

Petition for Termination of Guardianship

Age: 8	JEANINE BAKER , Mother, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	DOUGLAS and ELIDA BAKER , Maternal Grandparents, were appointed Guardians on 4-11-05.	
	Father: STEWART M. HAMBY - Declaration of Due Diligence filed 2-15-13	Minute Order 4-17-13: Ms. Hopper is appearing as counsel for Douglas Baker and Elida Baker. The Court is advised that there is a Family Court hearing on 4/29/13. The Court is provided the following case number for the adoption proceeding involving Jeanine Baker and Elida Baker: #13CEFLO0860. Ms. Hopper requests that the proceeds in this matter be stayed pending the Family Court matter. The Court stays and continues these proceedings to 6/12/13. Continued to 6/12/13. Set on 6/12/13 for: Status Hearing Re: Family Court Matter.
Cont. from 041713	Paternal grandfather: Stewart L. Hamby Paternal grandmother: Cindy Bruer	
Aff.Sub.Wit.	Siblings: Mackenzi Hamby, Levi Hamby	As of 6-6-13, nothing further has been filed.
✓ Verified	Petitioner states she has worked really hard to have a stable relationship for five years, a stable job for three years, a 3-bedroom house for four years, two reliable cars, and has completed an outpatient rehab in 2009 and has been clean ever since. Petitioner is also concerned about Trenton's well being because he is not attending counseling and should grow up with his siblings, not as a single child. He needs to form a bond with them and the best way for that is to live in the same house with his brother and sister. They get more time that way. His brother and sister are outstanding in school and it would only be right that Trenton joins them. Petitioner feels she has missed out on so much of his life already and is asking the Court to reunite mother with son. Petitioner attaches a letter from the Fresno County Probation Dept. that states her 2-year probation and criminal case were dismissed on 7-27-10. Petitioner submitted additional letters of support on 4-15-13.	
Inventory		1. Need status of family law matter.
PTC		
Not.Cred.		2. Need proof of service of Notice of Hearing at least 15 days prior to the hearing per Probate Code §§ 1460(b)(5), 1214 on the following, unless the Court finds diligence and dispenses with notice: - Elida Baker (Maternal Grandmother/Guardian) - Cindy J. Hopper (Attorney for Guardians) - Stewart M. Hamby (Father)
Notice of Hrg	X	
Aff.Mail	X	Reviewed by: skc
Aff.Pub.		
Sp.Ntc.		Reviewed on: 6-6-13
Pers.Serv.		
Conf. Screen		Updates:
Letters		
Duties/Supp		Recommendation:
Objections		
Video Receipt		File 1A - Hamby
✓ CI Report		
9202		
✓ Order	Court Investigator Charlotte Bien filed a report on 4-4-13.	
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

(1) First and Final Report of Administration of Estate by Jane F. Sigler as Administrator, and (2) Petition for Its Settlement, and for (3) Final Distribution on Waiver of Account, and for (4) Approval of Statutory Compensation to Personal Representative and Attorneys' Fee for Ordinary Services (Prob. C. 10810, 10830, 10900, 10951, 10954, 11640, 12200 et seq. Prob. Rule 7.250 & 7.550)

DOD: 1/9/2009		JANE F. SIGLER , Administrator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Accounting is waived.	
		I & A - \$283,623.92	
Cont. from 051413		POH - \$336,465.88	
	Aff.Sub.Wit.		
✓	Verified	Administrator (statutory) - \$8,672.48	
✓	Inventory		
✓	PTC	Attorney (statutory) - \$8,672.48	
✓	Not.Cred.		
✓	Notice of Hrg	Closing - \$2,000.00	
✓	Aff.Mail	W/ Distribution, pursuant to intestate succession, is to:	
	Aff.Pub.		
	Sp.Ntc.	Frank C. Farr - \$105,706.98	
	Pers.Serv.	Jane F. Sigler - \$105,706.98	
	Conf. Screen	Cindy Kuenher - \$ 52,853.48	
✓	Letters	Carolyn Cullen- \$ 52,853.48	
	12/10/10		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
✓	FTB Notice		
			Reviewed by: KT
			Reviewed on: 6/7/2013
			Updates:
			Recommendation: SUBMITTED
			File 2 – Gregory

