1 Lucille McCaslin (CONS/PE) **Case No. 03CEPR01182**

Atty LeVan, Nancy J. (for Pat Miranda – Conservator)

(1) First Account and Report of Conservator, (2) Petition for Allowance of Fees for Attorney and (3) Petition for Waiver of Further Accounting (Prob. C. 2620, 2623, 2640, 2942)

DOD: 05/05/09

Cont. from 032712, 050712

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

PAT MIRANDA, Conservator, is Petitioner.

Account period: **08/21/03 – 07/18/06**

Accounting	-	**$51,525.40**
Beginning POH	-	**$22,168.18**
Ending POH	-	**$381.16**
Conservator	-	**waives**
Attorney (ok per Local Rule)	-	**$2,000.00**

Petitioner states that there are no assets remaining in the estate and requests that the Conservatorship be terminated.

Petitioner requests an Order:

1. Approving, allowing, and settling the first account; and
2. Authorizing payment of attorney's fees;

NEEDS/PROBLEMS/COMMENTS:

<u>CONTINUED FROM 05/07/12</u>

As of 06/11/12, no additional documents have been filed and following items remain:

1. **Need Order.**
2. **Previous status reports filed in this matter indicate that the conservatee died on 05/05/09, this account only covers the period from 08/21/03 – 07/18/06. Need accounting for period of 07/19/06 – 05/05/09.**
3. **Distributions reflect monthly payment to Conservator, Pat Miranda, of $400.00 for <u>room and board</u>; however, there are multiple distributions to grocery stores as follows:**
   - 10/11/03 Food Maxx - $186.09
   - 10/28/03 Savemart - $36.70
   - 11/08/03 Savemart - $89.47
   - 01/05/03 Savemart - $65.30
   - 02/02/04 RN Market - $70.31
   - 05/12/04 Food 4 Less - $87.06
   - 06/24/04 Savemart - $87.65
   - 07/12/04 Savemart - $86.83
   - 08/02/04 RN Market - $43.37
   -08/05/04 Food Maxx - $88.14
   - 09/16/04 Vons - $59.64
   - 01/12/05 RN Market $58.40
   Court may require clarification of charges at grocery stores, were these groceries purchased for the Conservatee? Was food not included in the Room <u>& Board</u> charge? Also there are payments to PG&E as follows:
   - 01/15/04 $200.00; 03/04/04 $167.01; 08/20/04 $150.00; 09/20/04 $100.00; 12/17/05 $150.00; 01/07/05 $100.00; 02/08/05 $150.00; 03/08/05 $150.00; 04/05/05 $100.00; 05/06/05 $100.00; 07/11/05 $155.45; 10/06/05 $100.00. Was PG&E not included in the room & board payment, if not, why aren't payments made each month. The court may require more information.

Continued on Next Page

Reviewed by: JF

Reviewed on: 06/11/12

Updates:

Recommendation:

File 1 - McCaslin

4. **Distributions schedule has several additional items that are unexplained and/or require more information showing how they benefited the conservatee, those items are as follows:**
   09/23/03 – Walgreens $116.10
   10/11/03 – Simonian Farms $14.08
   11/03/03 – SBC $113.27
   11/03/03 – Target $119.80
   11/03/03 – Sears $87.31
   11/03/03 – Sears $21.58
   11/13/03 – Walmart $82.90
   12/22/03 – Target/Gift Cert. for x-mas $167.30 – See CRC 7.1059 (b)(3)
   02/09/04 – Transfer to Acct. XXXXXX-8485 $400.00 – Is this another account of the conservatee?
   04/17/04 – Walgreens $72.36
   04/20/04 - Transfer to Acct. XXXXXX-8485 $1,700.00 - Is this another account of the conservatee?
   04/26/04 – Sears $228.31
   05/13/04 - Transfer to Acct. XXXXXX-8485 $200.00 - Is this another account of the conservatee?
   05/22/04 – Down payment on El Camino $1,000.00 – Did the Conservatee drive? Was this car for the conservatee?
   06/03/04 – Carol Howard $35.00
   06/05/04 – Walmart $246.24
   07/16/04 – Chapel of the Light $450.00
   08/03/04 - Transfer to Acct. XXXXXX-8485 $400.00 - Is this another account of the conservatee?
   09/01/04 – Savings Overdraft Fee $10.00 – see CRC 7.1059(b)(1)
   10/10/04 – Walmart $99.92
   10/21/04 – Wells Fargo Financial - $70.00
   10/27/04 – Savings overdraft fee - $10.00 - see CRC 7.1059(b)(1)
   11/02/04 – Savings overdraft fee - $10.00 - see CRC 7.1059(b)(1)
   11/08/04 – Walter Clarke & Assoc. $150.00
   11/08/04 - Transfer to Acct. XXXXXX-8485 $400.00 - Is this another account of the conservatee?
   12/02/04 - Savings overdraft fee - $10.00 - see CRC 7.1059(b)(1)
   12/15/04 – Transfer to Acct. XXXXXX-8485 $1,200.00 - Is this another account of the conservatee?
   01/03/05 - Transfer to Acct. XXXXXX-8485 $500.00 - Is this another account of the conservatee?
   01/12/05 – Walmart $43.33
   01/14/05 – Rite Aid $29.40
   01/14/05 - Transfer to Acct. XXXXXX-8485 $150.00 - Is this another account of the conservatee?
   01/14/05 – Savings overdraft fees - $10.00 - see CRC 7.1059(b)(1)
   01/21/05 – Overdraft charge - $5.00 - see CRC 7.1059(b)(1)
   01/24/05 – Overdraft charge - $5.00 - see CRC 7.1059(b)(1)
   01/25/05 – Overdraft charge - $5.00 - see CRC 7.1059(b)(1)
   02/04/05 - Transfer to Acct. XXXXXX-8485 $400.00 - Is this another account of the conservatee?
   02/15/05 - Transfer to Acct. XXXXXX-8485 $400.00 - Is this another account of the conservatee?
   03/02/05 - Transfer to Acct. XXXXXX-8485 $500.00 - Is this another account of the conservatee?
   03/02/05 - Transfer to Acct. XXXXXX-8485 $200.00 - Is this another account of the conservatee?
   03/03/05 – Overdraft fee - $22.00 - see CRC 7.1059(b)(1)
   03/04/05 – Check 1156 payee not listed $50.00
   03/10/05 - Transfer to Acct. XXXXXX-8485 $200.00 - Is this another account of the conservatee?
   03/14/05 – Check 1157 payee not listed $25.00
   03/18/05 - Transfer to Acct. XXXXXX-8485 $400.00 - Is this another account of the conservatee?
   04/05/05 - Transfer to Acct. XXXXXX-8485 $200.00 - Is this another account of the conservatee?
   04/07/05 - Transfer to Acct. XXXXXX-8485 $200.00 - Is this another account of the conservatee?
   04/08/05 – Check 1159 payee not listed $507.25
   04/18/05 – Overdraft fee $10.00 - see CRC 7.1059(b)(1)
   04/18/05 – Check 1160, payee not listed $250.00

04/29/05 - Transfer to Acct. XXXXXX-8485 $10.00 - Is this another account of the conservatee?
05/05/05 - Transfer to Acct. XXXXXX-8485 $400.00 - Is this another account of the conservatee?
05/16/05 - Transfer to Acct. XXXXXX-8485 $500.00 - Is this another account of the conservatee?
06/03/05 – Check 1161, payee not listed $500.00
06/16/05 - Transfer to Acct. XXXXXX-8485 $100.00 - Is this another account of the conservatee?
06/16/05 – Check 1162, payee not listed $505.50
06/16/05 – Check 1163, payee not listed $60.00
07/01/05 – Share of Cost of IHSS - $377.00
07/12/05 – Check 1164, payee not listed $20.00
07/12/05 – Check 1165, payee not listed $10.00
07/11/05 – Check 1166, payee not listed $10.00
07/15/05 – Check 1167, payee not listed $30.00
07/21/05 - Transfer to Acct. XXXXXX-8485 $60.00 - Is this another account of the conservatee?
07/22/05 – Check 1168, payee not listed $27.96
07/26/05 – Check 1169, payee not listed $25.00
07/27/05 – Overdraft fee - $22.00
07/29/05 – Overdraft fee - $5.00
08/04/05 – Share of cost IHSS - $377.00
08/08/05 – Check 1170, payee not listed $500.00
08/16/05 - Transfer to Acct. XXXXXX-8485 $200.00 - Is this another account of the conservatee?
09/15/05 – Share of cost IHSS - $377.00
09/16/05 – Check 1171, payee not listed $500.00
09/28/05 - Transfer to Acct. XXXXXX-8485 $100.00 - Is this another account of the conservatee?
10/04/05 – Share of cost IHSS - $377.00
10/07/05 – Check 1172, payee not listed $50.00
10/11/05 – Check 1173, payee not listed $150.00
10/13/05 – Online transfer to Pat Miranda - $100.00
10/17/05 – Check 1174, payee not listed $250.00
11/17/05 – Online transfer, payee not listed $589.00
11/21/05 – Check 1301, payee not listed $352.50
11/22/05 – Check 1302, payee not listed $65.00
12/09/05 – Pat Miranda, IHSS $589.00
12/12/05 – Check 1303, payee not listed $25.00
12/29/05 - Transfer to Acct. XXXXXX-8485 $150.00 - Is this another account of the conservatee?
01/03/06 – Pat Miranda, Share of Cost IHSS - $589.00
01/10/06 – Arizona Mail Order - $50.00
01/20/06 – Check 1304, payee not listed $25.00
01/20/06 – Check 1305, payee not listed $50.00
01/31/06 – Check 1306, payee not listed $6.94
02/03/06 – Pat Miranda, Share of Costs IHSS - $589.00
02/07/06 - Transfer to Acct. XXXXXX-8485 $200.00 - Is this another account of the conservatee?
02/08/06 – Returned check fee $30.00 - see CRC 7.1059(b)(1)
02/14/06 – Bill Pay Arizona Mail order - $10.00
03/03/06 – Pat Miranda, share of costs IHSS - $589.00
03/06/06 - Transfer to Acct. XXXXXX-8485 $150.00 - Is this another account of the conservatee?
03/06/06 - Transfer to Acct. XXXXXX-8485 $100.00 - Is this another account of the conservatee?
03/07/06 - Returned check fee $30.00 - see CRC 7.1059(b)(1)
03/22/06 - Transfer to Acct. XXXXXX-8485 $50.00 - Is this another account of the conservatee?
04/03/06 - Pat Miranda, share of costs IHSS - $589.00
04/04/06 – Check 1308, payee not listed $20.00
04/05/06 - Transfer to Acct. XXXXXX-8485 $75.00 - Is this another account of the conservatee?

