at The Harvest, an Assisted Living and Alzheimer's Care Facility in Fowler. The staff reports that the Conservator visits often and is very involved in her care, and the conservatorship appears to be warranted and in Mrs. Eaton's best interest.

Notice of Death of Conservatee filed 5-3-12 states that Mrs. Eaton passed away on 2-28-12.

At hearing on 5-8-12, the matter was continued to 6-12-12.

Nothing further has been filed.

NEEDS/PROBLEMS/COMMENTS:

Continued from 5-8-12

Minute Order 5-8-12: Attorney Michael Mahoney appeared. Matter continued to 6-12-12.

As of 6-5-12, no accounting or petition for final distribution has been filed.

1. **Need first account and final account pursuant to Probate Code §§ 2620(a) and (b).**

   Note: The first account was due by 5-8-12 pursuant to Probate Code §2620(a); however, pursuant to Notice of Death filed 5-3-12, the Conservatee passed away on 2-28-12.

   If a first account is not already completed, the Court may wish to require that the accounting comply with Probate Code §2620(b) (an accounting for the period prior to her death and a separate accounting for the period subsequent to her death – both account periods typically presented in one petition) and continue this status hearing to an appropriate date.

Reviewed by: skc

Reviewed on: 6-5-12

Updates:

Recommendation:

File 13 - Eaton

14 Jason Throop Jr and Therese Throop (GUARD/P) Case No. 04CEPR00198

Atty Shore, Gail (pro per – paternal grandmother/Guardian)
Atty Lopez, Janelle (pro per – mother/Petitioner)

Petition for Termination of Guardianship

Jason, 12 DOB: 08/11/99		
Therese, 11 DOB: 09/02/2000		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	x
	Aff.Mail	x
	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	

JANELLE LOPEZ, mother, is Petitioner.

GAIL SHORE, paternal grandmother, was appointed as Guardian on 08/26/04.

Father: **JASON E. THROOP, SR.**

Paternal grandfather: NOT LISTED

Maternal grandfather: ERNEST MARTEAU
Maternal grandmother: DONNA JONES

Petitioner states ???? [no reason for termination is stated]

Court Investigator Charlotte Bien filed a report on 05/24/12.

Declaration of Santa Clara County Court Investigator John Boley was filed 05/24/12.

NEEDS/PROBLEMS/COMMENTS:

THIS PETITION PERTAINS TO JASON THROOP, JR. ONLY.

1. Need ***Notice of Hearing.***
2. Need proof of service by mail at least 15 days before the hearing of ***Notice of Hearing*** or Consent to Termination and Waiver of Service and Notice of Hearing or Declaration of Due Diligence for:
   - Jason E. Throop, Sr. (father)
   - Gail Shore (paternal grandmother/guardian)
   - Paternal grandfather
   - Ernest Marteau (maternal grandfather)
   - Donna Jones (maternal grandmother)
   - Jason Throop, Jr. (minor)

Reviewed by: JF
Reviewed on: 06/06/12
Updates:
Recommendation:
File 14 - Throop

15A Anthony Alvarado, Andrew Alvarado, and Samantha Alvarado

Case No. 04CEPR01310

Atty Rodriguez, Cynthia (pro per – mother/Petitioner)

Petition for Termination of Guardianship

Anthony, 15 DOB: 01/21/97		
Andrew, 13 DOB: 08/04/98		
Samantha, 10 DOB: 01/22/02		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	x
	Aff.Mail	x
	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	

CYNTHIA RODRIGUEZ, mother, is Petitioner.

VIRGINIA RODRIGUEZ, maternal grandmother, was appointed guardian on 01/27/05.

Father: **JOSE ALVARADO**

Paternal grandfather: JOSE ALVARADO
Paternal grandmother: ELEANOR ALVARADO

Maternal grandfather: PAUL RODRIGUEZ

Siblings: MONICA ALVARADO, DANIEL ALVARADO, MICHAEL ALVARADO (Ages unknown)

Petitioner states ???? *[Petition is incomplete and does not state a reason termination is in the best interest of the minor]*

Court Investigator Samantha Henson filed a report on 06/05/12.