(1) First and Final Report of Executors on Waiver of Account and (2) Petition for Allowance of Compensation to Attorneys for Ordinary Services and (3) Final Distribution

DOD: 07/01/12	AUTUMN LENCIONI and GAREN LENCIONI, Co-Executors, are Petitioners.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> The cash on hand stated in the Petition and Order contains a typo (\$284,7120.23). Need clarification of cash on hand and need revised order with the correct amount. The attorney is requesting costs reimbursement in the amount of \$1,625.40. Need itemization these costs. 	
	Accounting is waived.		
Cont. from	I & A - \$696,900.00		
<input type="checkbox"/> Aff.Sub.Wit.	POH - \$768,926.21		
<input checked="" type="checkbox"/> Verified	Executors - waived		
<input type="checkbox"/> Inventory	Attorney - \$3,500.00 (less than statutory)		
<input checked="" type="checkbox"/> PTC	Costs - \$1,625.40 (for – NOT STATED)		
<input checked="" type="checkbox"/> Not.Cred.	Distribution, pursuant to Decedent's Will is to:		
<input checked="" type="checkbox"/> Notice of Hrg	Autumn S. Lencioni – ½ interest in cash on hand, plus ½ interest in real property, ½ interest in 2 ATV's, and ½ interest in 2 trailers		
<input checked="" type="checkbox"/> Aff.Mail w/	Garen M. Lencioni - ½ interest in cash on hand, plus ½ interest in real property, ½ interest in 2 ATV's, and ½ interest in 2 trailers		
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input type="checkbox"/> Letters 09/05/12			
<input type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input checked="" type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input checked="" type="checkbox"/> FTB Notice			
			Reviewed by: JF
			Reviewed on: 06/10/13
		Updates:	
		Recommendation:	
		File 3 – Lencioni	

Atty Keeler, William J.; of Garvey Schubert Barer, Portland OR (for Petitioner Margaret Friesen)
 Atty Meyer, Kent; Yee, Michael; of Meyer & Yee, Roseville (for Respondent Gregory Friesen)

Petition to Construe Trust Provisions

Mary Lou DOD: 8/17/2007	<p>MARGARET FRIESEN, spouse of Leroy J. Friesen and named Trust Beneficiary, is Petitioner.</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> In September 1992, Leroy J. Friesen and Mary Lou Friesen created the LEROY J. FRIESEN AND MARY LOU FRIESEN REVOCABLE TRUST, which was amended and restated on 12/12/2007 (copy attached as Exhibit A); The Trust was amended by written amendments on 4/27/2011 and 6/11/2012 (copies attached as Exhibits B and C); Petitioner has standing to bring this petition because she is a named Beneficiary and is the surviving spouse of Leroy; additionally, this issue is ripe for adjudication as the current acting [Successor] Trustee, GREGORY L. FRIESEN, son of Leroy and Mary Lou, has erroneously denied Petitioner access to her community property acquired during her marriage to Leroy, her own personal property, and personal property granted to her in the Trust by Leroy; previous attempts to resolve this matter without court intervention have been unsuccessful; The principal place of trust administration for the Trust has been in Fresno County since its creation, as Leroy administered the Trust in Fresno County until his death; the person purporting to act as current [Successor] Trustee has failed, despite request, to give notice to the Beneficiaries pursuant to Probate Code § 16061.7 as to the address of the physical location where the principal place of administration of the Trust is located; accordingly, this Court has jurisdiction in this matter and is the proper venue for this proceeding; After Mary Lou's death on 8/17/2007, Leroy acted as sole Trustee until his death on 12/21/2012; Petitioner has not received any notice from the current [Successor] Trustee that any other person served as Trustee prior to Leroy's death; upon Leroy's death, Gregory became the Successor Trustee; <p>Note: Additional pages omitted; matter off calendar.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;">OFF CALENDAR</p> <p>Amended Petition to Construe Trust, etc., filed 6/7/13; set for hearing on 7/24/2013.</p> <ol style="list-style-type: none"> Proposed order identifies the <i>Petition</i> as a Petition to Construe Trust Provisions and a "Petition for (1) Order to Recover Property; (2) Breach of Trust; (3) Breach of Fiduciary Duty;" however, these allegations are not specified in the <i>Petition</i>. Additionally, the proposed order specifies the real property address in Morro Bay which is not contained in the <i>Petition</i> nor any of the filed pleadings. <i>Petition</i> should contain and verify this information.
Leroy DOD: 12/21/2012		
Cont. from 050813		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail W /		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
	Reviewed by: LEG	
	Reviewed on: 6/7/13	
	Updates:	
	Recommendation:	
	File 4 – Friesen	