04/19/06 – Check 1309, payee not listed $25.00
04/24/06 - Transfer to Acct. XXXXXX-8485 $100.00 - Is this another account of the conservatee?
04/24/06 – Bill Pay Arizona Mail Order $10.00
05/08/06 – Pat Miranda, Share of costs IHSS $402.00
05/11/06 – Merrick Bank Credit Card Payment $310.76 – Is this the conservatee's credit card?
05/24/06 – Check 1311, no payee listed $15.00
05/26/06 – Check 1312, no payee listed $638.00
06/13/06 – Check 1313, no payee listed $638.00
07/14/06 – Check 1315, no payee listed $1,224.00
07/14/06 – Transfer to Checking? $350.00

2 Darleen Joyce Parks (CONS/PE) Case No. 03CEPR01192

Atty **Shahbazian, Steven L. (for Petitioner/Conservator Connie Lynn Rana)**

(1) Third Account and Report of Conservator and (2) Petition for Fees

Age: 76 years
DOB: 2/11/1936

Cont. from 102511, 120611, 012412, 030812, 050712

	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)	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

CONNIE RANA, Conservator, is petitioner.

Account period: 1/8/08 – 12/31/09

Accounting - **$782,889.76**
Beginning POH- **$642,039.07**
Ending POH - **$496,754.10**

Conservator - **waives**

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

Petitioner prays for an Order:

1. Settling and allowing the third account and report and approving and confirming the acts of petitioner as filed;
2. Authorizing Petitioner to pay her attorney the sum of $2,000.00 for ordinary legal services provided to the conservator and the estate during the period of the account.

NEEDS/PROBLEMS/COMMENTS:

Continued from 5/7/12. *As of 6/11/12 there have been no additional documents filed.*

1. **Order dated 3/16/05 allowed the Conservator to fix the residence of the Conservatee to Las Vegas Nevada. With a provision that a conservatorship or its equivalent be established in the new state (Nevada) within 4 months. However, no conservatorship has been established in Nevada. Court may want to inquire about the establishment of a conservatorship in Nevada. –** A copy of the Petition for Appointment of Guardian of the Person and Estate filed in Clark County, Nevada on 1/20/12 has been presented to the court.

Please see additional page

Reviewed by: KT
Reviewed on: 6/11/12
Updates:
Recommendation:
File 2 - Parks

2. **Disbursement schedule shows payments bi-monthly of $2,700 to Rana and Rana for rent. The court may require clarification regarding these rent payments and whether or not Rana and Rana has any relationship to the conservator. California Rules of Court 7.1059(a)(4) states the conservator must not engage his or her family members to provide services to the conservatee for a profit of fee when other alternatives are available. Where family members do provide services, their relationship must be fully disclosed to the court and their terms of engagement must be in the best interest of the conservatee compared with the terms available from other independent service providers**. *– Declaration of Conservator filed on 11/30/11 states the rental property is owned by the conservator and her husband; however, the sub-market rent is not sufficient to pay the mortgage, property taxes, insurance and maintenance costs for the property. Conservator states she and her husband do not make any property from the conservatee's tenancy.*

3. **Disbursement schedule shows several months where it appears the conservatorship is paying the cell phone of the live in care provider Sandra Martin. Court may require clarification**. *– Declaration of Conservator filed on 11/30/11 states the cell phone payments for Sandra Martin, live in care provider, because the care provider would often take the conservatee to various places and therefore, it was required that the care provider have a cell phone. Because it was a requirement for this care provider, it was agreed that the conservatorship would pay the costs.*

4. **Disbursement schedule shows several months where there are two payments per month for Las Vegas Valley Water (utilities), Pesky Pete's Pest control, Embarq (phone), Cox Enterprises (cable service), Southwest Gas (utilities), Republic Service (trash), Nevada Power (utilities). It appears the conservatorship may be paying for more than just the conservatee's expenses. Court may require clarification**. *– Declaration of Conservator filed on 11/30/11 states some payment were made, on behalf of the care providers, as part of the "barter" agreement between the care providers and the conservator. The various utilities or cable services expenses would be paid, on occasion, for the conservatee at her residence and on occasion as the "barter" for services by a care provider.*

5. **Disbursement schedule shows items purchased that should be included on the property on hand schedule such as:**
   a. **3/11/08 – TV Surround + patio furniture for $1,723.65**
   b. **4/22/08 – Washer and dryer for $1,578.90**
   c. **12/22/09 – firmer sofa(?) – for $2,196.19** *- Declaration of Conservator filed on 11/30/11 states the purchases were necessary.*

6. **Disbursement schedule shows gifts of cash on 12/28/09 to the conservatee's great nephews, Josh Rana - $250.00 and Jacob Rana - $200.00. California Rules of Court, Rule 7.1059(b)(3) states the conservator must refrain from making loans or gifts of estate property, except as authorized by the court after full disclosure.** *– Declaration of Conservator filed on 11/30/11 states the cash gifts are minimal reflections of the conservatee's affection for her great nephews.*

Please see additional page

7. **Disbursement schedule shows payments identified as Summerlin Dues (without stating the nature and purpose of the payment) as follows:**
   - **4/15/08 - $271.00**
   - **4/15/08 - $271.00**
   - **8/26/08 - $271.00**
   - **8/26/08 - $271.00** - *Declaration of Conservator filed on 11/30/11 states Summerlin is the name of the large planned development where the Conservatee (and conservator and her husband) reside. Because of the lower rental payments Conservator states she has paid (quarterly) the Summerlin assessment for the rental house. The four assessment payments are the only ones paid and the conservatorship has not been further charged for these homeowner assessments.*

8. **Disbursement schedule shows a transfer correction of $250.00 on 12/22/08. Court may require clarification.**
   - *Declaration of Conservator filed on 11/30/11 states the payment of $250.00 was to the Nevada DMV to license Darlene's 2003 Jaguar.*

9. **Disbursement schedule shows a disbursement for "Home Warranty" in the amount of $313.95 on 5/27/09. Court may require explanation as to why the conservatorship is paying for home warranty when renting (see item #2 above).** *– Declaration of Conservator filed on 11/30/11 states this is a 50-50 split for payment on the home warranty for the rental house.*

10. **Need Bank Statements as required by Probate Code 2620(c)(2).**

11. **This conservatorship was established in 2003. Property on hand schedule from the 2nd account ending on 12/31/2007 shows promissory notes (all apparently established during the 2nd account period) as follows:**
    - **$38,000 dated 6/27/05 from Aaron Wallace secured by a Deed of Trust with interest at 16% per annum**
    - **$252,000.00 dated 7/19/05 from Aaron Wallace secured by a Deed of Trust with interest at 13% per annum.**
    - **$60,000.00 dated 10/11/05 from John P. Rana and Kea Rana with interest at 4% per annum. (It appears that John P. Rana is the son of the petitioner.)**

    Probate Code §2570 requires the Conservator to obtain prior court approval before investing money of the estate. There is nothing in the file to indicate the conservator obtained permission from the Court to invest money of the estate. *– Declaration of Conservator filed on 11/30/11 states the promissory notes contained in the 2nd account were paid current, principal and interest included. All the notes were first trust deeds secured by real properties with sufficient equities. However, because the notes were of such a high rate of return (16% and 13% interest annum), the mortgagor was in danger of being unable to make further payments, which would have resulted in the requirement of the conservatorship to foreclose on the properties. To avoid foreclosure and subsequent costs incurred, and to avoid owning the properties, the conservator, through her husband who is a real estate investor, replaced these notes with other notes also secured by first trust deeds which are now paying at a more normal rate of return of 4%.*

Please see additional page

12. Property on hand schedule for this (the 3rd) accounting shows two promissory notes as follows:

- **$95,000 secured by 1209 Coral Isle Way, Las Vegas, NV with interest at 4% per annum and an outstanding balance of $95,000.00**
- **$205,000 secured by 11464 Crimson Rock, Las Vegas, NV with interest at 4% per annum an outstanding balance of $191,286.22.**

It appears that the promissory notes in the second account are not the same promissory notes in the third account. What happened to the promissory notes in the second account? Where they paid in full? Need clarification and need change in asset schedule. *– Declaration of Conservator filed on 11/30/11 states the questions raised herein are address in the answer above. All principal and interest payments and current interest rates and principal balances are recorded on the Third Account and Report are accurate.*

3 Robert James Santopietro, Sr. (Estate) Case No. 10CEPR00959

Atty Towne, Bruce Hudson (for Petitioner/Administrator Jeffrey Martin)

(1) First and Final Report of Administrator, (2) Petition for Final Distribution and (3) Allowance of Compensation for Statutory Commissions and for Statutory and Extraordinary Attorney's Fees

DOD: 9/9/2010		
Cont. from 051412		
	Aff.Sub.Wit.	
✓	**Verified**	
✓	**Inventory**	
✓	**PTC**	
✓	**Not.Cred.**	
✓	**Notice of Hrg**	
✓	**Aff.Mail**	W/
	Aff.Pub.	
✓	**Sp.Ntc.**	W/
	Pers.Serv.	
	Conf. Screen	
✓	**Letters**	1/19/11
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

JEFFREY MARTIN, Administrator, is petitioner.