NEEDS/PROBLEMS/COMMENTS:

THIS PETITION PERTAINS TO ANTHONY ALVARDO ONLY.

1. Petition is incomplete. No information was provided other than the name of the minor for which guardianship is requested to be terminated and item 2 that the Petitioner is the minor's parent. Need amended Petition that is complete. **Note**: All relative information was taken from the original Petition for guardianship.
2. Need ***Notice of Hearing***.
3. Need proof of service by mail at least 15 days before the hearing of ***Notice of Hearing*** with a copy of the ***Petition for Termination of Guardianship*** or Consent to Termination and Waiver of Service and Notice of Hearing or Declaration of Due Diligence for:
   - Jose Alvarado (father)
   -Virginia Rodriguez (maternal grandmother/guardian)
   - Jose Alvarado (paternal grandfather)
   - Eleanor Alvarado (paternal grandmother)
   - Anthony Alvarado (minor)
   - Andrew Alvarado (brother)
   - Any other sibling 12 and over

Reviewed by: JF
Reviewed on: 06/07/12
Updates:
Recommendation:
File 15A - Alvarado

Dept. 303, 9:00 a.m. Tuesday, June 12, 2012

15B Anthony Alvarado, Andrew Alvarado, and Samantha Alvarado

Case No. 04CEPR01310

Atty Rodriguez, Cynthia (pro per – mother/Petitioner)

Petition for Visitation

Anthony, 15 **DOB: 01/21/97**		
Andrew, 13 **DOB: 08/04/98**		
Samantha, 10 **DOB: 01/22/02**		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	x
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

CYNTHIA RODRIGUEZ, mother, is Petitioner.

VIRGINIA RODRIGUEZ, maternal grandmother, was appointed guardian on 01/27/05.

Father: **JOSE ALVARADO**

Paternal grandfather: JOSE ALVARADO
Paternal grandmother: ELEANOR ALVARADO

Maternal grandfather: PAUL RODRIGUEZ

Siblings: MONICA ALVARADO, DANIEL ALVARADO, MICHAEL ALVARADO (Ages unknown)

Petitioner states that she is requesting visitation rights for the Alvarado children. Petitioner states that she and the guardian have a mutual agreement regarding visitation, but she wants to make it legal.

NEEDS/PROBLEMS/COMMENTS:

4. Need ***Notice of Hearing***.
5. Need proof of service by mail at least 15 days before the hearing of ***Notice of Hearing*** with a copy of the ***Petition for Termination of Guardianship*** or Consent to Termination and Waiver of Service and Notice of Hearing or Declaration of Due Diligence for:
   - Jose Alvarado (father)
   -Virginia Rodriguez (maternal grandmother/guardian)
   - Jose Alvarado (paternal grandfather)
   - Eleanor Alvarado (paternal grandmother)
   - Anthony Alvarado (minor)
   - Andrew Alvarado (brother)
   - Any other sibling 12 and over

Reviewed by: JF

Reviewed on: 06/07/12

Updates:

Recommendation:

File 15B – Alvarado

Dept. 303, 9:00 a.m. Tuesday, June 12, 2012

16 Kylie Mae Sylvester (GUARD/P) Case No. 10CEPR00405

Atty Sylvester, Mickey (pro per Guardian/paternal grandfather)
Atty Sylvester, Rhonda (pro per Guardian/paternal grandmother)
Atty Wright, Erica Dawn (pro per Petitioner/mother)

Petition for Termination of Guardianship

Age: 2 years
DOB: 7/15/2009

Cont. from 041012

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

ERICA WRIGHT, mother, is petitioner.

MICKEY SYLVESTER and **RHONDA SYLVESTER**, paternal grandparents were appointed guardians on 10/12/10. – *Mailed notice on 2/24/12*

Father: **JEROD SYLVESTER –** *mailed notice on 2/24/12.*

Maternal grandfather: John Wright
Maternal grandmother: Catherine Wolfe.