DOD: 3-13-13		SANDRA L. FUNK , Daughter and named Executor without Bond, is Petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Need date of death of Decedent's spouse per Local Rule 7.1.1.D. <i>Note: The Decedent's Will indicates a date of death of 12-9-11 for a spouse; however, this information is not provided or verified in the Petition, and it is not known whether there are any others that the Court may need to be aware of. Need verified declaration.</i> Decedent's Will devises the estate to the FLOYD ZIELKE 2013 TRUST. However, the trustee and/or beneficiaries of the trust are not listed at #8 of the petition. Need clarification. Probate Code §§ 8110, 1208. Need DE-121 Notice of Petition to Administer Estate. Need proof of service of Notice of Petition to Administer Estate on all persons listed in #8, including the trustee and/or beneficiaries of the trust, if the trustee and proposed executor are the same person, at least 15 days prior to the hearing. Probate Code §§ 8110, 1208. Need order. <p><u>If granted, the Court will set status hearings as follows:</u></p> <ul style="list-style-type: none"> Friday 11-15-13 for filing of Inventory and Appraisal Friday 11-21-14 for filing of first account or petition for final distribution. <p><u>If the required items are on file prior to these status dates, they may be taken off calendar.</u></p>
		Full IAEA – ok	
		Will dated: 2-27-13	
S/P	Aff.Sub.Wit.	Residence: Fresno	
✓	Verified	Publication: Fresno Business Journal	
	Inventory	Estimated value of estate:	
	PTC	Personal property: \$520,000.00	
	Not.Cred.	Probate Referee: Steven Diebert	
	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		
<p>Reviewed by: skc</p> <p>Reviewed on: 6-7-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5 - Zielke</p>			

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

DOD: 3/18/2013		<p>DOROTHY YORDON SOLES, Trustee of the Soles Family Trust 12/14/1999, is petitioner.</p> <p>40 days since DOD.</p> <p>No other proceedings.</p> <p>Will dated 12/14/1999 devises the entire estate to the Soles Family Trust 12/14/1999.</p> <p>I & A - \$95,000.00</p> <p>Petitioner requests Court determination that Decedent's interest in real property pass, pursuant to Decedent's Will, to the Soles Family Trust.</p>	NEEDS/PROBLEMS/COMMENTS:	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input checked="" type="checkbox"/>	Inventory			
<input checked="" type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail W/			
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
				Reviewed by: KT
				Reviewed on: 6/7/2013
		Updates:		
		Recommendation: SUBMITTED		
		File 6 - Soles		

Page 2

NEEDS/PROBLEMS/COMMENTS (Continued):

3. Schedule D Estate Expenses indicates \$3,200.00 as paid to Legal Tech for typing service. Only a personal representative and his or her attorney, if any, are entitled to compensation from the estate Legal Tech is not an attorney and is not entitled to payment from the estate as an attorney would be. Petitioner is self-represented and as such is responsible for the document preparation costs that she obtained. Fees paid for secretarial services are not appropriate. Further, any compensation related to estates requires petition and allowance by the Court prior to payment. See Probate Code §10830. Need clarification.
4. Summary indicates \$325.00 in bank charges. Need clarification.
5. Schedule D Estate Expenses indicates \$68.92 for "Gas (traveling)" and \$100.00 for "Arthur Robles – Gas item." Need clarification.
6. Petitioner states at Page 3, #19, that there is no family or affiliate relationship between the representative and any agent hired during administration; however, Schedule of Operating Expenses for the estate's share of the rental property indicates monthly payments for "Steve Escandon's Fee" and "Steve Escandon's Share." However, Steven Escandon is an heir. Need clarification.
7. Petitioner states notice to the Franchise Tax Board is not required because the assets did not exceed \$1 million (Page 3, #14). However, notice is always required regardless of the size of the estate. See Probate Code §9202(c) (effective 7-1-08).
8. Need written consent of all heirs to distribution of the real property in undivided interests pursuant to Local Rule 7.12.4.
9. Schedule B Proposed Distribution includes distribution to Arthur Robles, who post-deceased the decedent. However, distribution should be to the personal representative of his pursuant to Probate Code §11802.
10. Need clarification: Some documents refer to an heir "Arlinda;" however, some documents indicate "Erlinda." Is this the same person? If so, what is the correct name?
11. Need order. See Local Rule 7.6.1.