Accounting is waived.

I & A	-	**$98,827.23**
Administrator (statutory)	-	**$3,953.08**
Attorney (statutory)	-	**$3,953.08**
Costs	-	**$416.00**

Distribution, pursuant to intestate succession, is to:

Robert James Santoprietro, Jr. - 100%

NEEDS/PROBLEMS/COMMENTS:

Continued from 5/14/12. As of 6/11/12 the following issues remain:

1. Need property on hand schedule. California Rules of Court, Rule 7.651.
2. Need statement re: Costs
3. Need receipt for preliminary distribution.
4. Petition does not contain a statement regarding Probate Code §216 and 9202(b) re: notice to the Director of Victims Compensation and Government Claims Board.
5. Order does not comply with Local Rule 7.6.1. All orders in probate matters must be complete in themselves. Orders shall set forth all matters ruled on by the court, the relief granted, and the names of persons, descriptions of property and/or amounts of money affected with the same particularity as required of judgments in general civil matters. Monetary distributions must be stated in dollars, and not as percentages of the estate.

Reviewed by: KT

Reviewed on: 6/11/12

Updates:

Recommendation:

File 3 – Santopietro

4 Alex G. Desatoff (Estate) Case No. 10CEPR01054

Atty **Bagdasarian, Gary G., sole practitioner (for Petitioner John Van Curen, Administrator)**

(1) First and Final Account and Report of Status of Administrator and Petition for Settlement Thereof; (2) for Allowance of Statutory Administrator's Compensation and Statutory Attorney's Fees; (3) for Extraordinary Attorney's Fees; (4) for Costs Reimbursement and (5) for Final Distribution [Prob. C. et seq., 6402(a), 10800, 10810, 10811, 10951, & 11600]

DOD: 11/17/2010		
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	030311
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

JOHN VAN CUREN, Administrator, is Petitioner.

Account period: 3/3/2011 – 4/16/2012

Accounting - **$167,547.01**
Beginning POH - **$127,337.57**
Ending POH - **$131,930.85**
(all cash)

Administrator - **$6,026.41**
(statutory)

Attorney - **$6,026.41**
(statutory)

Attorney XO - **$6,550.00**
(per Declaration and itemization, for investigation of assets and negotiation of creditor's claims of Decedent's brother-in-law with claimant and his attorney, negotiation of insurance settlement, preparing and filing tax returns; for 26.20 hours @ $250.00/hour;)

Costs - **$1,447.50**
(filing fees, probate referee, publication for initial and amended petitions, creditor claim copy;)

Closing - **$1,000.00**

Distribution pursuant to intestate succession is to:

- **JESSICA DESATOFF – $55,440.27 cash**
- **JOSHUA DESATOFF – $55,440.26 cash**

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: LEG
Reviewed on: 6/11/12
Updates:
Recommendation:
File 4 - Desatoff

Dept. 303, 9:00 a.m. Monday, June 18, 2012

5 Garbic Gizirian (Estate) Case No. 11CEPR00612

Atty **Bagdasarian, Gary G. (for John Van Curen – Administrator)**

(1) First and Final Account and Report of Administrator and Petition for Settlement Thereof; (2) for Allowance of Statutory Attorney's Fees and Administrator's Compensation; (3) for Extraordinary Attorney's Fees; (4) for Costs Reimbursement and (5) for Final Distribution [Prob. C. et seq., 10513, 10537(b)(3), 10259, 10800, 10810, 10811, 10951, & 11600]

DOD: 07/03/2000		
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	10/05/11
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
✓	**9202**	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
✓	**FTB Notice**	

JOHN VAN CUREN, Administrator, is Petitioner.

Account period: 10/05/11 – 03/31/12

Accounting - **$66,109.76**
Beginning POH - **$66,017.75**
Ending POH - **$34,951.47** (all cash)

Administrator (statutory) - **$1,724.39**

Attorney (statutory) - **$1,724.39**

Attorney x/o fees - **$11,150.00** (per itemized statement for services in connection with the sale of real property of the estate including coordinating cleaning up the property, access to the property, valuation and sale of the property with the Administrator, real estate agent hired to list the property, Industrial Waste & Salvage hired to clear the property, Probate Referee re reappraisal for sale, for a total of 44.6 hours @ $250.00/hr.)

Costs - **$1,356.00** (filing fees, publication, certified copies, probate referee, recording fees)

Closing - **$1,000.00**

Distribution, pursuant to intestate succession and subject to creditor's claim, is to:

Department of Health Care Services - $17,966.69

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: JF

Reviewed on: 06/12/12

Updates:

Recommendation:

File 5 - Gizirian

6A **Jack H. Boghosian (Estate)** **Case No. 11CEPR01034**

Atty Kruthers, Heather H (for Petitioner Public Administrator)
Atty Bagdasarian, Gary (for beneficiary California Armenian Home)
Atty Motsenbocker, Gary (for beneficiary Trinity Home Health Services)
Atty Poochigian, Mark (for Mike Shahinian)

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

DOD: 10/18/11		
Cont. from 011912, 021612, 040512, 050212, 060612		
	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	

PUBLIC ADMINISTRATOR is petitioner.

PUBLIC ADMINISTRATOR was appointed Special Administrator with general powers on 2/16/2012. Letters of Special Administration expire on 4/5/12.

Full IAEA – o.k.

Will dated: 8/11/1972
Audio Will dated: 9/2/1993

Residence: Fresno
Publication: Fresno Business Journal

Estimated value of the Estate:

Personal property	-	$464,027.00
Real property	-	$130,000.00
Total	-	**$594,027.00**

Probate Referee: STEVEN DIEBERT

NEEDS/PROBLEMS/COMMENTS:

Continued from 6/6/12.

1. **Petition requests that the Decedent's audio Will dated 9/2/1993 be admitted to probate. Probate Code §6110 states in relevant part "a will shall be in writing." Need authority that allows the court to admit an audio will to probate.** – *Memorandum of Points and Authorities filed on 2/1/2012 by the California Armenian Home.*

2. **Need proof of holographic instrument for the handwritten notations on the will if the court is going to consider said handwritten notations as a codicil to the decedent's witnessed will.** – *Declaration of Herbert I. Levy filed on 3/29/12 states he has known Mr. Boghosian approximately 55 years. He has listened to the audio tape and it is very apparent to him that the voice on the tape is that of Mr. Boghosian.*

Reviewed by: KT
Reviewed on: 6/12/12
Updates:
Recommendation:
File 6A - Boghosian

Memorandum of Points and Authorities in Support of Petition for Probate filed by the California Armenian Home on 2/1/12.

A holographic codicil may be placed on the face of a witnessed will, and is valid if it meets the requisites of a holographic instrument (written in the testator's hand, dated and signed). [*Estate of Nielson* (1980) 105 Cal.App.3d 796, 802-805] Witkins defines "codicil" as "a later testamentary instrument or entry on an original testamentary instrument that supplements or otherwise affects its validity or terms." [14 Witkin, *Summary of California Law* (10th ed.(2005), Wills, §159]

The handwritten notation of Mr. Boghosian on the face of his witnessed will appears to constitute a holographic codicil, since it appears to be in his handwriting, is dated and signed, and supplements or otherwise affects the validity or terms of his earlier witnessed will.

A holographic codicil may incorporate by reference another writing (formal or informal, attested or unattested) as long as the reference is unmistakable or can be deemed unmistakable by reference to extrinsic evidence. [*In re Foxworth's Estate* (1966) 240 Cal.App.2d 784, 788] The required elements to establish incorporation by reference are: (1) the incorporated writing must be in existence at the time the codicil makes reference to it; (2) the codicil must identify the incorporated writing by a sufficiently certain description, and extrinsic evidence is admissible to aid the identification; and, (3) it must appear that the testator intended to incorporate the writing for the purpose of carrying out his testamentary desires. [id. at pages 788-789]

The handwritten notation of Mr. Boghosian on his witnessed will appears to constitute a holographic codicil that incorporates by reference two separate writings for the purpose of carrying out his testamentary desires.

First, the holographic codicil incorporates the tape recording that Mr. Boghosian specifically identifies and states that he "made" on September 2, 1993 "to supersede" his witnessed will. This establishes the elements of existence, identification and intent. The element of identification is also established by the extrinsic evidence consisting of Mr. Boghosian's handwritten notations on the tape itself, and on the envelope in which his witnessed will and tape were found.

Second, the holographic codicil incorporates Mr. Boghosian's witnessed will by referring to "this will" as the testamentary instrument he sought to "supersede" with the tape recorded instructions.

Finally, the tape recording should be considered a proper matter to be incorporated by reference notwithstanding that case law on the issue generally refers to "documents" being incorporated by reference. Probate Code §6130 governs incorporation by reference, and refers to a "writing" as the type of matter which may be incorporated by reference (not a "document" or "paper"). The Probate Code does not define the word "writing" and does not exclude probate proceedings from the rules of evidence, so the provisions of the Evidence Code may be applied to determine the meaning of the word "writing" used in Probate Code §6130. [Evidence Code §300; and see, *Estate of Nicholas* (1986) 177 Cal.App.3d 1071, 1088]

> Evidence Code §250 provides the following definition for the word "writing:'
>
> "'Writing' means handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting, by electronic mail or facsimile, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereby created, regardless of the manner in which the record has been stored."