Petitioner states the guardianship is no longer necessary.

Declaration of Guardians Mickey Sylvester and Rhonda Sylvester filed on 3/22/12 states they feel the guardianship should remain for the following reasons:

1. Mom has no financial support for the minor.
2. Mom has had another child and they know little about the father. Will this person have contact with the minor with no known background?
3. They believe mom has not completed her court ordered drug testing.
4. The minor is currently in a safe and loving environment.
5. They believe the minor's emotional well-being will be compromised if she is removed from the only home she has known since birth.
6. Mom has no grounds for seeking termination of the guardianship.
7.

Court Investigator Samantha Henson's Report filed on 4/3/12

Court Investigator Samantha Henson's Supplemental Report filed on 6/6/12

NEEDS/PROBLEMS/ COMMENTS:

Continued from 4/10/12. Minute order states Erica Wright informs the court that she has moved and now lives with her fiancé. Court Investigator is ordered to go to the new address and interview the mother and her fiancé. Visitation is to stay as previously ordered at the grandmother's home. Any changes with the visits can be determined between the parties.

1. Need proof of service of the Notice of Hearing on:
   a. John Wright (maternal grandfather)
   b. Catherine Wolfe (maternal grandmother)

Reviewed by: KT

Reviewed on: 4/3/12

Updates:

Recommendation:

File 16 - Sylvester

17A Randi Taylour Robinson-Cervantes (GUARD/P) Case No. 10CEPR00724

Atty Pena, Elena K (pro per Petitioner/guardian)

Filing of Receipt for Blocked Account and Inventory & Appraisal

Age: 11 years **DOB: 10/31/2000**	**ELENA PENA,** sister, was appointed Guardian of the Person and Estate on 07/26/11 and Letters were issued on 07/28/11. An **Order to Deposit Money Into Blocked Account** was signed 07/26/11 ordering all funds of the minor to be placed in a blocked account. **Notice of Taking Possession or Control of an Asset of Minor or Conservatee filed 09/28/11 by Metlife Total Control Account** reflects that the guardian, Elena Pena, has taken control of the minor's assets in the amount of $211,865.50 from Metlife. **Receipt for Blocked Account filed on 1/11/12.** (Signed by the Guardian and not a bank official.) Inventory and Appraisal filed on 1/11/12 showing the estate valued at $244,116.64.	**NEEDS/PROBLEMS/COMMENTS:** **Continued from 5/1/12. Minute Order states no appearances. The court sets the matter for an Order to Show Cause on 6/12/12 regarding the failure to appear and to provide receipts for Prudential Annuities and Metlife. The Court orders Elana Pena to be present on 6/12/12. (Please see page 17B.)** 1. Receipt for Blocked Account for the funds held at Prudential Annuities was signed by the Guardian, Elena Pena and not the representative of Prudential Annuities as required. Need Amended Receipt for Blocked Account that is signed by the representative of Prudential Annuities. 2. Receipt for Blocked Account for the funds held at MetLife was signed by the Guardian, Elena Pena and not the representative of MetLife as required. Need Amended Receipt for Blocked Account that is signed by the representative of MetLife.
Cont. from 022112, 050112		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		**Reviewed by: KT**
Status Rpt		**Reviewed on: 6/7/12**
UCCJEA		**Updates:**
Citation		**Recommendation:**
FTB Notice		**File 17A – Robinson-Cervantes**

Dept. 303, 9:00 a.m. Tuesday, June 12, 2012

17B Randi Taylour Robinson-Cervantes (GUARD/PE) Case No. 10CEPR00724

Atty Pena, Elena K (pro per Petitioner/guardian)

Order to Show Cause Re: Failure to Appear: Failure to Provide Receipts for Prudential Annuities and MetLife