Petition for Termination of Guardianship

Age: 16 years	VELMA ORTIZ , paternal grandmother/guardian, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
	VELMA ORTIZ was appointed as guardian on 9/22/2011.	
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.	Father: GILBERT ORTIZ – deceased	
<input checked="" type="checkbox"/> Verified	Mother: VERONICA MEJIA LOPEZ – consents and waives notice.	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.	Paternal grandfather: Deceased	
<input type="checkbox"/> Notice of Hrg	Maternal grandfather: Unknown	
<input type="checkbox"/> Aff.Mail	Maternal grandmother: Juanita Lopez	
<input type="checkbox"/> Aff.Pub.	Petitioner states termination is necessary because mother and son want to terminate.	
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen	Court Investigator JoAnn Morris' Report filed on 6/7/13	
<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 checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: KT
		Reviewed on: 6/7/2013
		Updates:
		Recommendation:
		File 8 – Ortiz

Atty Ledger, Bonnie (pro per Guardian/maternal grandmother)

Atty Villanueva, Cynthia (pro per Petitioner/mother)

Petition for Visitation

Age: 3 years	<p>CYNTHIA VILLANUEVA, mother, is petitioner.</p> <p>BONNIE LEDGER, maternal grandmother, was appointed guardian on 9/26/2011.</p> <p>Father is unknown.</p> <p>The issue of visitation was previously before the court.</p> <p>Minute order from 2/1/2013 states parties inform the court that they have reached an agreement [for visitation] on their own as follows: mother will have visitation every Sunday for three hours as agreed upon by the parties. Visitation will be at the guardian's home on odd weeks and at her son's home on even weeks. After six months, the visitation will increase to five hours or more as agreed upon by the parties.</p> <p>Petitioner states she would like the visits to be moved to her new residence. Petitioner states she has tried to work out a schedule with Bonnie [guardian] but she has not been flexible. In addition Bonnie stated that she cannot have visits on Sunday's anymore because that is her "family" time. Petitioner states Bonnie does not want her to have visits as her residence because she states mom "parties". Petitioner can assure the court that she no longer drinks or uses for quite some time now. Probation can tell the court the same.</p> <p style="text-align: center;">Please see additional page</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
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		
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: KT
		Reviewed on: 6/10/2013
		Updates:
		Recommendation:
		File 9 – Villanueva

Petitioner states since starting her court ordered visitation on 1/1/2013 she has not been late dropping off or picking up the minor. The guardian on the other hand has been late numerous times.

Petitioner states she would like to have her weekend visits moved to her residence on her weekend. Other than that she is okay with going to the guardian's home every other weekend. She would still like to have the visits on Sundays. Her friend and landlord, Albert Alvarado has agreed to supervise the visits.

Objections to Visitation filed by Bonnie Ledger [guardian] on 6/5/2013. Ms. Ledger states she has complied with the court order as far as visitation goes. Cynthia has had a 3 hour visit every week. Ms. Ledger states she agreed to Sunday because Cynthia claims to have a job where she needed to be at her friend Albert's home on Friday night and Saturday night to clean. Ms. Ledger states she and Cynthia agreed that the time would be negotiable; per the minute order no set time was allocated.

Ms. Ledger states that since the minor has been in her care, Cynthia has resided in 4 different homes, has no employment and has not attempted finding gainful employment. Ms. Ledger states Cynthia has told her that when she goes home, where she now lives, she has found small bags that contained methamphetamine thrown around the house, and her friend Albert sells drugs. She claims that the girls who live there plus many others drink, smoke and do drugs in one room while Cynthia is watching their kids in another room. Ms. Ledger states she does not want the minor near Cynthia's residence. It is not a safe or health place for the minor.