Tape recordings are considered "writings" under the Evidence Code. [*Darley v. Ward* (1980) 28 Cal.3d 257,261] Since the tape recording made by Mr. Boghosian is a "writing" it is subject to being incorporated by reference in his holographic codicil.

Therefore, request is made that the Will of Jack H. Boghosian dated August 11, 1972 be admitted with the taped testamentary document described in Attachment 3e(2) to the Petition of the Fresno County Public Administrator as the codicil of the Decedent.

Memorandum of Points and Authorities filed by Trinity Home Health Services dba Saint Agnes Home Health and Hospice, beneficiary filed on 2/14/12.

6B Jack H. Boghosian (Estate) **Case No. 11CEPR01034**

Atty Kruthers, Heather H (for Petitioner Public Administrator)
Atty Bagdasarian, Gary (for beneficiary California Armenian Home)
Atty Motsenbocker, Gary (for beneficiary Trinity Home Health Services)
Atty Poochigian, Mark (for Mike Shahinian)

Petition for Approval of Settlement Agreement

			NEEDS/PROBLEMS/COMMENTS:
			Analysis of this matter was completed by the research attorney therefore examiner notes have not been prepared.
Cont. from 060712			
	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: 6/12/12**
	UCCJEA		**Updates:**
	Citation		**Recommendation:**
	FTB Notice		**File 6B - Boghosian**

6B

Dept. 303, 9:00 a.m. Monday, June 18, 2012

6C Jack H. Boghosian (Estate) Case No. 11CEPR01034

Atty Kruthers, Heather H (for Petitioner Public Administrator)
Atty Bagdasarian, Gary (for beneficiary California Armenian Home)
Atty Motsenbocker, Gary (for beneficiary Trinity Home Health Services)
Atty Poochigian, Mark (for Mike Shahinian)

for **Notice of Demurrer and Demurrer to Petition for Probate of Will and Letters of Administration With Will Annexed**

			NEEDS/PROBLEMS/COMMENTS:
			Analysis of this matter was completed by the research attorney therefore examiner notes have not been prepared.
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:** 6/12/12
	UCCJEA		**Updates:**
	Citation		**Recommendation:**
	FTB Notice		**File 6C - Boghosian**

Dept. 303, 9:00 a.m. Monday, June 18, 2012

7 **Pat Neal Living Trust (Trust)** **Case No. 12CEPR00239**

Atty **Burnside, Leigh W. (for Michael Neal – Son – Successor Trustee)**

Petition to Confirm Real Property and Bank Accounts as Assets of Living Trust [Cal. Prob. C. 850(3)(b) & 17200(a)]

DOD: 11-7-11

Cont. from 043012

	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	

MICHAEL NEAL, Son and Successor Trustee of the **PAT NEAL LIVING TRUST AS AMENDED AND RESTATED ON 7-30-07**, is Petitioner.

Petitioner states the Trust Schedule of Assets lists certain bank accounts, including, without limitation a bank account at Central Valley Community Bank, and also lists certain real property on Ashcroft in Clovis (the "Ashcroft Property).

Petitioner states the value of the bank accounts is approx. $44,000.00 and the value of the Ashcroft Property is approx. $145,000.00.

Petitioner has discovered that certain bank accounts at Central Valley Community Bank and the Ashcroft Property were not actually transferred to the Trust; however, Petitioner believes it was Pat's intent, based on the Trust Schedule, that these assets be held in trust. Petitioner states there is a pour-over will, and if the assets were distributed through Probate, it would ultimately be to the same beneficiaries.

Petitioner requests an Order pursuant to Probate Code §850(3)(B) declaring that certain bank accounts held at Central Valley Community Bank and the Ashcroft Property are assets of the Trust.

A Response was filed on 5-30-12 by SunTrust Mortgage, the loan servicer on the Ashcroft Property and another property owned by the trust that is not subject to this petition (the "Cole Property"). The response states SunTrust is the loan servicer and has the right to collect paymnets and force its security interest as to the loans in connection with the Ashcroft and Cole Properties. A declaration in support of the Response was also filed with documentation attached.

Reply to Response filed on 6-14-12 states the Cole Property is already held in trust and not a subject of this petition. Further, the petition does not proposed to subvert or circumvent Suntrust's security interest in the Ashcroft Property. If confirmed, the security interest remains in full force and effect. The Court should grant the petition because the relief requested does not prejudice SunTrust's interest and is consistent with Decedent's intent to include such property in her trust estate.

NEEDS/PROBLEMS/ COMMENTS:

Note: The Response filed by SunTrust does not appear to contain any objections to the petition.

Reviewed by: skc

Reviewed on: 6-13-12

Updates: 6-14-12

Recommendation:

File 7 – Neal

Dept. 303, 9:00 a.m. Monday, June 18, 2012

8A **Luis G. Hinojosa (Estate)** **Case No. 12CEPR00353**

Atty **Krause Cota, Stephanie J (for Petitioner Jose Diaz)**

Atty **Bagdasarian, Gary G. (for Competing Petitioner Julio Hinojosa)**

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

DOD: 09/25/2011			**JOSE DIAZ,** an interested party, is Petitioner and requests appointment as Administrator with bond to be determined.
Cont. from 060612			Full IAEA- o.k.
	Aff.Sub.Wit.		
✓	**Verified**		
	Inventory		Decedent died intestate
	PTC		
	Not.Cred.		
✓	**Notice of Hrg**	w	Residence: Fresno Publication: The Business Journal
	Aff.Mail		
✓	**Aff.Pub.**		
	Sp.Ntc.		
	Pers.Serv.		**Estimated value of the Estate:** Personal Property – TBD Real Property - TBD **Total: - TBD**
	Conf. Screen		
	Letters	x	
	Duties/Supp	x	
	Objections		
	Video Receipt		Probate Referee: Rick Smith
	CI Report		
	9202		
✓	**Order**		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

Note: Page 8B is the competing petition filed on 05/07/2012 by decedent's brother Julio Hinojosa.

1. Petition identifies Petitioner as interested person without indicating his relationship to the decedent or the estate, or stating his entitlement to appointment pursuant to Probate Code § 8461.
2. Need name and date of death of decedent's parents per Local Rule 7.1.1D.
3. Need Letters
4. Petition requests bond to be determined. Need estimated value of the estate.
5. Need Duties & Liabilities of Personal Representative.
6. Need Confidential Supplement to Duties & Liabilities of Personal Representative.

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

- **Friday, November 2, 2012 at 9:00a.m. in Dept. 303** for the filing of the inventory and appraisal **and**
- **Friday, August 2, 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: 05/31/2012

Updates:

Recommendation:

File 8A - Hinojosa

Dept. 303, 9:00 a.m. Monday, June 18, 2012

8B Luis G. Hinojosa (Estate) **Case No. 12CEPR00353**

Atty Krause Cota, Stephanie J (for Petitioner Jose Diaz)

Atty Bagdasarian, Gary G. (for Petitioner Julio Hinojosa)

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

DOD: 09/25/2011		
Cont. from		
	Aff.Sub.Wit.	s/p
✓	**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	

JULIO HINOJOSA, brother/named executor, is Petitioner without bond.

Full IAEA – o.k.

Will dated: 03/12/2011

Residence: Fresno
Publication: The Business Journal

Estimated value of the Estate:

Personal property	-Unknown
Real property	-Unknown
Total:	**-Unknown**

Probate Referee: Rick Smith

NEEDS/PROBLEMS/COMMENTS:

1. Need name and date of death of decedent's parents per Local Rule 7.1.1D.
2. Petition states estimated value of the estate is unknown. Court may require more information regarding character of the estate.

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

- **Friday, November 2, 2012 at 9:00a.m. in Dept. 303** for the filing of the inventory and appraisal **and**
- **Friday, August 2, 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: 06/12/2012
Updates:
Recommendation:
File 8B - Hinojosa

Dept. 303, 9:00 a.m. Monday, June 18, 2012

9 **Samuel O. Lawson (Det Succ)** **Case No. 12CEPR00411**

Atty **Wright, Judith A (for Petitioner Orville Allen Lawson)**

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

DOD: 3/12/12			**ORVILLE ALLEN LAWSON**, son, is petitioner.	**NEEDS/PROBLEMS/COMMENTS:**
			40 days since DOD.	
Cont. from				
	Aff.Sub.Wit.		No other proceedings.	
✓	**Verified**		Will dated: 9/18/2009- devises entire estate to Orville Allen Lawson, petitioner/son.	
✓	**Inventory**			
✓	**PTC**			
	Not.Cred.		I & A - **$82,000.00**	
✓	**Notice of Hrg**			
✓	**Aff.Mail**	W/	**Petitioner requests** court determination that Decedent's 100% interest in real property and personal property passes to him pursuant to the Decedent's will.	
	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: 6/12/12**
	UCCJEA			**Updates:**
	Citation			**Recommendation: SUBMITTED**
	FTB Notice			**File 9 - Lawson**

Dept. 303, 9:00 a.m. Monday, June 18, 2012

10 **Janice Marie Govier (Estate)** **Case No. 12CEPR00415**

Atty **Champlin, BettyJane (for Petitioner – Colleen (Kelly) M. Govier)**

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

DOD: 01/15/2012		
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	x
	Duties/Supp	x
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	x
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

COLLEEN (KELLY) M. GOVIER, daughter / named executor without bond, is Petitioner.

Full IAEA – o.k.