Age: 11 years **DOB: 10/31/2000**		**NEEDS/PROBLEMS/COMMENTS:**
	ELENA PENA, sister, was appointed Guardian of the Person and Estate on 07/26/11 and Letters were issued on 07/28/11. An **Order to Deposit Money Into Blocked Account** was signed 07/26/11 ordering all funds of the minor to be placed in a blocked account. **Notice of Taking Possession or Control of an Asset of Minor or Conservatee filed 09/28/11 by Metlife Total Control Account** reflects that the guardian, Elena Pena, has taken control of the minor's assets in the amount of $211,865.50 from Metlife. **Receipt for Blocked Account filed on 1/11/12.** (Signed by the Guardian and not a bank official.) Inventory and Appraisal filed on 1/11/12 showing the estate valued at $244,116.64. **Minute Order dated 5/1/12 set this OSC hearing.** Order to Show Cause was mailed to Petitioner on 5/4/12.	
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		**Reviewed by: KT**
Status Rpt		**Reviewed on: 6/7/12**
UCCJEA		**Updates:**
Citation		**Recommendation:**
FTB Notice		**File 17B – Robinson-Cervantes**

Dept. 303, 9:00 a.m. Tuesday, June 12, 2012

18 **Ruby Garcia, Jessica Garcia, Isaiah Venegas, Ruben Venegas and Faith Rose Venegas (GUARD/P)** **Case No. 11CEPR00125**

Atty **Venegas Lopez, Frances Marie (Pro Per – Mother – Petitioner)**
Atty **Grider, Roman (Pro Per – Maternal Cousin – Co-Guardian of Ruby)**
Atty **Acevedo, Monica (Pro Per – Girlfriend of Roman Grider – Co-Guardian of Ruby)**
Atty **Grider Venegas, Helen (Pro Per – Maternal Aunt – Guardian of Jessica)**
Atty **Grider, Bobby Joe (Pro Per – Maternal Uncle – Guardian of Faith)**
Atty **Cardenas, Monica Nallely (Pro Per – Paternal Aunt – Guardian of Ruben and Isaiah)**

Petition for Termination of Guardianship

Faith Rose Venegas (12)
DOB: 12-7-98

Jessica Garcia (8)
DOB: 11-17-02

Ruben Venegas (7)
DOB: 11-22-03

Isaiah Venegas (5)
DOB: 5-30-06

Ruby Frances Garcia (2)
DOB: 2-16-09

Cont. from 121311

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

FRANCES LOPEZ, Mother, is Petitioner.

On 6-20-11, guardians were appointed for all five minors. At this time, guardianship is as follows:

- Roman Grider and Monica Acevedo are Co-Guardians of Ruby.
- Helen Grider Venegas is Guardian of Jessica.
- Bobby Joe Grider is Guardian of Faith.
- Monica Nallely Cardenas is Guardian of Ruben and Isaiah. *- Ms. Cardenas signed the consent and waiver of notice on the Petition.*

Father (Jessica, Ruben, Isaiah, Ruby): Ruben F. Garcia
Paternal grandfather: Angel Garcia
Paternal grandmother: Patricia Garcia

Father (Faith): Moises Vargas
Paternal Grandfather: Not provided
Paternal Grandmother: Not provided

Maternal grandfather: Joe Venegas
Maternal grandmother: Mary Venegas - *Deceased*

Petitioner states she regrets her choices and it seems like an eternity since the children were separated from her and from each other. She is doing everything she can to correct her mistakes that lead the family to this point. She has completed anger management and is still attending rehabilitation counseling for her medication addictions. She would very much like the children returned to her care; however, if Faith (12), who is living in Hanford, prefers to finish the school year there, that is fine. Petitioner thanks the Court for the opportunity to continue raising her children. Petitioner includes certificates of completion from a parenting program and a batterer's intervention program, and a letter in support from a rehabilitation counselor regarding her progress.

Court Investigator Dina Calvillo filed a report on 12-8-11.

NEEDS/PROBLEMS/COMMENTS:

Termination was granted for Ruby, Ruben and Isaiah only on 12-13-11.