Ms. Ledger states Cynthia has petitioned the court to allow Albert to supervise the visits. Ms. Ledger states she is not agreeable to this person supervising the visits. She does not want this person near the minor. She has no idea who he is and after hearing about what goes on in his home she refuses to utilize him as a supervisor. Ms. Ledger suggests that if they cannot agree on a mutual supervisor or location then maybe they need to use a supervising agency in which Cynthia would have to pay for the visits and perhaps get a sense of responsibility.

Petition for Final Distribution on Waiver of Accounting [Prob. C. 10400-10406, 10904, 11600, 11642]

DOD: 11-10-11		ELIZABLETH DYER and KAREN DAVIS, Daughters and Co-Administrators with Full IAEA without bond, are Petitioners.	NEEDS/PROBLEMS/COMMENTS:
		Accounting is waived.	
	Aff.Sub.Wit.	I&A: \$385,742.50	
✓	Verified		
✓	Inventory	POH: \$386,459.50 (real property; personal property including business equipment, furniture and supplies; furniture and personal items; and cash in the amount of \$1,987.00)	
✓	PTC		
✓	Not.Cred.		
n/a	Notice of Hrg		
n/a	Aff.Mail	Co-Administrators: Waived	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	Distribution pursuant to intestate succession:	
	Conf. Screen		
✓	Letters	3-14-12 Elizabeth Dyer: \$993.50 cash plus a 50% share of the real and personal property	
	Duties/Supp		
	Objections	Karen Davis: \$993.50 cash plus a 50% share of the real and personal property	
	Video Receipt		
	CI Report		
✓	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
✓	FTB Notice		
			Reviewed by: skc
			Reviewed on: 6-7-13
			Updates:
			Recommendation: SUBMITTED
			File 10 – Anderson

Pro Per Gonzales, Desi; Gonzales Glasscock, Jan; Gonzales, LaVonna; Gonzales, Marcus; Gonzales, Joshua; Gonzales, Melodie; Gonzales, Natalie (Pro Per Petitioners)

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

DOD: 1/6/2013		<p>DESI GONZALES, brother, JAN GONZALES GLASSCOCK, sister, LaVONNA GONZALES, niece, MARCUS GONZALES, nephew, JOSHUA GONZALES, nephew, MELODIE GONZALES, niece, and NATALIE GONZALES, niece, are Petitioners.</p> <p>40 days since DOD</p> <p>No other proceedings</p> <p>I & A - \$ 115,100.00</p> <p>Decedent died intestate.</p> <p>Petitioners request Court determination that Decedent's 100% interest in real property located at 5413 E. Grant Ave., Fresno; and Decedent's 100% interest in personal property consisting of a vehicle, passes to the Petitioners pursuant to intestate succession.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input checked="" type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			N/A
<input type="checkbox"/>	Aff.Mail			
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		<p>Reviewed by: LEG</p> <p>Reviewed on: 6/7/13</p> <p>Updates:</p> <p>Recommendation: SUBMITTED</p> <p>File 13 – Gonzales</p>		