Will dated: 05/18/2002

Residence: Reedley
Publication: The Fresno Bee

Estimated value of the Estate:

Personal Property	- $20,000.00
Annual Gross Income from Personal Prop.	$100
Real Property	- $250,000.00
Encumbrances	(- $151,000.00)
Total:	**- $119,000.00**

Probate Referee: Rick Smith

NEEDS/PROBLEMS/COMMENTS:

Continued to 07/26/2012
Per Attorney Request

1. Petitioner indicates at #5a(7) that there is an issue of a predeceased child. Please provide the date of death of the decedent's child per Local Rule 7.1.1D.

2. Need Affidavit of Publication in the correct newspaper pursuant to Local Rule 7.9.A. Petitioner states that decedent died in Reedley therefore the correct publication should be The Reedley Exponent. Petitioner published in The Fresno Bee.

3. Need Letters

4. Need Order

5. Need Duties and Liabilities of Personal Representative

6. Confidential Supplement to Duties and Liabilities of Personal Representative

Reviewed by: LEG/LV
Reviewed on: 06/13/2012
Updates:
Recommendation:
File 10 - Govier

Dept. 303, 9:00 a.m. Monday, June 18, 2012

11 Masako Yamaguchi (Estate) Case No. 12CEPR00419

Atty **Rundle, Stephen M. (for Petitioner – Yoshiko Umamizuka)**

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

DOD: 02/19/2012			**YOSHIKO UMAMIZUKA,** sister / named executor without bond, is Petitioner
Cont. from			Full IAEA – o.k.
	Aff.Sub.Wit.	s/p	
✓	**Verified**		
	Inventory		Will dated: 12/15/1995
	PTC		
	Not.Cred.		
✓	**Notice of Hrg**	w/o	Residence: Sanger Publication: Sanger Herald
✓	**Aff.Mail**		
✓	**Aff.Pub.**		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		**Estimated Value of the Estate:** Personal property - $30,748.00 Real property - $135,000.00 **Total: - $165,748.00**
✓	**Letters**		
✓	**Duties/Supp**		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	**Order**		Probate Referee: Rick Smith
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

NEEDS/PROBLEMS/COMMENTS:

1. Need date of death of decedent's parents per Local Rule 7.1.1D.

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, 08/09/2013 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: LEG / LV

Reviewed on: 06/13/2012

Updates:

Recommendation:

File 11 - Yamaguchi

Dept. 303, 9:00 a.m. Monday, June 18, 2012

12 Josephine Canales (Estate) Case No. 04CEPR00293

Atty LeVan, Nancy J. (for Antonette Fregoso – Administrator)

Status Hearing Re: Accounting/ Petition for Final Distribution

DOD: 01/26/04	ANTONETTE FREGOSO, Daughter, was appointed Administrator with full IAEA without bond and Letters issued on 6-15-04. Inventory and Appraisal ("Reappraisal Final Dist") filed 1-3-11 reflects revised values for the real properties as follows: residence $90,000.00; undivided one-half interest in business and real property $70,000.00 (total: $160,000.00). Minute Order dated March 26, 2012 set this matter for status and states: Counsel advised the Court that due to the condition of the building, financing has been difficult. Counsel further advises that there is no money in the estate. Inventory & Appraisal filed 06/05/12 - $50,000.00.	NEEDS/PROBLEMS/COMMENTS: CONTINUED FROM 05/07/12 Minute Order from 05/07/12 states: Counsel advises the Court that she is still waiting on the reappraisal from the referee. The following issues remain: **1.** Need final account/petition for distribution.
		Reviewed by: JF
		Reviewed on: 06/11/12
		Updates:
		Recommendation:
		File 12 - Canales

Cont. from 050712		
	Aff.Sub.Wit.	
	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

13 Wilma Ruth Manuel (Estate) Case No. 0609019

Atty Knudson, David N., sole practitioner (for Cynthia Blackstock, Executor)
Atty Lampe, Michael J., sole practitioner of Visalia (for J.W. Stone and Mildred Stone; and The Money Man Corp.)
Pro Per Manuel, Sr., Mickey (surviving spouse)

Probate Status Hearing Re: Failure to file a First Account or Petition for Final Distribution (Prob. C. 12200, et seq.)

DOD: 10/8/1997		
Cont. from		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
✓	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

CYNTHIA BLACKSTOCK, daughter, was appointed Executor on **8/26/1998** without bond, following objections by and litigation with **MICKEY MANUEL, SR.**, surviving spouse, who filed a Will Contest on 6/3/1998, objecting to the validity of Decedent's estate planning documents.

Court Trial on the *Preliminary Injunction Restraining Foreclosure Sale Under Deed of Trust* filed 11/9/2006 by Cynthia Blackstock was held on 11/14/2006, upon which date the preliminary injunction was granted by Judge James Quaschnick.

***Minute Order* dated 11/14/2006** from the hearing on the preliminary injunction ordered all defendants [**MICKEY MANUEL; MONEY MAN CORP.; FORECLOSURE LINK, INC.; J.W. STONE and MILDRED STONE, Trustees; GOLDSTEIN, GELLMAN, et al; and FIRST AMERICAN TITLE INSURANCE CO.**] are restrained from selling or causing to be sold the subject property either under the power of sale, deed of trust or by foreclosure.

***Minute Order* dated 2/22/2007** from the hearing on the *Complaint to Enjoin Foreclosure, for Conveyance of the Property claimed to Belong to Decedent, for Declaratory Relief; and for Damages* filed by Cynthia Blackstock set a Settlement Conference on 6/5/2007.

~Please see additional page~

NEEDS/PROBLEMS/COMMENTS:

Page 22 is the *Petition for Order Accepting Appointment of Respondent as Successor Trustee for the Wilma Manuel Family Trust* filed on 3/27/2012 by Mickey Manuel, Sr.

Reviewed by: LEG
Reviewed on: 6/14/12
Updates:
Recommendation:
File 13 - Manuel

Additional Page 13, Wilma Ruth Manuel (Estate) Case No. 0609019

***Declaration* filed by Mickey Manuel, Sr., surviving spouse, on 9/24/2009** includes his written statement pertaining to property assets held by Wilma Manuel prior to her death in 1997, which he states were left in trust to him (her husband) at the time of her death to be handled and disposed of as he deemed suitable as Trustee of her estate.

***Notice of Probate Status Hearing* filed 5/7/2012** set a status hearing on 6/18/2012 for failure to file a first account or petition for final distribution. *Clerk's Certificate of Mailing* shows Cynthia Blackstock and Attorney David Knudson were mailed notice of this status hearing on 5/7/2012.

***Status Report of Executor* filed by Attorney Knudson for Cynthia Blackstock on 6/11/2012 states:**

- Wilma Ruth Manuel's Will left her Fresno residence to two daughters, **CYNTHIA BLACKSTOCK** and **ANGELA MANUEL**, and a residence in Kent, Washington, to three grandchildren, **ALYSHA WATTS**, **TSION MULUGETA**, and **LEONARD WILLIAMS**;
- Wilma was not married at the time of her death on 10/8/1997; she had previously been married to **A. D. MANUEL**, commonly known as, "**MICKEY MANUEL**" or "**MICKEY MANUEL, SR**.;"
- Wilma was survived by a son, **MICKEY MANUEL**, also known as "**MICKEY MANUEL**" or "**MICKEY MANUEL, JR**.;" "**MICKEY JUNIOR MANUEL**" and/or **MICKEY J. R. MANUEL**;" Mickey Manuel, Jr., sometimes also poses as Mickey Manuel, Sr.;
- Cynthia (Executor) believes the petition filed in this proceeding was actually filed by Mickey Manuel, Jr., even though it is signed "Mickey Manuel, Sr.;"
- **MICKEY MANUEL, SR**. aka **A. D. MANUEL** is not a beneficiary under Wilma's Will; Mickey Manuel, Jr. is disinherited with a gift of **$1.00** under Wilma's Will;
- [*Status Report details a long history of past proceedings in this matter on pages 2 and 3];*
- In 2006, it was discovered that Mickey Manuel, Jr., had forged Wilma's signature against the North Pleasant property, the only asset of the estate, and obtained a loan secured by Deed of Trust against the North Pleasant residence; a petition was filed to obtain a restraining order to prevent the foreclosure, and on 11/14/2006, Judge Quashnick entered a preliminary injunction prohibiting the trustee to the Deed of Trust from foreclosing on the property; subsequently, the matter was settled and a Notice of Settlement was filed on 6/21/2007;
- **Present status of the estate:** Nothing further occurred in the estate proceedings until Mickey Manuel, Sr., filed an *Application for Waiver of Court Fees* in February 2009 and in September 2009, both of which were denied; on **3/27/2012**, he filed a further *Application for Waiver of Court Fees*, which was **granted**, and thereupon he filed his *Petition to Secure Appointment as "Successor Trustee"* for the Wilma Manuel Family Trust *[please refer to Page 22 of this calendar]*; Cynthia Blackstock has not been given notice of the hearing on that petition, nor to her knowledge have any other interested parties;
- The North Pleasant residence is the only asset of the estate; it passes to Cynthia Blackstock under the Will since Angela Manuel is deceased; Wilma also owned a residence in Kent, Washington, of which **Mickey Manuel, Jr**., obtained possession and fraudulently sold, taking the proceeds;
- There are no funds available to pay expenses of administration; Wilma's former attorney Edward A. Kent, Jr., had possession of some of her funds, but Mr. Kent resigned from the State Bar in 2003 with disciplinary charges pending;
- **The plan for administration is to try to obtain a loan on the North Pleasant residence so administrative expenses can be paid; Petitioner requests administration of the estate continue.**

14 Lenora Etta Childress (Estate) Case No. 08CEPR00775

Atty **Dornay, Val J. (for Linda Ladd – Administrator)**

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution (Prob. C. 12200, et seq.)