This hearing is for termination of guardianship of Jessica and Faith only.

Minute Order 12-13-11 states: The Court states that it is not detrimental for the children to return to mother. The Court further orders for Jessican and Faith stay with Guardians to finish their school year. Petition is granted for Ruben, Isaiah and Ruby only. Matter continued to 6-12-12 for Jessica and Faith.

Reviewed by: skc
Reviewed on: 6-6-12
Updates:
Recommendation:
File 18 – Garcia & Venegas

19 Angela Williams (GUARD/P) Case No. 11CEPR00809

Atty Atkins, Stephanie (Pro Per – Guardian – Petitioner)

Petition for Termination of Guardianship (Angela Williams)

Angela Williams
Age: 13
DOB: 7-18-98

	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	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	

STEPHANIE ATKINS, Guardian, is Petitioner.

Petitioner was appointed Guardian on 1-17-12.

(At hearing on 1-17-12, a competing petition by the minor's sister Felicia Lee and brother-in-law Lafon Moultrie was denied. The competing petitioners did not appear.)

Father: **ROBERT WILLIAMS**
Mother: **BEVERLY ANN WILLIAMS (MINNIEWEATHER)** *(Deceased)*

Paternal Grandfather: not listed
Paternal Grandmother: not listed
Maternal Grandfather: Deceased
Maternal Grandmother: Deceased

Petitioner states that on 3-22-12, she let Angela stay the night with her sister Felicia Moultrie. Angela stayed for about a week, then expressed that she did not want to come back and stay with her. Petitioner just recently confirmed that she has moved to Sacramento with Felicia without her consent or knowledge that they moved.

Court Investigator Charlotte Bien filed a report on 6-1-12.

NEEDS/PROBLEMS/ COMMENTS:

1. **Need Notice of Hearing.**
2. **Need proof of service of Notice of Hearing at least 15 days prior to the hearing per Probate Code §1460(b)(5) on:**
   - Angela Williams (age 13)
   - Robert Williams (father)
   - Felicia Lee (Moultrie) (sister)
   - Any other relatives the Court deems proper.

Reviewed by: skc

Reviewed on: 6-6-12

Updates:

Recommendation:

File 19 – Williams & McLean

Dept. 303, 9:00 a.m. Tuesday, June 12, 2012

20 **McKayla Zhania Marshall (GUARD/P)** **Case No. 12CEPR00179**

Atty **Grice, Pearl**

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

Age: 3 months		
DOB: 1-13-12		
Cont. from 042412		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	X
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	X
✓	**Conf. Screen**	
✓	**Letters**	
✓	**Duties/Supp**	
	Objections	
	Video Receipt	
✓	**CI Report**	
✓	**Clearances**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
✓	**UCCJEA**	
	Citation	
	FTB Notice	

TEMPORARY EXPIRES 4-24-12

PEARL GRICE, Maternal Grandmother, is Petitioner.

Father: **MCCAEL MARSHALL**

Mother: **PATRICE REED**
- Consent and Waiver of Notice filed 2-22-12

Paternal Grandfather: Unknown
Paternal Grandmother: Wanda Bournes
Maternal Grandfather: Stanley Reed

Petitioner states the mother is also a minor and is clinically diagnosed as bipolar and ADHD. The father has a history of drug use and is physically abusive to the mother. Petitioner is concerned for the safety of both mother and child. Petitioner attached a "Domestic Violence Victim Information Form."

According to the UCCJEA, both the mother and the baby live with Petitioner.

Court Investigator Samantha Henson filed a report on 6-5-12.

NEEDS/PROBLEMS/COMMENTS:

Minute Order4-24-12: The Court informs Petitioner that the father needs to be served. Temporary letters extended to 612-12. Matter continued to 6-12-12.