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

DOD: 3-24-13			<p>TOM MIYAKE, Brother and named executor without bond, is Petitioner.</p> <p>Full IAEA – <i>need publication</i></p> <p>Will dated 11-16-10</p> <p>Residence: Clovis, CA Publication: <i>need publication</i></p> <p>Estimated value of estate: Personal property: \$382,816.83</p> <p>Probate Referee: Rick Smith</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Based on the following issues, continuance for compliance or amendment will be necessary:</p> <ol style="list-style-type: none"> Petitioner did not attach a copy of the will as required by #3e and Probate Code §8002(b)(1). Need declaration with copy of will. Need Confidential Supplement to Duties and Liabilities of Personal Representative (Form DE-147S). Need “Notice of Petition to Administer Estate” (Form DE-121) and proof of service at least 15 days prior to the hearing on all appropriate parties pursuant to §8110: <ul style="list-style-type: none"> - Roy Miyake (Brother) - Masato Miyake (Brother) - Masaji Miyake (Brother) - Marilyn Y. Ishimaru (Sister) - Kirk A. Miyake (alternate executor and grandson) - Karen A. Miyake (granddaughter) - Lynnette A. Schetselaar Miyake (granddaughter) - Gregg Ishimaru (grandson) - Randy Ishimaru (grandson) - Lester Ishimaru (grandson) <p><i>Need clarification: Is it “Ray” or “Roy” Miyake? There is a discrepancy between the spelling in the will and as listed in #8 of the petition.</i></p> <p><i>Note: Petitioner filed and served the “Notice of Hearing” (Form DE-120) on siblings only; however, this is not the appropriate notice for opening estate administration, and all relatives listed in the will are required to be noticed. See Probate Code §8100 et seq.</i></p> Need amended Proof of Subscribing Witness. The document filed 5-9-13 does not attach a copy of the will pursuant to #1 and Probate Code §8220(b). Need publication pursuant to Probate Code §8120 and Local Rule 7.9. Need order.
✓	Aff.Sub.Wit.	X		
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Petition to Administer Estate	X		
✓	Aff.Mail	W		
	Aff.Pub.	X		
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✓	Letters			
✓	Duties/Supp	X		
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order	X		
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			<p>Reviewed by: skc</p> <p>Reviewed on: 6-10-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 14 – Miyake</p>	

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

DOD: 02/14/2013		JUDGE SINGH BRAR , son/named executor without bond, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Decedent signed the Will twice, once under the preprinted year of 1976 and again this time with a hand written date of 09/17/2004. It is unclear when the decedent signed the Will. – Declaration filed 06/11/2013</p> <p>2. The names of two witnesses appear at the bottom of the Will however they are hand written and do not appear to be signatures. The Court may require proof of subscribing witness for each. – Proof of Subscribing Witness filed 06/11/2013 which attests that the decedent signed the Will in the presence of Sonni Kahira however the remaining witness, Ruth Phillips', name appears to be handwritten and not a signature, therefore it is still unclear who wrote both names on the Will. The Court may require proof of subscribing witness for Ruth Phillips. Declaration of Sonni Kahira in Support of Will of Decedent was filed on 06/11/2013 which states that she was a witness to the Will of Dalip Kaur Singh aka Dalip K. Singh Brar, who signed the Will on 09/17/2004. At the time that she acted as a witness to the Will, a fellow employee, Ruth Phillips, also acted as a witness to the Will and signed the Will as a witness.</p> <p style="text-align: center;"><u>Please see additional page for Status Hearings</u></p>				
		Full IAEA – o.k.					
Cont. from 053013							
<input type="checkbox"/>	Aff.Sub.Wit.	x					
<input checked="" type="checkbox"/>	Verified						
		Will dated: 09/17/2004					
<input type="checkbox"/>	Inventory						
<input type="checkbox"/>	PTC						
		Residence: Clovis					
<input type="checkbox"/>	Not.Cred.						
		Publication: The Business Journal					
<input checked="" type="checkbox"/>	Notice of Hrg						
<input checked="" type="checkbox"/>	Aff.Mail	w/					
<input checked="" type="checkbox"/>	Aff.Pub.						
		Estimated value of the Estate:					
		Personal property - \$15,100.00					
		Real property - \$335,000.00					
		Total: - \$350,100.00					
<input type="checkbox"/>	Sp.Ntc.						
<input type="checkbox"/>	Pers.Serv.						
<input type="checkbox"/>	Conf. Screen						
		Probate Referee: Steven Diebert					
<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						
<input type="checkbox"/>	Citation						
<input type="checkbox"/>	FTB Notice						
<table border="1"> <tr> <td>Reviewed by: LV</td> </tr> <tr> <td>Reviewed on: 06/10/2013</td> </tr> <tr> <td>Updates: 06/11/2013</td> </tr> <tr> <td>Recommendation:</td> </tr> <tr> <td>File 15 – Brar</td> </tr> </table>			Reviewed by: LV	Reviewed on: 06/10/2013	Updates: 06/11/2013	Recommendation:	File 15 – Brar
Reviewed by: LV							
Reviewed on: 06/10/2013							
Updates: 06/11/2013							
Recommendation:							
File 15 – Brar							

3. ~~#3g of the Petition was not answered regarding the petitioner's residency. #8 of the petition lists the petitioner's residence in New Jersey however it appears that the petitioner was noticed at an address in Clovis, Ca. Pursuant to Probate Code §8571, notwithstanding a waiver of bond, the Court may require a non-resident to give bond. – Declaration filed 06/11/2013~~

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

- **Friday, 11/15/2013 at 9:00a.m. in Dept. 303** for the filing of the inventory and appraisal **and**
- **Friday, 08/15/2014 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.