DOD: 03/24/08		
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	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

LINDA LADD, was appointed Administrator with bond set at $40,000.00 on 09/09/08. Letters were issued on 11/07/08.

Inventory & Appraisal filed 12/15/08 shows an estate value of $150,000.00.

Notice of Status Hearing filed 05/08/12 set this matter for status on 06/18/12. **Clerk's Certificate of Mailing** indicates that the Notice was mailed to Linda Ladd and Val Dornay on 05/08/12.

Status Report filed 06/04/12 by Linda Ladd states: The only asset of the estate is real property located at 1044 Oxford, Clovis, CA. Petitioner has been attempting to sell the real property, but due to market conditions, no buyer was located until recently. A buyer has offered to purchase the property for $92,000.00. An escrow will be opened soon and Notice of Proposed Action will be served on all parties entitled to notice. At least one beneficiary of the decedent has died during the Administration of this estate, which will necessitate opening a probate for the estate of the deceased beneficiary. Once an Administrator is appointed in those proceedings and once the sale of the real property has been completed, Petitioner will be in a position to petition this court for final distribution in this estate.

NEEDS/PROBLEMS/COMMENTS:
Reviewed by: JF
Reviewed on: 06/11/12
Updates:
Recommendation:
File 14 - Childress

15 Leroy Alvin Persons (CONS/PE) Case No. 10CEPR00625

Atty Persons, Leroy R. (pro per – former Conservator of the Person & Estate)
Atty Kruthers, Heather H. (for Public Guardian – Temporary Conservator of the Person & Estate)

Status Hearing Re: Abandoned Property and Securing of Medi-Cal Benefits

Age: 83
DOB: 02/23/28

Cont. from 112811, 020612, 041612

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

TEMPORARY EXPIRES 06/18/12

LEROY R. PERSONS, was appointed as Conservator of the Person & Estate of Leroy Alvin Persons and Letters were issued on 11/29/10.

Minute Order from Status Hearing on 09/26/11 set this matter for status and states: The Court accepts the voluntary resignation of Leroy Parsons and relieves him as conservator of the person and estate. The Court appoints the Public Guardian as temporary successor conservator of the person and estate.

Status Report filed 02/01/12 states that the Public Guardian is still working on obtaining Medi-Cal benefits for the Conservatee and is currently addressing specific issues that Medi-Cal has identified. The Public Guardian requests a continuance of at least 60 days in order to allow time to respond to Medi-Cal.

Ex Parte Petition for Instruction and Authorization to Abandon Real Property filed 02/07/12 by the Public Guardian was granted on 02/07/12.

Status Report Re: Abandoned Property and Securing of Medi-Cal Benefits by Public Guardian filed 04/06/12 states: The Court authorized the abandonment of conservatees real property on 02/07/12 and the conservatee is now on Medi-Cal. Currently, the Public Guardian is working on getting the requirements for admission into a skilled nursing facility. In order to allow time to obtain the needed information and find suitable placement, the Public Guardian requests that the next status hearing be set no earlier than 60 days from the date of the hearing.

NEEDS/PROBLEMS/COMMENTS:

CONTINUED FROM 04/16/12
Minute Order from 04/16/12 states: Counsel advises the Court that the conservatee is on Medi-Cal. Counsel advises the Court that she is requesting a continuance in the event that there is no Medi-Cal bed available. Matter is continued to 06/18/12. The temporary is extended to 06/18/12.

Reviewed by: JF
Reviewed on: 06/11/12
Updates:
Recommendation:
File 15 - Persons

16 Oralla Hope Lewis (CONS/PE) Case No. 10CEPR01069

Atty **Bagdasarian, Gary G. (for Conservator Amy Idhe)**

Probate Status Hearing Re: Filing of Final Accounting

DOD: 2/29/12		
Cont. from 041612		
	Aff.Sub.Wit.	
	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

AMY IHDE, daughter, was appointed conservator of the person and estate on 1/27/11 with bond set at $19,000.00

On 2/29/12 the conservatee died.

This status hearing was set for the filing of the final account.

Status Report filed on 4/12/12 states the conservatorship estate owns a mobile home located in a mobile home park. After the conservatee's death there were no funds to pay the rent on the space at the mobile home park. Conservator attempted to sell the mobile home without success. On 3/13/12 the attorney filed an ex parte application to sell the mobile home to the mobile home park. The petitioner was granted. In March/April the real estate agent determined that a third party would purchase the mobile home at $30,000. An escrow has been opened. If the sale is not consummated then the Conservatee will sell the mobile home to the mobile home park for $8,000.00 as approved by the court in its prior order.

Given the above circumstances, Petitioner requests an additional 60 days to file the First and Final Account.

NEEDS/PROBLEMS/COMMENTS:

Continued from 4/16/12.

1. Need current status report

Reviewed by: KT

Reviewed on: 6/11/12

Updates:

Recommendation:

File 16 - Lewis

17 Virgil Albert Lininger (CONS/PE) **Case No. 11CEPR00360**

Atty Sanoian, Joanne (for Robert Jones – Conservator)

Probate Status Hearing Re: Filing of the Inventory & Appraisal

Age:				**NEEDS/PROBLEMS/COMMENTS:**
DOD:				**OFF CALENDAR** Inventory & Appraisal filed 05/17/12
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:** 06/11/12
	UCCJEA			**Updates:**
	Citation			**Recommendation:**
	FTB Notice			**File 17 - Lininger**

Dept. 303, 9:00 a.m. Monday, June 18, 2012

18 William K. Poston & Wilma B Poston Living Case No. 11CEPR00737

Atty Burnside, Leigh W. (for Douglas Poston, William Poston, Jr., and Kristin Calderon – Petitioners)
Atty Motsenbocker, G. L. (for Lynda Evans – Respondent)

Status Re: Settlement

Cont. from 041612		
	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	

DOUGLAS POSTON, WILLIAM K POSTON, JR., and KRISTIN CALDERON, beneficiaries of the William K. Poston and Wilma B. Poston Living Trust dated 9-3-99, filed a Petition for Order Compelling Trustee to Account and Report, for Surcharge, and for Removal on 8-19-11.

LYNDA EVANS is Respondent.

On 10-4-11, the Court appointed William K. Poston, Jr., as successor trustee and set the matter for settlement conference and trial.

At the trial date on 2-14-12, Attorney Erlach advised the Court that the parties have been attempting to settle amongst themselves and have been ignoring both counsel. The Court took the trial off calendar and set this status hearing regarding settlement.

Leigh W. Burnside (of Dowling Aaron Inc., counsel for Petitioners) filed a declaration on 4-11-12 stating:

At hearing on 10-4-11, the Court appointed Mr. Poston as successor trustee and it is Ms. Burnside's understanding that the Court directed Ms. Evans to turn over certain financial information to Mr. Poston.

Upon the filing of the Petition, attorneys Mara Erlach and Gary Motsenbocker engaged in discussions, and in an effort to keep legal fees down, the parties also communicated with each other without the assistance of counsel. Attorney Burnside's understanding is that Ms. Evans shared some financial information with Mr. Poston, but failed to turn over all information and documents.

Mr. Poston also experienced difficulty obtaining trust-related records from Union Bank. Accordingly, on his behalf, a subpoena duces tecom was served on Union Bank on approx. 3-14-12. Union Bank has not requested extension of time, so unless it does, records are expected to be produced on or about 4-15-12.

Once Mr. Poston receives the records, he will be in a position to set trial date on the remaining surcharge claim against Ms. Evans. It is attorney Burnside's understanding that Ms. Evans is still represented by attorney Motsenbocker. Attorney Burnside will endeavor to speak with attorney Motsenbocker prior to the status hearing, but meaningful settlement discussions will not be possible until records are received from Union Bank and reviewed.

NEEDS/PROBLEMS/ COMMENTS:

<u>Minute Order 4-16-12</u>: Counsel requests a continuance. Matter continued to 6-18-12.

<u>As of 6-13-12</u>, nothing further has been filed.

Reviewed by: skc
Reviewed on: 6-13-12
Updates:
Recommendation:
File 18 - Poston

19 Nathan Lopez & Gavin Lopez (GUARD/P) **Case No. 08CEPR00797**

Atty Estes, Sandi (pro per Guardian/maternal grandmother)
Atty Estes, Jeff (pro per Guardian/maternal grandfather)
Atty Lopez, Joshua (pro per Petitioner/father)

Petition for Modification of Visitation

Nathan age: 3 years DOB: 1/8/2009		
Gavin age: 4 years DOB: 6/24/2007		
Cont. from		
	Aff.Sub.Wit.	
	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

JOSHUA LOPEZ, father, is petitioner.

JEFF ESTES, maternal grandfather and **SANDI ESTES**, maternal grandmother were appointed guardian of Gavin on 10/30/2008 and were appointed guardian of Nathan on 9/29/2011.

Current visitation orders:

Per minute order dated 11/8/2010 Father has supervised **visits with Gavin** at Comprehensive Youth Services on Sundays from 2 p.m. to 4 p.m. Parties may agree to another day or time but there was to be no change in the amount of time.

Per minute order dated 9/29/2011 Father has supervised **visits with Nathan** at Comprehensive Youth Services once a week from 4 p.m. to 6 p.m. Parties were ordered to contact Comprehensive Youth Services to arrange for visitation.

Petitioner states he has been visiting with the minors every Tuesday from 3 p.m. to 5 p.m. since the last order [2/14/12]. Petitioner states the boys want more time with their father and he wants to spend more time with them. Petitioner is requesting that he be allowed 6 hours of unsupervised visits or visits supervised by a member of his family. Petitioner states he has a mother, aunts and uncles who are willing to help supervise while he spends time with his boys.