As of 6-6-12, the following issues remain:

1. Need proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 on:
   - McCael Marshall (Father)
2. If notice is not excused, need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 or consent and waiver of notice on:
   - Unknown paternal grandfather
   - Wanda Bournes (Paternal Grandmother)
   - Stanley Reed (Maternal Grandfather)

   Petitioner filed a Declaration of Due Diligence for Wanda Bournes (Paternal Grandmother), and at the hearing on 3-1-12, the Court waived further notice to the paternal grandfather.

   However, Examiner notes that if the father is found, the grandparents may also become known and notice may be appropriate. If not excused, need proof of service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 on the paternal grandfather and grandmother.

Reviewed by: skc
Reviewed on: 6-6-12
Updates:
Recommendation:
File 20 - Marshall

Dept. 303, 9:00 a.m. Tuesday, June 12, 2012

21 Eric Adam Garcia (GUARD/P) **Case No. 12CEPR00318**

Atty Cazares, Genevieve (Pro Per- Petitioner – Cousin)

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

Age: 2		
DOB: 09/30/2009		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
✓	**Notice of Hrg**	w
	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	

TEMPORARY EXPIRES 06/12/2012
By Judge Nunez

GENEVIEVE CAZARES, Maternal Cousin, requests her parents **VERONICA** and **THOMAS CAZARES,** maternal aunt and uncle be appointed guardianship.

Father: **JERRY LESLIE GARCIA**

Mother: **ESMERITA JIMENEZ,** personally served 04/14/2012.

Paternal grandfather: Unknown
Paternal grandmother: Unknown

Maternal grandfather: Manuel Jimenez, Jr. – consents and waives notice
Maternal grandmother: Mary Jimenez, - consents and waives notice

Petitioner alleges: Mother is a known meth addict, she is unable and unwilling to care for the child. Petitioner found a Meth pipe in the child's diaper bag when he stayed overnight. It is believed that the Mother was involved in an incident in which the Father was arrested for assault with a deadly weapon. Father is also a known drug user.

Court Investigator Julie Negrete's report filed 06/07/2012.

DSS Social Worker Jennifer Cooper's report filed 06/07/2012.

NEEDS/PROBLEMS/COMMENTS:

1. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:
   - Jerry Leslie Garcia (Father)
2. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:
   - Paternal grandparents (Unknown)
   - Ricki R. Garcia (Sibling-16)
   - Richard Garcia Jr. (Sibling-13)
3. Petitioner did not date her signature on the Duties of Guardian form.

Reviewed by: KT/LV
Reviewed on: 06/07/2012
Updates:
Recommendation:
File 21 - Garcia

Dept. 303, 9:00 a.m. Tuesday, June 12, 2012

22 Lucy Torres De Luna (Det Succ) **Case No. 12CEPR00397**

Atty Torres, Jose Andres (Pro Per – Brother – Petitioner)

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

DOD: 12-13-00				
			JOSE ANDRES TORRES, Brother, is Petitioner.	**NEEDS/PROBLEMS/COMMENTS:**
			40 days since DOD	**1. Petitioner states the property should pass to him as the Decedent's brother because the Decedent's spouse and children disclaimed their interests.**
			No other proceedings	**Examiner notes that disclaimers are not appropriate in a summary proceeding. Further, there is nothing attached.**
	Aff.Sub.Wit.		I&A – *need*	**The Court may require the proper successors in interest to petition.**
✓	**Verified**		Petitioner requests Court determination that the Decedent's 25% separate property interest in certain real property APN 016-270-03 passes to him.	**2. If a petition goes forward, need Inventory and Appraisal per Probate Code §13103.**
	Inventory		Petitioner states he is the Decedent's brother, but that the Decedent's spouse and children waive their portion of the inheritance in the real property.	**3. The proposed order passes the property to Petitioner *and two other siblings of the Decedent*.**
	PTC			**A petition to determine succession must be brought and verified by all Successors (Probate Code §13152).**
	Not.Cred.			**4. The order does not attach the legal description.**
✓	**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			**Reviewed by:** skc
	Status Rpt			**Reviewed on:** 6-6-12
	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 22 – De Luna**

Dept. 303, 9:00 a.m. Tuesday, June 12, 2012