Motion to Quash Civil Subpoena for Kaweah Delta Hospital and St. Agnes Medical Center

Age: 2	<p>Temporary Letters (Elaine Thomas) expire 6-27-13</p> <p>ELAINE THOMAS, Paternal Grandmother, is Temporary Guardian.</p> <p>RACHEL STAUFFER, Mother, filed a Motion to Quash Civil Subpoena for Kaweah Delta Hospital and St. Agnes Medical Center on 5-17-13.</p> <p>Ms. Stauffer states:</p> <ul style="list-style-type: none"> On 5-3-13, she was served with a Notice to Consumer or Employee and Objection and a Civil Subpoena (Duces Tecum) for Personal Appearance and Production of Documents, Electronically Stored Information, and Things at Trial and Declaration for St. Agnes Medical Center and Kaweah Delta Hospital (attached). On 5-8-13, Attorney Hopper faxed a letter to Attorney Attashian stating that the mother's medical records are privileged and are outside the scope of discovery as there are no medical issues before the Court concerning the guardianship itself, and informing Ms. Attashian that she would not be entitled to all medical records prior to the birth of Zachary nor records that do not pertain to any issues that have not been tendered before this Court, and if she did not immediately withdraw the subpoenas and Mother is forced to file a motion to quash, she would be requesting sanctions for abuse of the discovery process. Ms. Stauffer states she has NOT put any medical issues before this Court; rather, Elaine has been the one to do so. In her 4-2-12 petition, she stated that Ms. Stauffer needed to be admitted to a hospital, and attached an email from Ms. Stauffer's mother (Patricia Kilpatrick) to Attorney Attashian. Further, Elaine has requested all of Mother's medical records without ANY limit to time frame. Elaine should not be entitled to ANY of the medical records, especially those that do not pertain to issues not tendered before this Court. Trial was originally scheduled for 3-26-13, but continued by stipulation and order. At no time did Mother agree to waive the discovery time and said time frame has lapsed. Furthermore, she did not agree to reopen discovery proceedings. <p>Points and Authorities attached.</p>	NEEDS/PROBLEMS/COMMENTS:
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
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Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
	<p>Reviewed by: skc</p> <p>Reviewed on: 6-10-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 16 – Filgas</p>	

Declaration of Temporary Guardian Elaine Thomas states that on 1-30-13, Ms. Stauffer had filed a supplemental declaration with the Court. At the time of filing, Rachel had failed to visit for approx. six weeks. As a result of the declaration, Guardian's attorney propounded discovery to determine where Ms. Stauffer had been hospitalized and the reason. In answering, Ms. Stauffer stated she had been hospitalized at Kaweah Delta and St. Agnes Medical Hospital.

The initial trial date was 3-26-13. Trial has been continued three times. The above declaration proffering new information and the affirmative defense by Respondent after the initial trial setting.

Guardian requests Ms. Stauffer's medical records pursuant to Civil Code § 1987(c) allowing the issuance of the subpoena approximately 20 days before a trial date. The subpoena is timely. If the Court finds otherwise, she requests the Court re-open discovery so that these records can be admitted as relevant in the instant proceedings. Ms. Stauffer invoked her medical condition as the reason for her significant absence from Zachary's life. The records have been released and are in the attorney's possession. Because of the delicate nature of the contents, Guardian has not reviewed the records, but is amenable to the issuance of a protective order and an in camera review of the records.

Guardian states Ms. Stauffer provided a third party (her mother) with access to her medical records, and it is also Guardian's understanding that there are statements by third parties in the records. Guardian requests the Court review the documents to determine whether she has already waived privileged by providing access to a third party and whether there are statements made by third parties who are expected witnesses to the instant action.

In the very least, the records should be available to Guardian at trial to ensure Ms. Stauffer's candor or any third party's candor regarding the information relevant to the instant proceedings and guardianship.

Points and Authorities attached.