Petitioner states he would also like to subpoena the supervised visit records.

NEEDS/PROBLEMS/ COMMENTS:

1. Proof of service of the Notice of Hearing does not indicate that it was served with a copy of the petition as required by the Order dated 12/30/2011 setting this matter for hearing.

Reviewed by: KT
Reviewed on: 6/12/12
Updates:
Recommendation:
File 19 - Lopez

Dept. 303, 9:00 a.m. Monday, June 18, 2012

20A Jose Borjas and Roy Borjas (GUARD/P) Case No. 09CEPR00838

Atty Borjas, Tania (pro per Petitioner/guardian/paternal aunt)
Atty Ramirez, Sonia (pro per Mother)
Atty Ramirez, Maria Aracely (pro per maternal grandmother)

Petition for Termination of Guardianship

Jose age: 9 years **DOB:** 3/21/03		
Roy age: 7 years **DOB:** 8/11/04		
Cont. from 050712		
	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	

SONIA RAMIREZ, mother, is petitioner.

TANIA BORJAS, paternal aunt, was appointed as guardian on 1/13/2010.

Father: **JOSE BORJAS** – *court dispensed with notice per minute order dated 5/7/12.*

Paternal grandfather: Alvaro Nino – *deceased.*
Paternal grandmother: Not Listed (Carmen Borjas)
Maternal grandfather: Juan Ramirez – *deceased.*
Maternal grandmother: Not Listed (Maria Aracely Ramirez)

Petitioner states ????

Court Investigator Samantha Henson's report filed on 4/27/12.

NEEDS/PROBLEMS/COMMENTS:

Continued from 5/7/12. As of 6/11/12 the following issues remain:

1. Petition does not state why it is in the best interest of the minors that the guardianship is terminated.

2. Petition is incomplete at #9. It does not include the names and addresses of the guardian and all relatives within the second degree.

3. Need proof of personal service of the *Notice of Hearing* or *Declaration of Due Diligence* on:
   a. Tonia Borjas (guardian)
   b. Carmen Borjas (paternal grandmother)
   c. Maria Aracely Ramirez (maternal grandmother)

Reviewed by: KT
Reviewed on: 6/11/12
Updates:
Recommendation:
File 20A - Borjas

Dept. 303, 9:00 a.m. Monday, June 18, 2012

20B **Jose and Roy Borjas (GUARD/P)** **Case No. 09CEPR00838**

Atty **Borjas, Tania (pro per Petitioner/guardian/paternal aunt)**
Atty **Ramirez, Sonia (pro per Mother)**
Atty **Ramirez, Maria Aracely (pro per maternal grandmother)**

Status Hearing Re: Guardianship

Jose age: 8 years **DOB:** 3/21/03		
Roy age: 7 years **DOB:** 8/11/04		
Cont. from 050712		
	Aff.Sub.Wit.	
	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

MARIA ARACELY RAMIREZ, maternal grandmother, petitioned the court for appointment as guardian.

TANIA BORJAS, paternal aunt, was appointed as guardian on 1/13/2010.

Father: **JOSE BORJAS**

Mother: **SONIA RAMIREZ** *consented and waived notice.*

Paternal grandfather: Alvaro Nino – *deceased.*
Paternal grandmother: Carmen Borjas
Maternal grandfather: Juan Ramirez – *deceased.*

Tania Borjas, guardian, had filed a petition to terminate the guardianship. However prior to the hearing she filed a request for dismissal. Maria Ramirez, maternal grandmother requested appointment as guardian so that the children could come and live with her and she could care for them.

Minute Order dated 3/6/12 denied Maria Ramirez's petition without prejudice and set this status hearing for 5/7/12. The Court further ordered that no party say anything negative to the minor or threaten him with removal by CPS. There is to be no use of alcohol around the minor and no party is to transport the minor unless they are licensed and insured. The court orders a court investigator to conduct a further investigation of Maria Ramirez, Tania Borjas, the minors and the mother.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: KT
Reviewed on: 6/11/12
Updates:
Recommendation:
File 20B - Borjas

Dept. 303, 9:00 a.m. Monday, June 18, 2012

21 Andrew Anthony Saldana (GUARD/P) Case No. 09CEPR00990

Atty Echaniz, Davida (Pro Per – Mother – Petitioner)

Atty Marquez, Elizabeth and Alan (Pro Per – Maternal Aunt and Uncle - Guardians)

Petition for Termination of Guardianship

Age: 5		
DOB: 12-29-06		
Cont. from 050712		
	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	

DAVIDA ECHANIZ, Mother, is Petitioner.

ELIZABETH and ALAN MARQUEZ, Maternal Aunt and Uncle, were appointed Guardians on 2-2-10.

Father: Unknown
Paternal Grandfather: Unknown
Paternal Grandmother: Unknown
Maternal Grandfather: David Echaniz
Maternal Grandmother: Estella Wegner

Petitioner states she has been living in a stable home with her auntie for more than a year. She helps with budget and transportation. She's been in touch with her son and visited at his address for one year. Mother states she left thinking it would get her started to find a place of her own for Andrew and it's been too long now since she's asked her sister for her son back. Mother states her sister has not been cooperative and avoids contact with her, and the guardians have Andrew call her "Auntie" and call Elizabeth "Mom." When the guardians are not there, he calls her "Mom," but if they are there, they correct him. Mother states when she calls, she is told Andrew is busy or sleeping or eating. Mother feels if Andrew wasn't getting SSI the guardians would have given him back already. Mother states she has a nice home with schools and parks nearby and Andrew would have a loving home with his mommy.

Court Investigator Julie Negrete filed a report on 4-26-12.

NEEDS/PROBLEMS/COMMENTS:

<u>Minute Order 5-7-12</u>: Petitioner requests a continuance to provide notice to the appropriate parties.

<u>As of 6-12-12, nothing further has been filed. The following issues remain</u>:

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:**
   - Elizabeth Marquez (Guardian)
   - Alan Marquez (Guardian)
   - David Echaniz (Maternal Grandfather)
   - Estella Wegner (Maternal Grandmother)

Reviewed by: skc

Reviewed on: 6-12-12

Updates:

Recommendation:

File 21 - Saldana

Dept. 303, 9:00 a.m. Monday, June 18, 2012

22 Wilma Manuel Family Trust dated 9/12/1997 (Trust) Case No.12CEPR00408

Pro Per **Manuel, Mickey, Sr. (Pro Per Petitioner)**

Petition for Order Accepting Appointment of Respondent as Successor Trustee for the William Manuel Family Trust (Prob. C. 17200)

DOD: 10/8/1997

Cont. from

	Aff.Sub.Wit.	
	Verified	X
	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	
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	

MICKEY MANUEL, SR., surviving spouse and Beneficiary of the **WILMA MANUEL FAMILY TRUST dated 9/12/1997**, is Petitioner.

Petitioner states:

- On 9/10/1997, a revocable living trust for Wilma Manuel was prepared by Attorney James E. Handy and was executed on 9/20/1997*[please refer to Declaration of James E. Handy filed 3/29/2012]*;
- Paragraph 4 of the Trust Agreement empowers designation of Trustees and Successor Trustees, and Wilma appointed [Petitioner] Mickey Manuel, Sr., as the successor trustee; *Declaration of James E. Handy filed 3/29/2012* shows Wilma was adamant that [Petitioner] Mickey Manuel, Sr. would act as successor trustee;
- **CYNTHIA BLACKSTOCK**, daughter, was only to serve as the alternate successor trustee should [Petitioner] become incapacitated or resign as the primary successor trustee; *[please refer to Certified Extract of Trust Agreement filed 3/29/2012]*;
- [Petitioner] has never resigned his position as primary successor trustee, nor has [Petitioner] filed any resignation as successor trustee with the courts;
- [Petitioner] and Decedent were never divorced, and there has never been any petition for dissolution of marriage filed with the Court, and no divorce decree or entry of judgment terminating their marriage was ever filed within the State of California; thus the marriage was never terminated, despite what might be mistakenly alleged by other individuals;

~Please see additional page~

NEEDS/PROBLEMS/COMMENTS:

Page 13 is the Probate Status Hearing Re: Failure to file a First Account or Petition for Final Distribution.

Continued from 5/10/2012 at the request of the Petitioner. *Order* on *Ex Parte Application Shortening Notice of Time on Petition for Order Accepting Appointment of Respondent as Successor Trustee for the Wilma Manuel Family Trust, and Declaration of Mickey Manuel* filed 3/29/2012 set this matter for hearing on 5/10/2012, which Petitioner then requested be continued to 6/18/2012.

1. *Petition* is signed but not verified pursuant to Probate Code § 1021 and CA Rule of Court 7.103.
2. Pursuant to Probate Code § 17201, Petition does not state the names and addresses of each person entitled to notice of the petition.
3. File contains no record of notice sent by Petitioner (self-referred to as "Respondent") to any interested parties, neither via *Summons* nor mailed *Notice of Hearing* per Probate Code §§ 851 and 17203. Need *Notice of Hearing* and proof of mailed service of 30 days' notice pursuant to Probate Code §§ 851(b) and 17203 for all of the following persons:
   - Cynthia Blackstock, Trustee;
   - All Trust beneficiaries;
   - Any other person whose right, title or interest would be affected by the petition.

Reviewed by: LEG

Reviewed on: 6/14/12

Updates:

Recommendation:

File 22 - Manuel

Dept. 303, 9:00 a.m. Monday, June 18, 2012

[Petitioner] states, continued:

- Cynthia Blackstock is somehow presumed to be the trustee of the Trust; the Trust terms stated that Mickey Manuel, Sr. would act in capacity as successor trustee;
- [Petitioner] alleges that Cynthia Blackstock, as the presumed trustee, has declined and failed to act as per the provisions of the Trust;
- As the presumed trustee, Ms. Blackstock has not been consistent with the intent of the Trust;
- In particular, Ms. Blackstock is not taking responsibility with paying the property taxes, which [Petitioner] recently became aware have not been paid on the Pleasant Ave. property in ~4 years, since 2007;
- Cynthia Blackstock, as presumed trustee of the Trust, is solely responsible to pay the property taxes per the provisions of the Trust;
- The named ownership of such real property is as: Manuel, Wilma Ruth Trust; [Petitioner] alleges that the property was part of the Trust estate;
- [Petitioner] alleges he was informed by the Fresno County Tax Collection Division that all past and current billing statements have been mailed to a company listed as G.G.M.G. H., Attention B. Soriano, San Francisco, and all tax notices for payments have been directly mailed to B. Soriano;
- A Lis Pendens on this property was filed against the real property with the Fresno Recorder's Office, and the company of as G.G.M.G. H. as listed on the tax roll is named on the recorded Lis Pendens;
- [Petitioner] alleges that no money should have been loaned against the real property from the start;
- [Petitioner] alleges that property taxes now owed is **~$22,000.00**, and the current taxes owed are **$3,020.00**;
- [Petitioner] alleges that because Cynthia Blackstock and other listed on the tax roll failed to pay the required property taxes, such real property will be listed for sale during an auction by the County of Fresno;
- [Petitioner] alleges to prevent this sale the current property taxes of **$3,020.00** must be paid no later than 4/10/2012; otherwise, if current taxes are not paid and payment arrangements are not made with the tax collection division, the property will be auctioned;
- [Petitioner] alleges that Cynthia Blackstock as presumed trustee has failed to abide by the provisions of the Trust and violated her duties;
- Because of the presumed trustee's failure to pay property taxes, the County of Fresno has threatened to sell the property;
- [Petitioner] alleges that unless an order is signed appointing [Petitioner] as successor trustee, the real property owned by the Decedent will be lost, causing extreme hardship and irreparable injury;
- [Petitioner] alleges that as successor trustee he would have been allowed to handle the internal affairs of the Trust pertaining to payment of property taxes;
- [Petitioner] alleges [appointing him] as successor trustee is in the best interest of the Trust and of those persons interested in the Trust because (a) [Petitioner] as successor trustee will act in the best interest of all beneficiaries; (b) the presume trustee, Cynthia Blackstock, as of this date, has not provided an accounting of any payments towards the property taxes, in behalf of the Trust estate;
- [Petitioner] alleges Cynthia Blackstock is in breach of the Trust in that she violated her duties to administer the Trust in accordance with its terms and to exercise reasonable skill, care and diligence in the administration of the Trust by reasons of her conduct, including not paying property taxes on the real property as required of her by the Trust in an timely manner, and has failed to provide an accounting.

~Please see additional page~

Second Additional Page 22, Wilma Manuel Family Trust Case No.12CEPR00408

[Petitioner] requests:

1. The Court issue a notice to Cynthia Blackstock as the presumed trustee, requiring her to appear and show cause why she should not be removed as trustee;
2. The Court appoint [Petitioner] Mickey Manuel, Sr., as successor co-trustee of the Trust, to serve without bond;
3. The Court order Cynthia Blackstock to file an accounting with the Court detailing her actions as the acting presumed trustee, pertaining to her not paying the property taxes;
4. The Court order that all payment arrangements with the Fresno County Tax Division in reference to property taxes on the real property be handled by [Petitioner] Mickey Manuel, Sr.; and
5. The Court issue instructions on how to proceed in this matter.

Dept. 303, 9:00 a.m. Monday, June 18, 2012

23 Riqui Hernandez, Ariel Hernandez and Jorja Hernandez (GUARD/P)

Case No. 12CEPR00505

Atty Duarte, Mary Jane (pro per – maternal grandmother/Petitioner)

Petition for Appointment of Temporary Guardian of the Person (Prob. C. 2250)

Riqui, 8		
DOB: 04/25/04		
Ariel, 6		
DOB: 11/13/05		
Jorja, 5		
DOB: 04/20/07		
Cont. from		
	Aff.Sub.Wit.	
✓	**Verified**	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	x
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	x
	Conf. Screen	x
✓	**Letters**	
✓	**Duties/Supp**	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	**Order**	
	Aff. Posting	
	Status Rpt	
✓	**UCCJEA**	
	Citation	
	FTB Notice	

GENERAL HEARING 08/16/12

MARY JANE DUARTE, maternal grandmother, is Petitioner.

Father: **RICHARD HERNANDEZ**

Mother: **JENNIFER DUARTE**

Paternal grandfather: UNKNOWN
Paternal grandmother: ANNA AGUILAR

Maternal grandfather: GEORGE DUARTE

Siblings: CASANDRA DUARTE (14), JUSTYCE DE LOS SANTOS (2)

Petitioner states the children and their mother have always lived in her home and she has been the primary parent figure to the children, caring for them their entire lives. The mother frequently disappears for days or weeks at a time with no contact or interaction. Currently, the mother has been missing for about 3 weeks and a missing persons report has been filed with the Fresno County Sheriff. The mother has a custody order for the older two girls, but not for Jorja. The children's father came and picked up all three children upon finding out that the mother was missing. He has returned the older girls so that they could attend school, but he has kept Jorja and is not allowing Petitioner to have any contact with her. Petitioner states that the father has a lengthy criminal history and long history of domestic violence between he and the mother. Petitioner states that she does not believe the children are safe in their father's care and they are at risk of abuse while in his care.

NEEDS/PROBLEMS/COMMENTS:

1. Need **Notice of Hearing**.
2. Need proof of personal service at least 5 court days before the hearing of **Notice of Hearing** with a copy of the **Petition for Appointment of Temporary Guardian of the Person** or Consent and Waiver of Notice or Declaration of Due Diligence for:
   - Richard Hernandez (father)
   - Jennifer Duarte (mother)
3. Need **Confidential Screening Form**.
4. Petitioner indicates the child may have Indian ancestry. Therefore, need ***Notice of Child Custody Proceeding for Indian Child*** (Form ICWA-030) to be completed and returned to the Probate Clerk's Office **as soon as possible**. See Probate Code §1460.2, and CA Rules of Court 7.1015.

   The general guardianship hearing on 8-16-12 **cannot go forward** unless this form has been served on the child's parent; any Indian custodian; any Indian tribe that may have a connection to the child; the Bureau of Indian Affairs (BIA), and possibly the U.S. Secretary of the Interior, by certified or registered U.S. Mail, return receipt requested.

   A blank copy of the form is in the file for Petitioner, and it should be completed and returned as soon as possible to the Probate Clerk's Office. The Probate Clerk's Office will complete service.

   At the general hearing on 8-16-12, continuance may be required to ensure that the appropriate parties and agencies received 60 days' notice. See Probate Code 1460.2, and CA Rules of Court 7.1015.

Reviewed by: JF

Reviewed on: 06/12/12

Updates:

Recommendation:

File 23 - Hernandez

24 Jacare Andrew Shepheard, Jr. (GUARD/P) Case No. 12CEPR00512

Atty **Royster, Johnycia M. (pro per – paternal aunt/Petitioner)**

Petition for Appointment of Temporary Guardianship of the Person (Prob. C. 2250)

Age: 5
DOB: 01/22/07

Cont. from

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

TEMPORARY GRANTED EX PARTE; EXPIRES 06/18/12

GENERAL HEARING 08/07/12

JOHNYCIA ROYSTER, paternal aunt, is Petitioner.

Father: **JACARE SHEPHEARD, SR.**

Mother: **DENELL BRANDON** - *Declaration of Due Diligence filed 06/13/12*

Paternal grandfather: NOT LISTED
Paternal grandmother: SANDRA YATES

Maternal grandparents: NOT LISTED

Petitioner states that she has cared for the minor for the past 2 ½ years when his mother abandoned him at her house. Petitioner states that her grandmother dropped Jacare off at his mother's home for a visit and she is now refusing to return him. Petitioner states that the mother has substance and alcohol abuse problems, and her home is not clean. Further, Jacare has no bed or clothing at his mother's home and he is currently without his medication. Petitioner states that the mother's landlord has stated that she does not want Jacare living there, as there are already several children living in the 2 bedroom apartment and she is fearful that Jacare could end up on the streets with his mother. Petitioner states that other adults living in the home engage in prostitution. Petitioner states that the mother is often under the influence and has even shown up at church heavily intoxicated. Further, the mother does not have the financial means to care for Jacare. The mother's oldest child was removed from her care due to her inability to care for her properly. Petitioner states that Jacare has his own bed, toys, clothing and medication at her home and she has all of his personal records, medical card and other items showing that he has been in her care.

NEEDS/PROBLEMS/COMMENTS:

1. Need **Notice of Hearing**.
2. Need proof of personal service at least 5 court days before the hearing of **Notice of Hearing** with a copy of the **Petition for Appointment of Temporary Guardian of the Person** or Consent and Waiver of Notice or Declaration of Due Diligence for:
   - Jacare Shepheard, Sr. (father)
   - Denell Brandon (mother)*
   *Declaration of Due Diligence filed 06/13/12 states that four attempts to serve the mother at her current address have been unsuccessful.

Reviewed by: JF

Reviewed on: 06/12/12

Updates: 06/14/12

Recommendation:

File 24 - Shepheard

Dept. 303, 9:00 a.m. Monday, June 18, 2012